



Institute of Traffic Accident Investigators

DISCIPLINE CODE

The Institute of Traffic Accident Investigators (the Institute) recognises that traffic collision investigation is a sophisticated and learned profession, having a direct and critical impact on the quality of life for all people in need of the specialised attributes offered by this profession. All traffic collision investigators being members of the Institute are therefore expected to be honest, impartial, fair and ethical in the services they provide. Likewise, it is recognised that many scientific principles form the foundation of traffic collision investigation and as such, members are expected to apply these principles in a scholarly and knowledgeable manner.

Notwithstanding the adherence to laws, rules or regulations enacted or promulgated by government, certifying or licensing entities, all traffic collision investigators being members of the Institute (Full, Associate, Affiliate, Student, Retired or Honorary), are expected to conform to a basic standard of professional behaviour while engaged in the activities or duties related to any traffic collision investigation services. The Institute recognises that the profession of traffic collision investigation, comprises individuals representing many vocations and disciplines and that through their respective vocations and disciplines, many of these persons are already licensed, certified or subject to a separate code of conduct. The standards of conduct established by the Institute are not intended to conflict with the standards or requirements of other professional bodies.

Discipline of Unacceptable Conduct

Any member of this Institute, who conducts himself/herself in an unacceptable manner, as enumerated by this Article, shall be subject to action as defined herein.

Unacceptable Conduct

Unacceptable conduct subject to action by the Institute is defined as follows:

- 1.** Conviction, judgement or sanction by a court of law, administrative board or professional review board having legal jurisdiction, for an act of perjury.
- 2.** Conviction, judgement or sanction by a court of law, administrative board or professional review board relating to falsification of or tampering with evidence intended for, or reasonably deemed to be intended for, use in a legal matter.
- 3.** Conviction, judgement or sanction by a court of law, administrative board or professional review board having legal jurisdiction for an act of slander or libel with the intent to injure or discredit the professional reputation of another member or other person involved in a traffic collision investigation matter.
- 4.** Conviction, judgement or sanction by a court of law having jurisdiction for any act of breach of confidentiality.
- 5.** Any wilful breach of Criminal and Civil Procedure Rules.
- 6.** Any wilful breach of the Code of Professional Practice and Conduct published by the Institute of Traffic Accident Investigators (the Code of Conduct).
- 7.** Any wilful misrepresentation of qualifications.

Action

Any substantiated act of unacceptable conduct, as defined within items **1** to **7** above, may result in the permanent revocation of Institute membership.

1. Complaint Procedure

Any complaint alleging a violation or infraction of the ITAI Code of Conduct, against a member, is to be submitted in writing to the General Secretary, must be signed and, if brought about by a member of the Institute, they shall supply their membership number. The complaint must include all substantiating documentation such as, but not limited to, certified court documents, transcripts of proceedings, depositions, court decisions, etc. Any outstanding appeals procedures must have been concluded. All such material is to be obtained and submitted to ITAI at the expense of the complainant. Upon receipt of the required documentation, the General Secretary will record the complaint and, without reasonable delay, pass all material to the Professional Standards Coordinator (PSC). The PSC will, as soon as possible, acknowledge receipt of the complaint in a written response to the complainant. The PSC will then instigate the review process, as outlined below.

2. ITAI Actions - Initial Review

- a.** In addition to providing a written acknowledgement to the complainant alleging an ITAI code of conduct infraction, the individual subject of the complaint will also be notified in writing once the initial review has been completed.
- b.** The PSC will review the complaint and submitted material. Only the material submitted by the complainant, will be used to assess and render an opinion of the complaint. Upon considering the material, the PSC will return an opinion of either "SUBSTANTIATED" or "UNSUBSTANTIATED" to the ITAI Chairperson and General Secretary.

Within the context of this procedure, these terms are defined as:

- "SUBSTANTIATED" - The evidence presented supports the complaint against the individual.
- "UNSUBSTANTIATED" - The evidence presented was insufficient to support the complaint against the individual.

c. In the event that the PSC renders an opinion of "UNSUBSTANTIATED" for the complaint, the ITAI Chairperson will provide a written notification, both to the subject of the complaint and to the complainant, of the determination, with a statement that no further action will be taken. The written notice to the subject of the complaint will include a summary of the complaint, the source of the complaint, a description of the material provided for review, and the reasons for the decision. Information will be supplied to members of the Institute Council of Management (at the next listed meeting) of the fact that a complaint had been considered by PSC and the recorded determination.

d. In the event that the PSC renders an opinion of "SUBSTANTIATED" for the complaint, this will be passed to the ITAI Chairperson and to the General Secretary for listing as an agenda item at the next scheduled meeting of Council.

e. The ITAI Chairperson will provide a written notification of the determination, to the address on record, for both the subject of the complaint and the complainant, with a statement that the matter will be referred to the ITAI Council for final determination, including the date of that meeting. The written notice to the subject of the complaint will include a summary of the complaint, the source of the complaint and the details of the documentation provided for review and will seek an initial response from the subject of the complaint. The correspondence will be sent via certified mail, with a return receipt requested.

3. Full Council Actions - Complaint

a. The PSC will provide a summary of the reviewed documentation and the outcome of his deliberations, for the information and consideration of Council. This will be supplied at least seven (7) days prior to the scheduled meeting date, to enable individual Council members to familiarise themselves with the substance of the complaint under consideration.

b. At least two thirds of the Council must be present, or have voted by letter after consideration of the documents.

c. Upon review of the documentation submitted regarding the complaint, each voting member of Council will render a determination of "SUBSTANTIATED" or "UNSUBSTANTIATED" for the complaint. A majority decision by the Council members voting on the complaint is required for a "SUBSTANTIATED" finding to be recorded.

d. The ITAI Chairperson will provide written notification to both the subject of the complaint and complainant of the determination rendered by the full Council. Notification of an "UNSUBSTANTIATED" determination will include a statement that no further action on the matter will be taken. The correspondence to both parties will be sent via certified mail, return receipt requested. Notification of a "SUBSTANTIATED" determination will include a statement that the ITAI membership status accreditation of the subject of the complaint will be subject to reassessment and may be revoked, in accordance with the Institute's published rules. The correspondence will be sent via certified mail, with return receipt requested.

e. To maintain standards within the Institute, it is important for members to understand the disciplinary process and observe how it may be applied. For this reason, unless exceptional circumstances exist, the outcome of "SUBSTANTIATED" hearings will be published, stating:

- The name of the member concerned
- His or her ITAI membership number
- The date of the hearing
- A short summary of the allegation and the finding.

Enquiries which may lead to a Complaint

1. All enquiries relating to the status or work of an ITAI member, as a precursor to a possible complaint, shall be directed to the General Secretary who will consult with the PSC as appropriate.
2. Such enquiries shall only be accepted when made by an individual having first-hand knowledge of the work queried. If that person is a member of the Institute, they shall provide details of their membership number at the time of making the enquiry. All enquiries received in this fashion will be recorded by the General Secretary and, where appropriate, the PSC. Minimum details will include date of the enquiry being made, the enquirer's name and contact details, nature of enquiry and identity of member subject of that enquiry. Any such enquiry shall be made without any undue delay - otherwise generally, it will not be accepted.
3. The PSC or the General Secretary will inform Council at the next regular meeting of any enquiries which may lead to a complaint, in the interests of transparency.
4. Where a court or tribunal has specifically criticised the credibility of a member, and this has been brought to the attention of the Institute, the PSC will determine the nature of the criticism and if appropriate, will require access to all relevant paperwork. If the matter raised relates to any breach of the Institute's existing published Code of Conduct, the PSC will seek official confirmation from the court or tribunal cited, as to the outcome of such hearings and determinations. Clear breaches of the Code will be referred to the next scheduled meeting of the ITAI Council of Management for action as specified within the code.
5. With general complaints regarding the process, actions or observations of a member of the Institute which breach the Code of Conduct, and independent of the Complaints Procedure, the PSC will review to establish the level of understanding between the parties involved, and where appropriate initiate contact and or discourse between the parties involved, in order to promote understanding between them.
6. Where contact between parties is resisted and the advice of the PSC ignored, mediation will be encouraged. Any such mediation shall be facilitated via external sources (the Institute not having any such facility internally) and shall not be funded by the Institute.
7. If, during the PSC's consideration of the enquiry, it becomes clear that a member has knowingly and intentionally misled a court or otherwise dishonestly influenced a judicial process, the complainant shall be encouraged to refer the matter to the appropriate authorities, in accordance with the established laws enacted at that time.

8. In the interest of the profession as a whole, the Institute is prepared to consider complaints relating to disputes between non-members, by giving advice, based on documents. Where a breach of the Code of Conduct, as published by ITAI, is alleged the Institute will give an opinion as to whether the complaint is substantiated or not. The fee for this service would be dependent on the administration by the Institute and the Assessors time.