



# THE BAHRS CODE OF CONDUCT DISCIPLINARY PROCEDURES

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*(JANUARY 2019)*



# CONSTITUTION OF THE BRITISH ASSOCIATION OF HAIR RESTORATION SURGERY (BAHRS)

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## I. The ETHICS COMMITTEE

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### A. Duties.

The Ethics Committee shall:

1. develop and maintain the British Association of Hair Restoration Surgery ("the BAHRS") membership Codes of Conduct ("Codes")
2. develop and maintain the Membership Terms and Conditions
3. develop and maintain the BAHRS Code of Conduct Disciplinary Procedures ("Procedures"), and receive and respond to complaints against the BAHRS members accused of violating the Codes
4. implement and enforce these Procedures in a manner best serving the BAHRS
5. consider any other ethical issues that are presented to the Executive Committee.

### B. Composition.

The Ethics Committee ("Committee") is an ad hoc committee comprised of the members of the standing Executive Committee. The number of Ethics Committee members may increase or decrease from time to time dependent on the numbers of the Executive Committee.

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## II. COMMITTEE AND CHAIR RESPONSIBILITIES IN GENERAL

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### A. Chair Responsibilities.

The Ethics Committee shall: The Chair shall receive from the BAHRS Administration Manager all new complaints alleging or relating to a violation of the Codes. Upon receipt, the Chair will review all



complaints. The Chair may request additional information from the person(s) who submitted the complaint ("Complainant") if, in the Chair's opinion, additional supporting documentation is required to make a determination in accordance with Section III.C.1. The Chair shall render a decision in accordance with Section III.C.1. either dismissing the complaint or submitting the complaint to the Committee.

Throughout the processes enumerated in these Procedures, it shall be the Chair's responsibility to:

- i. ensure the Committee members are working in a timely manner and in accordance with their responsibilities;
- ii. report to both Complainant and the BAHRS member subject to the complaint ("Respondent") in accordance with these Procedures; and
- iii. archive information regarding all complaints in accordance with these Procedures

#### **B. Ethics Committee Responsibilities**

Upon receipt of a complaint from the Chair, the Committee (including the Chair) shall conduct an investigation in accordance with Section III.D and render a decision in accordance with Section III.E.

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### **III. PROCESS FOR ADDRESSING ALLEGED CODE VIOLATIONS.**

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#### **A. Applicability**

Complaints alleging conduct by a member of the BAHRS violation of the Code are subject to these Procedures. All other complaints should be dismissed by the Chair in accordance with Section III.C.1.a. and addressed to the President to consider accordingly. In addition, complaints based on alleged malpractice (i.e., failure to comply with the applicable standard of care) shall be dismissed by the Chair in accordance with Section III.C.1.a.

Upon receipt of a complaint, the BAHRS' Administration Manager shall confirm Respondent is a current BAHRS member. If the Respondent is a current member of the BAHRS, the Administration Manager shall forward the complaint to the Chair.

#### **B. Complaint.**

1. **Who can file.** Complaints may be submitted by
  - a. any member of the BAHRS, including an Executive Committee member having first-hand knowledge of alleged unethical conduct; or
  - b. any outside party, including a member of the BAHRS Administration team having firsthand knowledge of alleged unethical conduct through direct dealings with the Respondent.



2. **Requirements.** All complaints of alleged unethical conduct must be submitted in writing to the President care of the BAHRS Administration Manager by post or at office@bahrs.co.uk  
The complaint must:
  - a. be dated and signed by Complainant
  - b. state all pertinent facts known to Complainant
  - c. include all pertinent documentation available to support the claim
  - d. identify, if known, the section(s) of the Code allegedly violated.
3. **Time of Filing.** A complaint may be filed within one year of the date the Complainant was aware of, or in the opinion of the Chair (or of the Committee, if the matter is submitted to the Committee) should have been aware of, facts giving rise to the alleged violation of the Code. The Chair shall summarily dismiss any complaint not filed within said one year period.
4. **Conflict with Ethics Committee Member or Chair.** If there is a conflict of interest to do with a member of the Ethics Committee, including the Chair, that member shall excuse themselves from the proceedings and, in the case of the Chair, the Vice President will undertake the duties of the Chair.
5. **Withdrawal.** A Complainant may withdraw his/her complaint in writing.

## C. Chair Review

### 1. Complaints.

Upon receipt of a complaint the Chair shall review the same and, thereafter, at his/her discretion, render one of the following determinations:

- a. The complaint does not comply with these Procedures
- b. The complaint contains insufficient information to establish a violation of the Code
- c. The allegations contained in the complaint, if true, do not constitute a violation of the Code
- d. The complaint is otherwise unworthy of further consideration; or
- e. The allegations contained in the complaint, if true, may constitute a violation of the Code, and warrant further investigation by the Committee.

If the Chair renders determination "a," "b," "c," or "d" above, the complaint shall be considered dismissed, and the Chair shall provide notifications in accordance with Section III.I.1. If the Chair renders determination "e" above, the Chair shall submit the complaint to the entire Committee and schedule an initial meeting to review the same.



**D. Committee Investigation**

Upon receipt of a complaint from the Chair, the Committee (including the Chair) shall conduct an investigation to determine whether the Respondent violated their Code. The Chair shall schedule an initial Committee meeting (e.g., via teleconference), during which the Committee will discuss the complaint and all documents submitted there with and assign the tasks each Committee member will complete in connection with its investigation, in order to render a decision in accordance with Section III.E. The Committee shall determine, in its sole discretion, the manner and extent of its investigations. The Committee shall meet as many times as it deems appropriate in connection with said investigation. It is anticipated, but not required, that the Chair will contact and interview Complainant and Respondent as part of its investigation. As part of its investigation, the Chair may provide Respondent with a copy of the complaint or notify Respondent that an investigation is being undertaken and inform Respondent of the conduct alleged to be in violation of the Code. The Complainant will be notified that his or her identity will be known to the Respondent. If requested by the Committee, Respondent may provide the Committee with a written response to the complaint within twenty-one days of the Committee's request. Respondent's failure to provide a response will neither prevent the Committee from proceeding with its investigation nor prejudice Respondent's case. Following its investigation, the Committee shall render a decision in accordance with Section III.E.

**E. Committee Decision**

Based on its investigation, the Committee, by majority vote, shall render a decision regarding whether Respondent's conduct violated their Code. The Committee's decision will be based on the documents and information gathered during its investigation. In the event of no majority the Chair will have the deciding vote.

If the Committee determines the Respondent did not violate the Code, the complaint shall be considered dismissed and the Chair shall provide notifications in accordance with Section III.I.1. If the Committee determines the Respondent violated the Code, the Committee will make a decision to impose one of the following disciplinary actions:

1. A written warning to be presented to the Respondent; or
2. That Respondent's membership with the BAHRS be suspended for a specified period of time; and/or
2. That Respondent's membership with the BAHRS be terminated.

**F. Notice to Parties and Imposition of Sanctions.**

Upon rendering a decision in accordance with Sections III.E., the Ethics Committee, the Executive Committee shall provide written notice of the Committee decision sent via the Administration Manager to the involved parties of the Ethics Committee's decision. No sanction shall be imposed within fourteen (14) days of the day the Executive Committee sends notice of the Ethics Committee's decision to Respondent, and, if an Appeal is timely filed in accordance with these Procedures, no sanction shall be imposed pending the outcome of the Appeal.



#### **G. Appeal Process**

If the Ethics Committee renders a decision adverse to the Respondent, the Respondent may file a written Appeal to the Ethics Committee within fourteen days of receiving the written decision from the Executive Committee. Any Appeal must be signed by Respondent, may include information and documentation as deemed appropriate by Respondent, and must, at a minimum, contain a statement indicating the reason the Ethics Committee's decision should be reversed. Appeals based on the following will not be considered:

1. disagreement with the Ethics Committee's discretionary findings where its discretion is provided for in these Procedures;
2. proposed reconsideration of any aspect of the Ethics Committee's investigation

Appeals may be considered on the basis information or documentation presented to the Ethics Committee.

The Ethics Committee shall review all properly and timely submitted Appeals. Upon its consideration of the Appeal and any requested response from the Chair, the Ethics Committee shall either:

1. affirm its decision; or
3. reverse its decision. In that event, the Ethics Committee will dismiss the complaint as if no finding was made.

#### **H. Decisions Final**

All dismissals of complaints by the Chair or the Ethics Committee in accordance with these Procedures shall be final or pursuant to Section III.G in response to an Appeal, shall be final.

#### **I. Conclusion of Process**

1. **Dismissals.** In the event a complaint is dismissed at any stage of these Procedures, the Chair shall forward notice of the dismissal to the BAHRS Administration Manager and he/she shall forward such notice to the Complainant (and Respondent where necessary).
2. **Adverse Decisions.** In the event the Ethics Committee renders an adverse decision against the Respondent in accordance with Section III.E, and the decision is either not appealed or is affirmed on Appeal, the Executive Committee shall direct the Administration Manager to notify the Complainant, and the Respondent of the Ethics Committee's decision and the specific sanction imposed on the Respondent, and proceed as follows:
  - a. If the Ethics Committee's decision calls for a written warning, the President will prepare a draft written warning for the Executive Committee's approval. Once approved by the Executive Committee, the Administration Manager shall forward the written warning to the Respondent.



- b. If the Board's decision calls for the suspension or termination of Respondent's membership, the Administration Manager must notify Respondent of the imposed sanction in writing. The termination may be disclosed as the BAHRS deems appropriate in order to make others aware that Respondent is no longer a member of the BAHRS.

**3. Closure.** Upon completion of all actions related to a complaint, the Administration Manager will seal all documents, notes, computer diskettes, and any other tangible information, and keep the sealed case file at the BAHRS offices for permanent storage.

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#### IV. CONFIDENTIALITY

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Except as deemed necessary by the Ethics Committee to be in furtherance of these Procedures or otherwise in the best interest of the BAHRS, all parties involved in the administration and/or review of a complaint shall not discuss with or disclose to anyone outside of the Committee and/or the administration team

- i. information or documentation regarding any complaint;
- ii. the identification of any parties or potential witnesses involved in any complaint;
- iii. the history, current status, or outcome of any complaint; or
- iv. any other information or documentation related to the Committee's and/or the administration team's activities in response to any complaint.

Notwithstanding the preceding prohibition, and to the extent not prohibited by law, anyone required by law and/or a court order to disclose information, the disclosure of which is prohibited hereby, must provide the Chair and the Executive Committee with a copy of the applicable legal basis and/or court order immediately upon their receipt thereof and prior to any disclosure required thereby. Notwithstanding anything contained herein to the contrary, under no circumstances shall an Executive Committee member, Ethics Committee member, the BAHRS' President, BAHRS staff, or any other the BAHRS representative be liable to Complainant or Respondent for disclosure of information identified above or any actions taken in furtherance of these Procedures.

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#### V. RELEASE AND INDEMNIFICATION.

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All Complainants and Respondents may obtain a copy of these Procedures from the BAHRS Administration Manager. All Complainants (by submitting complaints and initiating these Procedures) and all Respondents (by choosing to be members of the BAHRS) agree to release, indemnify and hold harmless the BAHRS, all BAHRS officers, all BAHRS Administrative staff, and all other BAHRS representatives (collectively "Released Parties" and each individually a "Released Party") from and against any and all claims, demands, actions, losses, damages and expenses (including reasonable legal fees and costs incurred in defending such claims), directly or indirectly resulting from, arising out of, or



in any way related to the Released Parties, or any Released Party's actions in connection with the implementation of these Procedures.

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## VI. GOVERNING LAW

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The BAHRS offices are in London, England. All Complainants (by submitting complaints and initiating these Procedures) and all Respondents (by choosing to be the BAHRS members) agree that:

- i. English law shall govern all legal issues, if any, that may arise out of a complaint submitted in accordance with these Procedures and/or in any way pertaining to the implementation of these Procedures; and
- ii. any claim or dispute related to, connected with, or arising out of a complaint submitted in accordance with these Procedures and/or the implementation of these Procedures, shall be subject to the exclusive jurisdiction of the English courts.

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## VII. AMENDMENTS

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These Procedures may be amended only by majority vote of the Executive Committee.

*This Constitution has taken account of legal advice from Brethertons LLP, Solicitors*

**1 January 2019**