

## **THE PROGRESS PARTY**

### **BYE LAWS**

#### **DISCIPLINARY**

##### **Referring a Complaint**

The Party Whip or any Member whom considers another Member has breached his or her obligations as a Member and or to the Party may refer a complaint to the Secretary.

The Party Chair or if conflict the Leader will consider if a *prima facie* complaint is made out either by another Member or on his or her own volition and if so shall refer the issue to the Disciplinary Chair.

Upon receipt from the Party Chair the Disciplinary Chair shall forthwith constitute a Disciplinary Panel from the Disciplinary Standing Panel to determine the complaint.

##### **Disciplinary Standing Panel**

A standing disciplinary panel of 7 Members ("Disciplinary Standing Panel") shall be established to act as a pool of members who can be chosen to hear disciplinary complaints against Members.

One of the Disciplinary Standing Panel shall be a member of the Executive Committee and that person shall be the Disciplinary Chair.

The Leader nor the Party Chair are eligible for appointment either as Chair or as a member of the Disciplinary Standing Panel.

A person shall be eligible for appointment to the Disciplinary Standing Panel if a Member.

The members of the Disciplinary Standing Panel save for the Disciplinary Chair shall be elected from the list of candidates who have expressed a wish to stand by the Members in general meeting.

The Disciplinary Chair shall be appointed by the Executive Committee.

##### **Disciplinary Panel**

For each disciplinary matter the Disciplinary Panel will consist of 2 members from the Disciplinary Standing Panel and the Disciplinary Chair (the "Disciplinary Panel").

The Disciplinary Chair shall appoint the members of the Disciplinary Panel from the Disciplinary Standing Panel via the cab rank rule subject to any conflicts of interest.

### **Tenure**

All members of the Disciplinary Standing Panel shall be eligible for re-appointment each year at the annual general meeting (the "Term") for a maximum of 3 years.

A member of the Disciplinary Standing Panel may continue in office, after the expiry of the Term, for the purposes of completing any proceeding that the member has begun to hear.

A member of the Disciplinary Standing Panel shall not be removed from office for any other reason before the expiry of the Term unless they are no longer a Member of the Party or resign from the Disciplinary Standing Panel by notice in writing to the Disciplinary Panel Chair.

### **Procedure and conduct of Disciplinary Panel proceedings**

The Disciplinary Panel shall:

- be convened by the Secretary within 4 weeks of the complaint being received;
- sit in private;
- allow an such Member to make representations, call evidence and cross-examine witnesses;
- allow any such Member to be accompanied by another Member to the hearing but that accompanying member shall may not make representations to the Disciplinary Panel.

The Disciplinary Panel may issue such directions as it considers necessary to facilitate the fair conduct of the proceedings including directions concerning the adducing of evidence alleging misconduct.

The Disciplinary Chair may, at any time, and if it thinks fit to do so, adjourn the proceedings.

### **Determination**

The Disciplinary Panel shall, at the conclusion of the complaint proceedings, determine the matter either –

- (a) by dismissing the complaint; or any part thereof; or
- (b) if the Disciplinary Panel is satisfied that any part of the complaint is proven:
  - suspend the Member for such period of time as shall be decided by such Disciplinary Panel; or
  - terminate the Member's membership of the Party

The determination of any issue before a Disciplinary Panel shall be a majority decision taken by all members of such and all decisions by the Disciplinary Panel shall be given in writing together with reasons for the decision and sent either by email or standard post.

## **APPEAL**

### **Disciplinary Appeal Panel**

A Member shall have a right of appeal to the appeal panel consisting of the Party Chair and two members of the Executive Committee (the “Disciplinary Appeal Panel”) against a decision of a Disciplinary Panel.

### **Lodging an appeal**

A Member has 10 working days from the date of the written decision to lodge an appeal against the decision of the Disciplinary Panel.

A Member shall lodge said appeal in writing with the Secretary sent either by email or standard post.

### **Procedure and conduct of Disciplinary Appeal Panel proceedings**

The Disciplinary Appeal Panel shall:

- be convened by the Secretary within 4 weeks of the appeal notice being received;
- sit in private;
- allow an such Member to make representations, call evidence and cross-examine witnesses;
- allow any such Member to be accompanied by another Member to the appeal hearing but that accompanying member shall may not make representations to the Disciplinary Appeal Panel.

The Disciplinary Appeal Panel may issue such directions as it considers necessary to facilitate the fair conduct of the proceedings.

The Party Chair may, at any time, and if it thinks fit to do so, adjourn the proceedings.

### **Determination**

The Disciplinary Appeal Panel shall, at the conclusion of the appeal proceedings, determine either –

- (a) to reject the appeal; or
- (b) uphold the decision of the Disciplinary Panel:

There is no further right of appeal.

Bye-laws adopted at the inaugural AGM 1 December 2021