

IMC Disciplinary Procedure for Members

1 September 2025



IMC Disciplinary Procedure for Members

1	Purpose	1
2	Scope	1
3	Governance	1
4	Principles	1
5	Process for reporting alleged misconduct	2
6	Investigating Committee formation	2
7	Investigation	3
8	Reporting and communication	3
9	Reported Member opportunity to respond	3
10	Deciding disciplinary action	4
11	Finality of decisions	3
12	Suspension and expulsion	4
13	Dispute resolution	5
14	Record retention	5

Annexures

- A Extract of Constitution of Institute of Management Consultants: Disciplining members
- B Example timeline of Procedure

010925



IMC Disciplinary Procedure for Members

1 Purpose

- 1.1 The IMC Disciplinary Procedure for Members (this Procedure) is how the Institute of Management Consultants (IMC):
- undertakes a fair and consistent approach and process for addressing misconduct by an IMC Member (a Member); and
 - enables a Member who is the subject of a misconduct allegation reported to IMC (Reported Member) to understand the process IMC follows when it receives a report of alleged misconduct (Complaint), along with their rights and obligations.
- 1.2 This Procedure defines misconduct as a Member's behaviour or practice that:
- a is a breach of the Constitution of the Institute of Management Consultants (the Constitution);
 - b is a breach of the IMC Code of Conduct and Ethics (the Code);
 - c if a Member is a Certified Management Consultant (CMC), is not compliant with any reasonable obligation they have as a CMC as defined by the International Council of Management Consulting Institutes' (ICMCI) and adopted by IMC from time to time; and
 - d in the opinion of the IMC Board (the Board), harms or may harm IMC, its reputation or the reputation of the management consulting profession; and
- has occurred or is alleged to have occurred (Misconduct).

2 Scope

- 2.1 This Procedure is consistent with Section 18 of the Constitution concerning *disciplining members* and applies to all IMC members.
- 2.2 This Procedure does not apply to:
- legal disputes or matters requiring restitution;
 - complaints about fees;
 - statutory matters under state or federal law; and
 - matters before a court.

3 Governance

- 3.1 The Board is responsible for governance of this Procedure, including:
- maintenance of this Procedure;
 - convening a committee and appointing its members to investigate a Complaint (Investigating Committee);
 - resolving disciplinary actions;
 - communicating outcomes of disciplinary proceedings under this Procedure and Board resolutions; and
 - reviewing this Procedure every two years.
- 3.2 The Board may amend this Procedure at any time and will notify Members of material changes within 30 days.

4 Principles

- 4.1 Respect
IMC handles disciplinary matters respectfully, in line with this Procedure, the Constitution, the Code, and principles of natural justice, including:
- the right to be heard (a Reported Member must be given a reasonable opportunity to present information in their defence before a decision is made that might adversely affect them);
 - the right to be treated without bias; and
 - making determinations based on relevant evidence.
- 4.2 Focus
Investigations of Misconduct will focus on the core issues that are the subject of the Complaint.
- 4.3 Support
IMC will endeavour to:
- ensure a party reporting a Complaint will not be subject to disadvantage, victimisation, retribution or discrimination due to their Complaint; and
 - minimise any stress that parties involved in the Complaint process may experience.

IMC Disciplinary Procedure for Members

- 4.4 Meritorious
A Complaint must be meritorious and not vexatious, frivolous or lacking in substance.
- 4.5 Expediency
Complaint proceedings should be completed as soon as reasonably practicable.
- 4.6 Confidentiality
Notwithstanding that when the Board resolves a Complaint it may report the outcome to ICMCI and/or make aspects of the Complaint public as specified in Sections 10.3 and 8.4 of this Procedure respectively, IMC will endeavour to keep Complaint proceedings as confidential as practicable. A Complaint and the Misconduct that is the subject of the Complaint may be disclosed as part of proceedings:
- to the IMC Board;
 - to an Investigating Committee;
 - when and where it becomes reasonably necessary for an Investigating Committee to reveal aspects of the Complaint and Misconduct to carry out its investigation;
 - to the extent required by law;
 - to the extent required by the Code commitments; or
 - as expressly agreed with the complainant and the Reported Member.

5 Process for reporting alleged misconduct

- 5.1 Any party can report a Complaint to IMC, whether or not they are a Member.
- 5.2 A Complaint must:
- be made in writing;
 - identify the Reported Member;
 - particularise Misconduct; and
 - include the identity and contact details of the complainant.
- 5.3 A Complaint should be marked confidential and addressed and emailed to the IMC President or, if the Complaint concerns the President, to the IMC Vice President (Disciplinary Committee Chair), at whichever of the following addresses apply.
- president@imc.org.au
 - vicepresident@imc.org.au

- 5.4 Within 7 days of receiving a Complaint, the Disciplinary Committee Chair will form an ad hoc committee of the Board comprising at least three directors including one CMC-qualified director (Disciplinary Committee), and the Disciplinary Committee will,
- if it is satisfied that the Complaint is consistent with Sections 4.4 and 5.2 of this Procedure, accept the Complaint;
 - if the Complaint is accepted, notify the complainant that IMC has received and accepted the Complaint; and
 - without identifying the complainant, notify the Reported Member that they are the subject of a Complaint and the nature of the Complaint.
- 5.5 If any member of the Board has a related party interest in the Complaint, or considers that any director has a perceived, potential, or actual conflict of interest relating to the Complaint, the member of concern will recuse themselves from any involvement in the Complaint.

6 Investigating Committee formation

- 6.1 Within 7 days of the Disciplinary Committee being formed it will class the Complaint *general*, *serious* or *severe*. If it is:
- a *general* complaint, the Disciplinary Committee will assume the role of Investigating Committee;
 - b a *serious* complaint, the Disciplinary Committee will convene an Investigating Committee comprising three CMC-qualified IMC members and the Disciplinary Committee Chair will be chair or appoint the chair; or
 - c a *severe* complaint, 6.1b will apply, but the Board may appoint an independent review or ethics panel to perform part of the function of the Investigating Committee or to otherwise advise the Investigating Committee or the Board. A severe Complaint may:
- be complex in nature;
 - involve high profile, senior organisational directors and officers; and/or
 - involve serious Misconduct.

IMC Disciplinary Procedure for Members

- 6.2 The Disciplinary Committee will obtain undertakings from investigative officers described in Section 6.1b and 6.1c of this Procedure that they have no conflict as outlined in Section 5.5 of this Procedure and that they will recuse themselves if they become aware of such a conflict.

7 Investigation

- 7.1 The Investigating Committee will convene as soon as practicable but within 7 days of its formation.
- 7.2 The Investigating Committee shall investigate the Misconduct that is the subject of the Complaint, which may include:
- obtaining statements and relevant evidence from witnesses or involved parties;
 - conducting interviews with relevant witnesses or involved parties;
 - gathering relevant documents and evidence relating to the subject matter and core of the complaint; and
 - conducting research and consulting with expert resources in relevant fields.
- 7.3 The Investigating Committee will use their best endeavours to investigate with sensitivity and professional discretion and keep their investigations as confidential as practicable, supporting the privacy principle set out at Section 4.6 of this Procedure.
- 7.4 The Investigating Committee will:
- decide if it has been able to obtain sufficient evidence to make a determination in relation to the Misconduct;
 - find whether the Complaint is upheld or dismissed;
 - if the Complaint is upheld, recommend disciplinary action; and
 - document its reasons in a report.
- 7.5 All materials produced by an investigation will be securely stored, accessible only by the Investigating Committee and the Disciplinary Committee Chair.

8 Reporting and communication

- 8.1 The Investigating Committee will report its findings and any recommendations to the Disciplinary Committee Chair, who will in turn provide them or a summary of them to the Board.
- 8.2 If the Complaint is dismissed, the Disciplinary Committee Chair will notify the complainant and Reported Member of the outcome and that the Complaint matter is closed.
- 8.3 The Investigating Committee shall endeavour to report its findings and recommendations within 56 days of when the Disciplinary Committee Chair received the Complaint.
- 8.4 IMC reserves the right to inform a Member's suspension or expulsion with ICMCI.

9 Reported Member opportunity to respond

- 9.1 Notice of the board meeting at which a Complaint and any disciplinary action is to be decided will be delivered to the Reported Member by email at least 14 days before the Board meets and include:
- a proposed board resolution to be settled at the meeting, including any disciplinary action; and
 - the date, time, location or format of the meeting.
- 9.2 A Reported Member may respond to a notice under Section 9.1 of the Procedure in defence of their position concerning the Misconduct at issue or in any way against the proposed board resolution, within 14 days of the notice,
- a with a documented submission to the Board; and/or
 - b with a request to speak at the Board meeting, which the Disciplinary Committee Chair will facilitate, and
- the board will consider what the Reported Member has communicated in their defence before passing any resolution that resolves the Complaint.

10 Deciding on disciplinary action

10.1 When a Complaint is upheld by the Board it will, informed by the Investigating Committee's recommendation and any communication from the Reported Member as outlined at Section 9.2a and b of this Procedure, decide:

- actions to take to resolve the Complaint including any disciplinary actions; and
- how its decision will be communicated.

10.2 When determining disciplinary action, the Board will give weight in the Reported Member's favour when the Reported Member has:

- admitted to some or all of the Misconduct at issue, if it occurred; and/or
- cooperated with the Investigating Committee and the Disciplinary Committee Chair in the proceedings.

10.3 When deciding on a Complaint, the Board will decide whether or not to, informed by

- the recommendations of the Investigating Committee,
- the significance and impact of the Misconduct,
- cooperation by the Reported Member during the Complaint proceedings,
- communication subject to Section 9.2 of this Procedure by the Reported Member, and
- the need to inform relevant third parties,

whether to publish the identity of the Reported Member, details of the Misconduct at issue and any disciplinary actions.

10.4 Consistent with Section 18.4 of the Constitution, the Board may:

- a take no further action;
- b issue a warning;
- c suspend the Reported Member's rights;
- d expel the Reported Member; or
- e refer the decision to an unbiased, independent person; or
- f have the matter determined at a general meeting.

10.5 When action is taken against a Member who is a CMC, removal of their CMC status will apply if the disciplinary action is subject to Section 10.2c, d, e or f of this Procedure.

10.6 The Board must provide the Reported Member written notice of Board's decision(s) that resolves a Complaint as soon as practicable after it has been taken.

10.7 The Board will report at its AGM:

- the number of Complaints investigated;
- an indication of the severity levels and types of Complaints investigated; and
- a breakdown of the number of Complaints that were upheld and dismissed.

11 Finality of decisions

11.1 A Complaint proceeding that has been closed cannot be reopened.

11.2 An instance of Misconduct by a Member that was the subject of a Complaint cannot be the subject of a new Complaint, but a new instance of the same Misconduct can be the subject of a new Complaint.

12 Suspension and expulsion

12.1 Expulsion of a Member under Section 18.4d of the Constitution is permanent.

12.2 The membership of a Member suspended under Section 18.4c of the Constitution will resume, and post-nominals and certifications will be automatically reinstated, subject to renewal requirements being met, including:

- payment of any membership fees owing;
- adherence to the professional development requirements of their membership level; and
- a pledge to the commitments in the Code.

12.3 A Member that is expelled or suspended must not publish or promote their membership or mislead an audience to believe they are members of, or certified by, IMC. In the case of suspended members, doing so constitutes Misconduct under this Procedure and is grounds for a further Complaint.

IMC Disciplinary Procedure for Members

- 12.4 If a Reported Member resigns from IMC membership after becoming aware of a Complaint and before the Board makes a final determination of the Complaint, unless the Reported Member demonstrates due cause to the contrary to the satisfaction of the Board, the resignation will constitute conduct actionable with expulsion under Section 18.4.d of the Constitution.

13 Dispute resolution

- 13.1 If there is any dispute relating to a process that forms part of this Procedure, the dispute resolution process documented in the Constitution shall apply. A Member may not rely on the dispute resolution process in relation to Section 9.1 of this Procedure.

14 Record retention

- 14.1 Documents related to a Complaint will be stored in a secure, confidential file accessible only by parties authorised by the President.
- 14.2 When the Board makes a final Complaint determination, all materials and evidence complied by the Investigating Committee will be destroyed as soon as practicable, except the following which will be retained for 7 years:
- Investigating Committee reports; and
 - Board resolutions that finalise a Complaint including actions taken.
- 14.3 After 7 years, a precedent record may be retained accessible by parties the Board expressly authorises, but not including the identity of parties to a Complaint. Investigating Committee reports will be destroyed.

Annexure A: Extract of Constitution of Institute of Management Consultants

18 Disciplining members

- 18.1 In accordance with this clause, the directors may resolve to warn, suspend or expel a member from the Institute if the directors consider that:
- a the member has breached this constitution, or the code of ethics, or
 - b the member's behaviour is causing, has caused, or is likely to cause harm to the Institute.
- 18.2 At least 14 days before the directors' meeting at which a resolution under clause 18.1 will be considered, the Institute must notify the member in writing:
- a that the directors are considering a resolution to warn, suspend or expel the member;
 - b that this resolution will be considered at a directors' meeting and the date of that meeting;
 - c what the member is said to have done or not done;
 - d the nature of the resolution that has been proposed; and
 - e that the member may provide an explanation to the directors, and details of how to do so.
- 18.3 Before the directors pass any resolution under clause 18.1 at the meeting scheduled under clause 18.2, the member must be given a chance to explain or defend themselves by sending the directors a written explanation before that directors' meeting, and/or speaking at the meeting.
- 18.4 After considering any explanation under clause 18.3, the directors may:
- a take no further action;
 - b warn the member;
 - c suspend the member's rights as a member for a period of no more than 12 months;
 - d expel the member;
 - e refer the decision to an unbiased, independent person on conditions that the directors consider appropriate (however, the person can only make a decision that the directors could have made under this clause); or
 - f require the matter to be determined at a general meeting.
- 18.5 The directors cannot fine a member.
- 18.6 The Institute must give written notice to the member of the decision under clause 18.4 as soon as possible.
- 18.7 Disciplinary procedures must be completed as soon as reasonably practicable.
- 18.8 There will be no liability upon the Institute, its directors or any independent person appointed under clause 18.4 (e) for any loss or damage of whatsoever nature including consequential loss and loss of reputation suffered by the member as a result of any decision made in good faith under this clause.

010925



Annexure B: Example timeline of Procedure

Days	Weeks	Procedure Sections	Actions	Responsible owner				
				Disciplinary Committee Chair	Disciplinary Committee	Investigations Committee	Reported Member	Board
7	1	5.4, 5.5	Complaint accepted, parties notified and Disciplinary Committee formed	✓	✓			
14	2	6.1, 6.2	Complaint severity set, Investigating Committee formed, undertakings obtained		✓			
21	3	7.1	Investigations Committee first meeting			✓		
28	4	7.2, 7.3, 7.4	Complaint investigated, recommend to uphold, dismiss and take disciplinary action			✓		
56	8	8.3	Report to Disciplinary Committee within 56 days of Complaint			✓		
63	9	9.1	Board resolution with proposed outcome notified to Reported Member		✓			
77	11	9.2	Response period of 14 days to defend proposed action				✓	
91	13	10.1 to 10.6	Member response considered, disciplinary action decision taken, parties notified					✓