

Appendix B

NICSSA CONSTITUTIONAL RULES - FURTHER PROPOSED CHANGES

Introduction

1. The Executive Board has considered the outcome of a review of the current constitutional rules and has discussed proposed changes in two key areas - membership and governance.
2. This short paper covers proposals for change in two further areas - suspension/expulsion and disputes.

Suspension/Expulsion

3. It is proposed that the current rule should include provision in specific terms for the setting up of a disciplinary panel and for a right of appeal (see attached **Appendix**).

Disputes

4. Current legislation continues to preclude recourse to the courts if a Friendly Society makes provision in its rules for dealing with disputes.
5. Although the Association's current rule has never been used, it is proposed that it should be retained. It is also proposed that the second paragraph of the current rule should be simplified (see attached **Appendix**).

Conclusion

6. The Executive Board is invited to discuss the proposed changes prior to tabling them at the next Council meeting.

November 2018

APPENDIX

EXPULSION/SUSPENSION

Current Rule

The Council may expel from the Association or suspend from the privileges of membership for such period as it may decide, any member who, in the opinion of the Council, has acted in a manner detrimental to the interests of the Association.

Proposed Rule

The Council may expel from the Association or suspend from the privileges of membership for such period as it may decide, any member who, in the opinion of the Council, has acted in a manner detrimental to the interests of the Association. [*no change*]

The Secretary shall take immediate steps to constitute a disciplinary panel to consider any alleged detrimental action on the part of a member, and he shall inform the member of the outcome as soon as possible. The Secretary shall also inform the member of:

- a. the date and time of the disciplinary hearing, and
- b. the nature of the allegations against him in sufficient time to allow him to prepare his response.

The disciplinary panel shall comprise two members of the Council and an ordinary or honorary life member of the Association. The decision of the panel shall be that of the majority of the panel members.

There shall be a right of appeal to a panel comprising three Council members, one of whom shall be the Chairman, Vice Chairman or Honorary Treasurer. The decision of the appeal panel shall be final. [*substantive addition*]

DISPUTES

Commented [1]:
s. 69 of the Act

Current Rule

- (1) If any dispute shall arise between a member or person claiming through a member or under the Rules, or any person aggrieved who has for not more than six months ceased to be a member or any person claiming through such person aggrieved, and the Association or any officer of the Association, it shall be decided by reference to arbitration.
- (2) Five arbitrators shall be elected by the Association, none of them being directly or indirectly interested in the funds of the Association; and in each case of dispute the names of the arbitrators shall be written on pieces of paper and placed in a box or glass, and the three arbitrators whose names are first drawn out by the complaining party or by someone appointed by him, shall be the arbitrators to decide on the matter in dispute. In case of a vacancy or vacancies on the arbitration panel, another arbitrator or other arbitrators shall be elected at a General Meeting.

Proposed Rule

- (1) If any dispute shall arise between:
 - (a) a member or person claiming through a member under the Rules, or any person aggrieved who has for not more than six months ceased to be a member, or any person claiming through such person aggrieved, and
 - (b) the Association or any officer of the Association, it shall be decided by arbitration using a recognised body or independent assessors with relevant expertise, depending on the nature of the dispute. **[substantive change]**
- (2) The body or the independent assessors, as the case may be, shall be mutually agreed between the two parties. Recommendations for settling the dispute shall be binding. **[simplification and substantive change]**