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ENERGY HEALERS ASSOCIATION DISCIPLINARY PROCEDURE

INTRODUCTION

The purpose of this document is to provide a fair procedure governing the investigation and hearing of alleged breaches of the code of professional ethics and conduct for members of the Energy Healers Association.

(from now on referred to in the abbreviation of “ EHA”)

The Board of the EHA commits itself, through these procedures, to the development of a high standard of ethics governing the practice of Energy Healing and the protection of the public and the reputation of the Association.

These procedures are intended to be corrective and not punitive, where this is possible and desirable, taking into account the interests and protection of the public.

2. DISCIPLINARY COMMITTEE

A Disciplinary Committee shall be made up of at least three of the Board of Directors of EHA.

The disciplinary committee must:

- 2.1. Conduct disciplinary hearings into alleged breaches of the code;
- 2.2. Ensure that disciplinary hearings are fair and comply with the procedures set out in this document;
- 2.3. On the basis of their findings apply appropriate sanctions in respect of breaches of the code.

3. INITIAL INVESTIGATION OF ALLEGED BREACHES OF THE CODE

- 3.1 Any person who believes that a practitioner has breached the code may lodge a complaint with the Association.
 - 3.2 The complaint should be in writing; and
 - 3.2.2 clearly disclose the alleged breach of the code.
- 3.2 The chief executive officer must, as soon as practicable after receiving a complaint, conduct an initial investigation to determine if a “prima facie” case exists for a disciplinary hearing.
- 3.3 The CEO must inform the complainant that the complaint has been received and is receiving attention.

3.4 The CEO may, in its initial investigation:

3.5 interview complainants and other possible witnesses;

3.5.2 subject to clause 3.6, interview the practitioner who is alleged to have breached the code;

3.5.3 notify the practitioner of the alleged breach and, subject to clause 3.6, give the practitioner an opportunity to respond within the period specified in that notice;

3.5.4 gather evidence relevant to the alleged breach.

3.6. Before interviewing a practitioner as contemplated in clause 3.5.2, and in any notice contemplated in clause 3.5.3, the CEO must warn the practitioner :

3.6.1 of the practitioner's right against self-incrimination; and

3.6.2 that any admission or explanation given by the practitioner may be used as evidence against the practitioner at a disciplinary hearing.

3.7. The CEO must keep a record of the initial investigation, the record of the investigation can be also in video , audio visual format as well as written down for public record.

3.8. If the CEO is satisfied that there is sufficient evidence of a breach of the code by a practitioner, the CEO may refer the matter to the disciplinary committee for a hearing.

3.9 If the CEO is satisfied that: there is no case to answer the CEO will inform both the complainant and the practitioner of the finding and the reasons thereof.

NOTICE OF DISCIPLINARY HEARING

4.1 Once a matter has been referred for hearing by a disciplinary committee, the chief executive officer or the chairperson of the disciplinary committee must issue a notice to the practitioner who has allegedly breached the code.

4.2 The notice must include:

4.2.1 the nature of the alleged breach;

4.2.2 the date, time and venue of the disciplinary hearing;

4.2.3 the practitioner's right to be represented at the disciplinary hearing, including the right to legal representation;

4.2.4 the practitioner's right to call witnesses to give evidence and to produce books, documents and other items in support of the practitioner's case; and

4.2.5 the practitioner's right to appeal against any recommendation of the disciplinary committee.

4.3 The notice must be served to the relevant postal, employment and/or residential address appearing on the MIS register by way of:

4.3.1 delivery by hand;

4.3.2 e-mail;

4.3.3 registered post.

4.4 The date on which the notice is served is regarded as, in the case of:

4.4.1 service by hand, the date of delivery;

4.4.2 service by e-mail, the date sent as reflected on the e-mail;

4.4.3 service by registered post, the date on which the letter was signed for in the absence of proof to the contrary.

4.5 The notice must be served on the accused at least FOURTEEN(14) days before the date of the disciplinary hearing.

4.6 If in the opinion of the committee, the offense committed is of such a nature that the accused could commit said similar offense or worse, in exceptional cases the committee may decide to proceed with the matter in the absence of proof of delivery of the notice, such as in a situation where the

4.7 The chairperson of the disciplinary committee may issue a summons to any other person to attend the disciplinary hearing in order to give evidence or to produce any books, documents or other items.

4.8 If the practitioner fails to attend a disciplinary hearing, the disciplinary committee may deal with the matter in the absence of the practitioner .

5. THE DISCIPLINARY HEARING PROCEDURES & PROCESSES

- 5.1 The disciplinary committee may postpone or adjourn a disciplinary hearing:
 - 5.1.1 at its discretion; or
 - 5.1.2 on the request of any party to the hearing, prior to the date set for hearing;
- 5.2 A postponement will not be granted where a particular practitioner's representative is otherwise engaged on the hearing date.
- 5.3 The disciplinary committee may appoint one or more suitably qualified assessors to be present at a disciplinary hearing, and to advise the disciplinary committee on matters of law, procedure and evidence, or other matters requiring specific expertise.
- 5.4 The practitioner charged with an alleged breach of the code is entitled to representation, including legal representation at their own cost, at any disciplinary hearing.
- 5.5. The disciplinary committee must:
 - 5.5.1. record the evidence at a hearing; and
 - 5.5.2. put the charge to the practitioner and ask the practitioner to plead to the charge;
 - 5.5.3. inform the practitioner of the practitioner's rights:
 - (a) to representation, including legal representation;
 - (b) against self-incrimination;
 - (c) to an interpreter; and
 - (d) to adduce evidence and challenge evidence at the hearing.
- 5.6. If the practitioner :
 - 5.6.1 pleads guilty to the charge, the disciplinary committee must decide whether or not to hear evidence regarding the charge for the public record and record the reasons for such.
 - 5.6.2 pleads not guilty, the disciplinary committee must hear the evidence regarding the charge;
 - 5.6.3 refuses or fails to plead, the disciplinary committee must enter a plea of not guilty and must hear evidence regarding the charge.
- 5.7 If the practitioner charged with a breach of the code fails to attend the disciplinary hearing, and the disciplinary committee decides to proceed with the matter in the absence of the practitioner , it must enter a plea of not guilty and hear evidence regarding the charge.
- 5.8 If the disciplinary committee decides to hear evidence pertaining to the charge, every party to a hearing or the party's representative is entitled to:
 - 5.8.1.lead evidence in support of their case;
 - 5.8.2 cross-examine any witness of an opposing party; and
 - 5.8.3 re-examine any witness led by that party.
- 5.9. Members of the disciplinary committee may question any witness at the hearing.

6 RECOMMENDATION PROCESSES OF THE DISCIPLINARY COMMITTEE

- 6.1 The disciplinary committee must make its recommendation on whether or not there has been a breach only after:
 - 6.1.1.....evidence has been completed; and
 - 6.1.2every party to an inquiry has been given a fair opportunity to be heard.
 - 6.1.3ample time has been given for the committee to apply their minds to the process.

6.2 If the disciplinary committee finds that the practitioner has breached the code, the committee may request the parties to make representations on an appropriate sanction. This may include the leading of further evidence, including evidence on any previous convictions of the practitioner for breaches of the code. A certificate issued by the chief executive officer containing details of any previous convictions previously recorded through due processes and in the public record, constitutes prima facie evidence of such previous convictions.

6.2.1. The committee is not bound by any representations presented in terms of clause 6.1.

6.3 If the disciplinary committee finds that the practitioner has breached the code and recommends a sanction it must:

6.3.1 record its recommendations;

6.3.2 inform the practitioner in writing of its recommendations; and

6.3.3 submit the record of the hearing and its recommendations to the CEO.

7 RECOMMENDATION OF THE DISCIPLINARY COMMITTEE TO THE CEO AND THE APPEALS PROCESSES.

7.1 On the basis of the recommendation of the disciplinary committee the CEO must recommend a finding and appropriate sanction, if any, and inform the practitioner concerned accordingly.

7.2 An practitioner who is dissatisfied with a recommendation of the disciplinary committee, may make written submissions to the CEO within fourteen (14) days of his or her knowledge of the recommendation of the disciplinary committee.

7.3 The written submissions must set out the grounds on which the practitioner believes the recommendation to be wrong.

8 DECISIONS OF THE CEO & APPLICABLE ACTIONS

8.1 The CEO, after considering the recommendation by the disciplinary committee and submissions by the practitioner concerned, if any, may:

8.1.1 accept, reject or substitute the recommendation of the disciplinary committee wholly or in part;
or

8.1.2 refer the matter to the appeals committee for review.

8.2 The CEO may impose the following sanctions on an practitioner who is found guilty of a breach of the code:

8.2.1 a caution or reprimand;

8.2.2 a written or final written warning

8.2.3 the expulsion of the practitioner from the EHA, or subject to specific conditions, the suspension of the practitioner's membership for a period based upon the recommendations by the committee.

8.2.4 Recommendation that the practitioner make reparations to the affected party or parties

8.2.5 alternatively they may also be asked to issue a public written apology if this is suitable for the situation.

9 APPEAL PROCESSES & THE RECOMMENDATION/S OF THE DISCIPLINARY COMMITTEE TO THE CEO

9.1 Any practitioner who is found guilty of a breach of the Code of Ethics may appeal to the CEO against the findings of the disciplinary committee or the sanction of the disciplinary committee or against both the findings and the sanction.

9.2 The appeal must be lodged with the Chief Executive Officer, within FOURTEEN (14) days after the disciplinary committee has informed the accused of its recommendation for sanction or findings of breach.

9.3 The CEO may-

9.3.1 dismiss the appeal against the recommendation of the disciplinary committee and confirm the recommended findings or the sanction or both; or

9.3.2 uphold the appeal against the recommendation of the disciplinary committee wholly or in part and it must, in this instance refer it to the appeals committee within 30 days of its decision reaching the accused referred to in 9.1.

9.4 The CEO must appoint an appeals Committee of at least 3 persons to hear the appeal.

9.5 A person hearing an appeal **must not have been a member of the disciplinary committee** which dealt with the matter...

9.6 The appeal should be based on the written public record of the proceedings of the disciplinary committee. In exceptional cases, the Appeals Committee may hear new evidence in relation to the appeal but only where such evidence was not reasonably available at the time of the disciplinary hearing and may have had a material impact on the outcome of the disciplinary hearing or unfairly biased the outcome due to the lack thereof.

9.7 The Appeals Committee must consider the appeal within 90 days after the notice is delivered to the Chief Executive Officer.

10 THE APPEALS PROCESS & UNFAIR OR PREJUDICIAL PRACTICES.

10.1 The appeal referred to in Section 9 above must specify the grounds upon which the accused believes the finding/s and sanction to be incorrect or unfairly prejudicial due to lack of evidence provided.

10.2 The appellant, the CEO and the complainant or their representatives should be given an opportunity to present argument on the appeal before the Appeal Committee reaches a decision.

10.3 The Appeals Committee will make a recommendation to the CEO based on their findings.

10.4 The CEO, after considering the finding and penalty recommended by the Disciplinary Committee or the Appeals Committee, may-

10.4.1 confirm or set aside the finding;

10.4.2 confirm or set aside the sanction; or

10.4.3 refer the matter back to the Disciplinary Committee or Appeals Committee as case may be for further deliberations.

10.5 A disciplinary finding and sanction only takes effect on confirmation by the CEO.