

Professional Misconduct – Disciplinary Action Pathway

At the 2013 AGM Members voted to encourage the NZOIA Board to utilize disciplinary measures in the constitution to ensure members consistently demonstrate professional conduct and best industry practice. As a result the following pathway has been developed:

The NZOIA constitution provides guidance in section 5 for investigating breaches of rules and professional misconduct by Association members. The Board has established the following process:

- Any NZOIA member who has a concern as to a breach of rules or professional misconduct by another member that they believe should be investigated, should put their concerns in writing and send to the Operations Manager. This needs to be a formal complaint, detailing what the concern is and why it is a breach of the rules and/or professional misconduct and should be the subject of an investigation under the rules of the Constitution.
- The NZOIA Operations Manager will refer the issue to the TSC Convener, the Board members with portfolio responsibility for qualifications and standards, and/or the NZOIA Chair for a decision on action to be taken.
- If it is decided an investigation is needed, a sub-committee of at least two senior NZOIA members will be appointed to carry out an investigation and report to the Board. NZOIA will pay for the time of those carrying out the investigation at the standard assessor's rate for the time taken for the investigation – up to a limit of 5 days.

The investigation will be carried out in the context of clause 5.5 of the Constitution that *“The Board shall be primarily concerned with preventing a recurrence of undesirable incidents rather than with punishment”*.

The Board have discussed the issues of ratios and working within scope of NZOIA qualifications. The Board does not intend to set ratios, as we believe it is a reasonable expectation of a qualified instructor to be able to make a decision on an appropriate ratio according to the specifics of any particular situation. We note that there is some guidance on ratios given in the NZOIA Safety Plan. If a member has a concern with another member's ratios or another member operating out of scope, they should first raise with the other member, then they have the option to take it through the mechanisms in the Constitution as a professional misconduct issue.