

The Institute of Bankers in South Africa (IOBSA)

DISCIPLINARY CODE UNDER THE IOBSA CODE OF PROFESSIONAL CONDUCT CODE

Key Facts: Effective from 1 January 2013 and Applies to all members

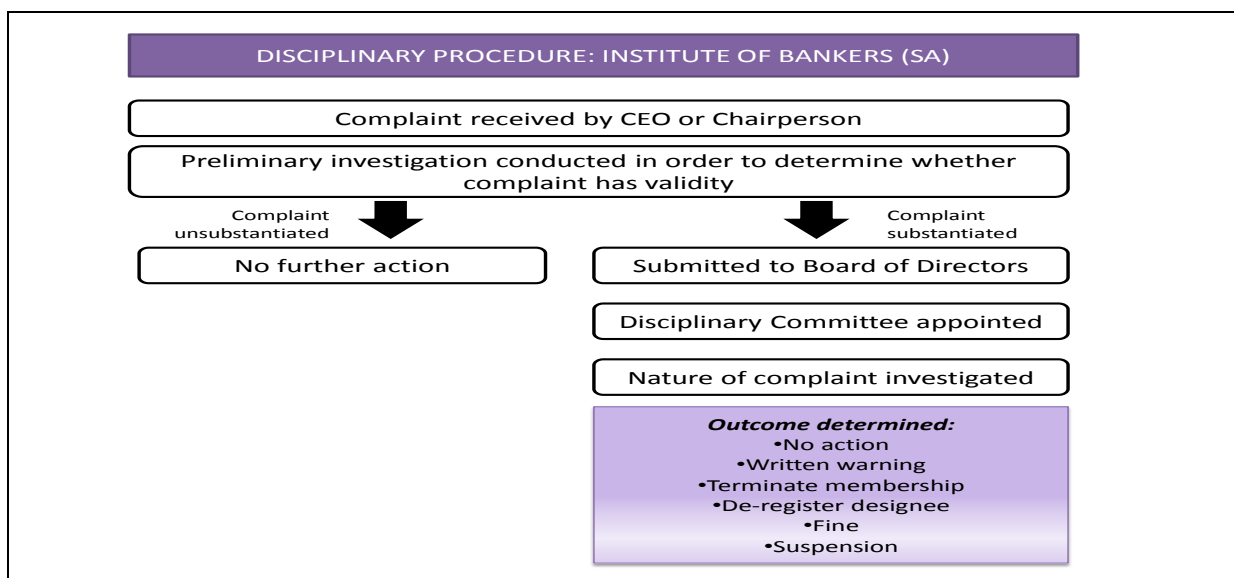
Every member of the Institute of Bankers is required to subscribe to the Code of Professional Conduct. Under this code, the professional found guilty of an offence; could be subject to:

- A warning being issued by the IOBSA;
- A fine being raised to the IOBSA member;
- The designation being withdrawn;
- Prevention from being able to gain membership of the IOBSA again; or
- Other sanctions.

This brief document outlines the process that will be used to discipline an IOBSA member should they be found guilty of misconduct under the Code of Professional Conduct. It is important to note that the code not only protects the public from fraudulent members, but it also aims to protect the integrity, honesty and fairness of members.

PROCESS

The Disciplinary Procedure is presented in the figure below:



Step 1 – COMPLAINT SUBMITTED TO INSTITUTE OF BANKERS IN SOUTH AFRICA:

- A complaint is received in writing by the CEO or Chairperson of the Institute.

Step 2 – PRELIMINARY INVESTIGATION:

- The CEO or chairperson conducts a preliminary investigation to determine whether the complaint has validity.
 - **Complaint not substantiated:** Should the outcome of this preliminary investigation yield no substantive claim, then no further action is taken by the IOBSA.
 - **Complaint substantiated:** However, should the outcome of the preliminary investigation yield evidence of misconduct, then the complaint is submitted to the IOBSA Board of Directors for further investigation.
- The accused and complainant are informed of the outcome of this preliminary investigation.

Step 3 – APPOINTMENT OF DISCIPLINARY COMMITTEE

- The IOBSA Board of Directors is then required to set up a disciplinary committee. The committee should be made up of at least 3 (three) members. One member needs to be a member of the IOBSA Board of Directors. The Disciplinary Committee will be chaired by a member of the legal profession.

Step 4 – IN-DEPTH INVESTIGATION

- The complaint then undergoes an in-depth investigation by the disciplinary committee.
- All relevant parties are included in the investigation and kept up to date with the proceedings. Where necessary, the disciplinary committee will call upon individuals to testify or to submit documentation supporting the case.

Step 5 – DISCIPLINARY HEARING

- Once the in-depth investigation is complete, a disciplinary hearing is scheduled and all relevant parties are notified and, where necessary, requested to attend the hearing.
- The case is heard and the complainant as well as the defendant is able to testify and present the relevant evidence.
- The Disciplinary Committee formulates their findings and submits a report including a recommendation, to the IOBSA Board of Directors.

Step 6 – OUTCOME OF THE DISCIPLINARY HEARING AND INVESTIGATION

- The IOBSA Board of Directors meets to discuss the findings of the disciplinary hearing and investigation. The recommendation is considered and the final outcome of the disciplinary process is decided.
- The outcome is communicated to the complainant and defendant.
- The final outcome could result in one of the following actions being taken by the IOBSA Board of Directors:
 - A warning is issued by the IOBSA Board of Directors; or
 - A fine is raised to the CAIB (SA) or FIBSA; or
 - The professional designation is forfeited by the defendant; or
 - The designee is prevented from being able to gain membership of the IOBSA again; or,
 - Other sanctions appropriate to the misdemeanour.

Step 7 – EXECUTION OF DECISION

- The final decision is communicated to the relevant parties and executed.