

# Membership Disciplinary Policy for ACT Alliance members

**13 December 2011**

*The policy was approved by the ACT Executive Committee on 13 December 2011. This is a revision of the ACT International Membership Disciplinary Policy of April 2007 which was based upon the earlier Suspension or Termination of Membership Portion of the Membership Policy and Procedure, March, 2004. The 2011 revision takes into account the change of name to ACT Alliance and the broader mandate of the ACT Alliance. It supports implementation of the ACT Complaints Policy 2011 and the policy on Funding Procedures for the ACT Alliance.*

## **1. Introduction**

The ACT Alliance as a membership-based organisation is committed to providing high-quality humanitarian, development and advocacy programmes and to working in an open and accountable way.<sup>1</sup> The alliance was founded with clear respect for the independence of its members. At the same time, the ACT Alliance has a vested and collective interest in the performance of individual members or group of members.

ACT aims to ensure that all members know their membership obligations and are aware of the standards of conduct and behaviour expected of them as members of the alliance and that they meet such standards. A number of systems have been put in place to support this process, including the following:

- Each ACT member signs a membership agreement which outlines the roles and responsibilities of the ACT member and the ACT Alliance, including the relationship between: the ACT member, the ACT Alliance governing bodies and the ACT secretariat;
- The ACT Quality and Accountability Framework (QAF) summarises standards of quality towards which ACT can be held to account by its stakeholders and by each other, outlining membership commitments;
- The ACT Code of Good Practice and ACT Code of Conduct are signed by the member organisation and individual staff respectively; and
- The ACT Complaints Policy and related guidelines provide clear policy and guidance for responding to and resolving complaints.

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<sup>1</sup> ACT Alliance Founding Document, February 2009

## 2. Purpose and scope

The purpose of the disciplinary policy is to uphold professional ACT standards and to ensure a procedure is in place for addressing issues related to membership non-compliance and complaints. The policy ensures that any breach of ACT policy is managed in a structured and consistent way and that members are treated fairly, promptly, and impartially. The policy keeps members informed of the procedures and actions they may face if agreed commitments are not met.

This policy applies to all ACT members.

## 3. Governance responsibility for sanctions

The ACT Alliance by-laws state that the membership and nominations committee will advise the governing board regarding membership. In particular, they will undertake the following functions in relation to complaints handling:

- "develop appropriate procedures for membership applications, complaints and sanctions and inform the governing board of issues arising out of these mechanisms
- receive and respond to complaints about members, following procedures agreed by the governing board
- make recommendations to the governing board on any specific sanction which needs to be taken against a member, according to the agreed procedure".

It further states that it is the responsibility of the ACT executive committee "to receive reports regarding infringement by ACT Alliance members of the Code of Good Practice, Code of Conduct, policies and other elements of the ACT Alliance mission, vision and values and recommend to the governing board on actions, sanctions and disciplinary measures as appropriate".

The executive committee subsequently recommends actions, sanctions and disciplinary measures to the governing board. The by-laws state that it is the governing board's responsibility to "receive complaints and decide on appropriate sanctions.

The ACT Advisory Group on Complaints Handling (AGCH), which is not part of the ACT governance structure provides advice to the secretariat on complaints handling.

## 4. Definitions

The following definitions apply to this document:

**Censure:** The rebuke of a member for a proven lapse in the code or agreed upon procedures of ACT Alliance

**Suspension of privileges:** The suspension of the privileges of membership for a defined period of time. These include membership on ACT governance bodies and the opportunity to submit appeals.

**Exclusion:** The termination of an organisation's membership due to failure to meet their membership obligations. The only recourse of an excluded member to return to membership is through re-application.

**Restoration:** An action by the governing board in welcoming back a member which had its privileges suspended for a defined period of time.

## 5. Disciplinary procedures

The general secretary will notify the membership and nominations committee of members' non-compliance in relation to membership dues. Additionally, the ACT Advisory Group on Complaints Handling, via the general secretary, may recommend disciplinary procedures against ACT member(s) to the Membership and Nominations Committee in relation to wider complaints of member non-compliance.<sup>2</sup> The disciplinary procedures noted below describe the steps to be taken to deal with issues of membership non-compliance and with disciplinary measures related to implementation of recommendations arising from investigation of complaints by ACT secretariat and ACT governance. They ensure that each situation is managed reasonably. Wherever appropriate, this policy enables informal resolution of issues to help members to improve conduct or behaviour to reach minimum acceptable standards. Should the circumstances justify it however, the procedures allow for more formal proceedings to be taken, and where appropriate, for disciplinary action to be taken including censure, suspension of privileges and/or exclusion from membership, as follows:

### Non-payment of membership dues<sup>3</sup>

- If the payment of membership fees or income based fees are not received within six months of the due date and members have been sent a reminder letter and no satisfactory explanation has been given to the secretariat, the member will be deemed to be in breach of its obligation of membership. This could lead to suspension from membership until the contributions have been brought up to date or agreements reached on payments with the secretariat. Full membership rights for suspended members will be restored as soon as payment is made.
- Failure to pay the international coordination fee contribution will result in exclusion from appeals.<sup>4</sup>
- It is recognised that in exceptional cases there may be good reasons why members cannot pay their contributions on time. Members that are genuinely not able to pay their membership fee or income based fee must agree a method of payment with the ACT secretariat for ratification by the membership and nominations committee. In such cases, membership will not be suspended and full membership rights would be retained.
- While suspended for the non-payment of membership dues, the member may not attend ACT forum meetings or sit on an ACT governance body. The secretariat will inform the forum leadership of a member's suspension while at the same time ensuring compliance with complaints handling and investigation principles.
- Members who have not paid due fees will not be allowed attend the ACT general assembly.

### Disciplinary measures in relation to complaints<sup>5</sup>

Based on the type of complaint received and/or the outcome of a complaint investigation the following recommendations could be made by the general secretary to the membership and nominations committee depending on the issue:

- Restrict the member's eligibility to receive funds from ACT, should the allegations warrant such action.
- The member is found in compliance or that issues related to non-compliance have been corrected and that no further action shall be taken. The general secretary will write a letter to the member stating that no further action shall be taken.
- The member is currently in compliance but that in the light of its past action a *letter of censure* will be sent by the general secretary. Such a letter may be confidential or it may be referred to the executive committee and/or governing board, depending on the severity of the non-compliance

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<sup>2</sup> As noted in the ACT Complaints Policy 2011

<sup>3</sup> As outlined in the "Procedure for funding the ACT Alliance secretariat", updated October 2011

<sup>4</sup> As stated in the Procedures for funding of the ACT Alliance, September 2011

<sup>5</sup> Please note that the ACT Complaints Policy applies to all ACT complaints. It is supported by the ACT Complaints Handling and Investigations Guidelines which provides a step by step guide to handling complaints.

issue and the need for the ACT Alliance to maintain and articulate its membership standards. In any case the general secretary will report to the executive committee on all matters related to membership compliance.

- Serious disciplinary measures will always be appropriate where the complaint involves sexual exploitation and abuse and fraud and corruption. In instances in which a gross breach of ACT standards compromises the mission of ACT or poses a serious threat to its future operation, the executive committee, in between governing board meetings, may move to immediate suspension or exclusion from membership. Such action shall be reported to the governing board and reviewed at the next meeting of the governing board.
- The executive committee may also recommend the suspension of a member for a defined period of time, with clear expectations of what actions are required for the suspension to be lifted. This action shall be conveyed in writing to the member in question and reported to the governing board.
- While suspended, a member may not submit funding appeal proposals, receive ACT funds, have representatives serve in any ACT governing capacity, or co-brand with the ACT name or logo. While suspended, the member's name will not be listed on the ACT website.
- Any decision to suspend shall be conveyed in writing to the member in question.

Organisations whose membership has been terminated by ACT governance for a gross breach of ACT policies and standards cannot be part of an ACT national or regional Forum.

## **6. Appeal process**

If an ACT member does not accept the disciplinary decision it can appeal to the executive committee – a task delegated to the executive committee by the governing board. A letter requesting an appeal should be addressed to the general secretary, who in turn will inform the executive committee. If the general secretary is implicated in the case, then the appeal letter can be directed to the moderator of the governing board. Members of the executive committee who may have been part of the investigation team must not be involved in the appeal process.

The executive committee should aim to convene the appeal meeting within **30 days** of the request for appeal. The meeting will enable the complaint to be heard again. The executive committee will then make a decision regarding appropriate action that may be required to resolve the situation. The decision will be communicated, where possible, in **writing within 10 days of the meeting**. The decision of the executive committee is final.

## **7. Member restoration and re-application**

A member of ACT that has been suspended may be restored to full membership when the period of suspension has been completed and the requirements set by the governing board have been met and upon receipt of the member's written request for restoration.

A member of ACT that has been excluded from membership under the provisions outlined above may re-apply for membership by going through the normal membership processes after a lapse of three years.