



EARLI Complaint Policy and Disciplinary Procedures

1. Area of Application

By joining EARLI, members in the sense of article 5 of EARLI's statutes accept all regulations of EARLI, such as EARLI Standing Orders, EARLI Code of Professional Ethics and Conduct, EARLI Equity Diversity and Inclusion Policy, EARLI Complaint Policy and Disciplinary Procedures... EARLI undertakes to inform its members of these regulations and also to impose and enforce them. EARLI regulations are published on EARLI's website, among others.

In any case in which it is determined that a working, effective member or joined member acts in violation of EARLI's statutes and regulations, the fundamental principles of dignity and integrity, or engages in any other form of conduct that may harm EARLI, this member commits a disciplinary offence that may be investigated and sanctioned by EARLI.

This Complaint Policy applies to any complaint filed with EARLI, either from a third party (not an EARLI member) towards an EARLI member, or from an EARLI member towards a fellow EARLI member. Additionally, EARLI can start an investigation and impose disciplinary sanctions for offences it is informed of in the context of a criminal investigation or if EARLI is notified of a criminal judgement.

This Complaint Policy aims to set out mechanisms for resolving complaints and disputes. This policy is intended to ensure all complaints are handled fairly, efficiently and effectively.

In case of conflict between provisions of this Complaint Policy and EARLI's statutes, EARLI's statutes should prevail.

2. The Complaint

2.1 A complaint towards an EARLI member should be sent in writing via email to EARLI's Care Team (careteam@earli.org). Comments provided verbally will not be considered as a complaint to be investigated, unless also delivered in writing.

2.2 Anyone submitting a complaint must clearly identify him/herself. An anonymous complaint cannot be submitted. However the complainant can ask to remain anonymous towards the EARLI member against whom the complainant wish to complain, hereinafter 'the member concerned'.



This request for anonymity will be respected and EARLI's Care Team will remove or mask the complainant's name if the matter is referred to EARLI's President.

Anonymity can have an impact on the evidential value. Often, anonymous statements will only serve as additional evidence (if there are already other documents pointing to the alleged facts). The complainant should also take into account that the member concerned has access to the disciplinary file, including anonymous complaints. Based on the description of the facts, anonymity may not be guaranteed (because the person concerned can deduce or suspect from these facts who made the complaint).

2.3 Complaints should include at least the name, address and e-mail address of the complainant, the name (and if possible address and e-mail address) of the member concerned against whom the complainant wish to complain, and a clear and detailed description of the circumstances surrounding the complaint, along with any relevant documentation.

2.4 Within a period of two weeks after the complaint is received, EARLI's Care Team will verify whether the formal requirements have been met and whether the description of the complaint is sufficiently clear.

If certain formal requirements are missing or the complaint is not sufficiently clear, EARLI's Care Team shall give the complainant an opportunity to provide additional information in writing. If necessary, the Care Team shall provide assistance to the complainant in doing so. If the complainant fails to provide the necessary additional information (after the Care Team has requested it twice), the complaint shall be considered as non-existent and will not be further investigated.

The Care Team will also undertake a review to ensure the complaint has not been previously dealt with or finalized, falls under the scope of this Complaint Policy, and is not vexatious or frivolous. In the negative case, the complaint shall be considered as non-existent and will not be further investigated.

3. The Disciplinary Procedure

3.1 *Common Provisions*

3.1.1 The complainant's and the member's concerned e-mail address will be used for all communication about the disciplinary procedure.



If the e-mail address of the member concerned is unknown, the disciplinary procedure will be started via a registered letter. Afterwards, the requested e-mail address will be used for further official communication.

The complainant and the member concerned are required to communicate any change of (e-mail) address.

3.1.2 The disciplinary procedure is confidential. The members of the disciplinary bodies are bound to discretion.

Provided they respect the discretion of the case, the complainant and possible other parties involved can, at their request, be informed of the status of the disciplinary procedure and the decision taken.

In the interest of EARLI and her members, a disciplinary body can inform uninvolved parties about the status of a disciplinary procedure and the decision taken. In this case the disciplinary body ensures that the presumption of innocence and the rights of defense of the member concerned, the complainant, and possible other parties involved, and the private life of these persons are respected.

3.1.3 Each disciplinary body can at the request of one of the parties or ex officio take all investigative measures it deems necessary, including requesting any necessary information in writing from parties involved, hearing (if necessary with the assistance of an interpreter) the parties involved, seeking advice from an expert,...

The investigation process must be objective, reasonable and conducted in good faith. Decisions must be made on the weight of evidence and on the balance of probabilities.

Any person involved, including the complainant, cannot ask that her/his written testimony is anonymized by the disciplinary body, or cannot ask to be heard anonymously by a disciplinary body. After all, the disciplinary decision taken by the disciplinary body is based on a disciplinary file which must be identical to the one to which the member concerned has access and can exercise its defense.

Hearings of the disciplinary bodies take place behind closed doors. In principle, this hearings are done in a contradictory manner, which means that the member concerned is present. A complainant or witness who absolutely does not want this, must inform the disciplinary body which will then consider what is possible. In any case, the member concerned will always have access to the reports of hearing that will be added to the disciplinary file.



The parties being heard may be assisted by a person of their choice, including a lawyer.

The parties summoned to be heard are not obliged to respond to this. If the member concerned does not turn up for the hearing despite being summoned, the disciplinary body may decide by default.

3.1.4 The disciplinary body will be responsible for ensuring complete and accurate recording of all material relating to an investigation of a complaint, and will compile a disciplinary file.

Details of each investigative measure should be contained within a discrete confidential disciplinary file which should contain all correspondence, file notes of telephone conversations, written testimonies, findings from investigations, recommendations and internal approvals, evidence of the steps taken to investigate the complaint...

To maintain confidentiality, access to the disciplinary file (both electronic and paper based) should be restricted to the members of the disciplinary body and the member concerned. The complainant and possible other parties involved do not have access to the disciplinary file.

3.1.5 The disciplinary bodies may take precautionary measures in the interests of the order and the safety of EARLI. This may include imposing with immediate effect a temporary suspension of the privileges of EARLI membership and/or the opportunity to participate in EARLI conferences, programs, and activities. Other order measures are also possible, if and insofar as they are necessary to ensure or restore order and/or safety within EARLI. The order measure must be necessary, appropriate and proportionate for this purpose.

The disciplinary body may impose precautionary measures only after the member concerned has been summoned to be heard beforehand. The member concerned shall be informed in writing of all relevant information regarding the act(s) giving rise to the precautionary measure in order to be able to defend him/herself in a due and proper manner. The member concerned is to be notified of the precautionary measure and its duration, stating the reasons.

In urgent cases and provided that there is a special reason for doing so, a precautionary measure may be imposed without the member concerned being heard beforehand. In this case, the member concerned must have the opportunity to be heard as soon as possible. Taking the comments of the member concerned and all other relevant factors into account, it shall be examined whether it is reasonable and proportionate to maintain, amend or terminate the precautionary measure. This decision shall be notified to the member concerned in writing, stating the reasons.

3.1.6 If not determined otherwise by the disciplinary bodies, the President is responsible for following up the conditions and measures imposed in the precautionary measures and the disciplinary decision.



3.1.7 The complainant always retains the option of turning to another authority that can handle the complaint. If the complainant decides to do so, he or she must inform the disciplinary body immediately.

If the established disciplinary offences may also constitute a crime, the disciplinary body may inform the competent authority.

In case of investigation of the complaint by another authority, such as a criminal investigation, the disciplinary body may decide to suspend the investigation of the complaint. However, this does not always happen and is not even allowed if the member concerned has confessed to the facts or there is obvious evidence, but it can happen if for example only through the criminal investigation it can be determined whether the facts have occurred and whether the member concerned committed disciplinary offences.

3.2 The Preliminary Investigation by the President

3.2.1 After verification by EARLI's Care Team in accordance with article 2.4, the Care Team will refer the complaint to EARLI's president.

The president will conduct a preliminary investigation that will take a maximum of six months, depending on the necessary investigative measures. The president may delegate his powers under these regulations to one member of EARLI's board of directors selected by the president.

3.2.2 During the preliminary investigation the president endeavours to reach a mediated solution, with the aim of restoring the relationship of trust between the complainant and the member concerned. In order to achieve this, the president may, at its discretion, mediate in writing or bring the parties together for a face-to-face meeting. If agreements are reached, the duration within which they are to be implemented shall also be determined. The disciplinary investigation shall be suspended pending the implementation of said agreements.

If the agreements have been honoured the president will decide to dismiss the matter or issue a warning. If the agreements have not been honoured, the case will be referred to the disciplinary committee.

3.2.3 At the end of the preliminary investigation and in any case within a period of six months, the following may be decided by the president:



- *Dismissal of the matter*
In this case the precautionary matter shall cease to apply.

- *Warning*
A warning consists of a notice in writing to the member concerned that continuation or repetition of the conduct will constitute a disciplinary offence and will give rise to a disciplinary sanction. In this case the precautionary matter shall cease to apply.

- *Referral to the disciplinary committee*
In this case the precautionary matter will be maintained.

A copy of the president's decision is to be given to the member concerned in writing. In case of referral to the disciplinary committee, the decision includes the description of the alleged disciplinary offence as well as a proposal for disciplinary sanctions.

3.3 Investigation by the Disciplinary Committee

3.3.1 The disciplinary committee is composed of three directors from previous boards and/or senior EARLI members with more than ten years of membership as a working, effective member, with no direct connection to the complainant, the member concerned and possible other parties involved.

The disciplinary committee will be composed by the president. Within one week after composing the disciplinary committee the president will inform the complainant, the member concerned and possible other parties involved in writing of the identity of the members of the disciplinary committee.

A member of the disciplinary committee may be excused and/or objected if there are facts and circumstances against him or her which might prejudice his or her impartiality and thus that of the committee. The objection must be invoked within one week of the objecting party becoming aware of the identity of the member of the disciplinary committee, or becoming aware of the facts and circumstances on which the request is based. The objection shall be addressed in writing to the president. It must clearly state the facts and circumstances on which this request is based. The president shall decide on the objection as soon as possible. The member of the disciplinary committee who has been excused and/or objected shall be replaced by a substitute, chosen by the president.

3.3.2 At the end of the investigation the disciplinary committee shall, by way of a simple majority of votes, take the decision to impose a (combination of) sanction(s) or decide not to impose a disciplinary sanction. Any precautionary measure shall cease to apply after judgement has been given.



The disciplinary committee's decision should normally follow within six months after the referral by the president. However, EARLI recognizes that complaints can be sensitive and complex and may require detailed investigation. Therefore the complexity of an investigation into a more complex issue will result in more time being taken to finalize a complaint. In these circumstances the rationale for the extended time for resolving the complaint must be clarified in the decision to be taken.

The reasons for the disciplinary committee's decision must be stated. The disciplinary committee may, but only with special justification, impose a more severe sanction than that proposed by the president at the time of the referral to the disciplinary committee.

The following sanctions may be imposed by the disciplinary committee:

- *A written reprimand*
A written reprimand is a written statement of disapproval to the member concerned regarding his or her misconduct. This sanction remains part of the member's concerned disciplinary history and may be considered in any subsequent disciplinary proceeding.
- *Suspension*
The member concerned is denied for a period of time (up to 4 years) the privileges of EARLI membership and/or the opportunity to participate in EARLI conferences, programs, and activities. A suspended member is obliged to pay the contribution of payments for the current year, and isn't entitled to a refund of contributions paid.
- *Exclusion of members / Termination of membership*
In accordance with articles 11 and 16 of EARLI's statutes the membership of a (joined) member may be terminated. Any EARLI awards and funding will be revoked, and EARLI will disassociate with the member in any form.

The disciplinary sanctions take effect immediately. A copy of the disciplinary committee's decision signed by the members of the disciplinary committee is to be given to the member concerned in writing within seven calendar days.

Once the disciplinary committee reaches a decision, this decision is final and there are no further internal appeals.

