



## Code of Ethics and Professional Conduct

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### Preamble

The profession of landscape architecture, so named in 1867, was built on the principles of dedication to the public health, safety, and welfare and recognition and protection of the land and its resources. These principles form the foundation of the ILI Code of Professional Ethics. The Code contains important principles relating to clients, employers, employees and Members of the Institute.

The Code is arranged so that each Part contains **Ethical Standards (ESn.n)**, essentially goals that Members should strive to meet. All of the Ethical Standards contain objective **Rules (Rn.n)**. Violation of an Ethic Standard will be subject to consideration of the Professional Practice Committee which may incur censure. Violation of a rule may subject a Member to a formal complaint.

Therefore, the verb “should” is used in the Ethical Standards and “shall” is used in the Rules.

This Code applies to the professional activities of all professional, Corporate, Fellow, Graduate and Affiliate Members of the Irish Landscape Institute. The policies established by the ILI Council relative to environmental stewardship, quality of life, and professional affairs shall be the basis of action by Members.



### Definition of Terms Used

For the purposes of this document the following definitions apply.

- **Ethics:** The moral standards governing the conduct of a member of a profession. (adapted from [www.thefreedictionary.com/ethics](http://www.thefreedictionary.com/ethics))
  
- **Professional:** Behaviour and conduct that declares and expresses in practice expertise and knowledge to the highest standards, in the fields of landscape architecture, landscape design and/or landscape management.
  
- **Principles and practices of sustainable development:** derived from the Bruntland Commission's<sup>1</sup> imperative for intergenerational responsibility with regard to resource use. In landscape practice its application is exemplified through the Sustainable Sites Initiative,; "*..dedicated to fostering a transformation in land development and management practices that will bring the essential importance of ecosystem services to the forefront.* (see <http://www.sustainablesites.org/>). The Australian Landscape Principles of the Australian Institute of Landscape Architects<sup>2</sup> are also relevant to sustainable development:
  1. value our landscape
  2. protect , enhance, regenerate
  3. design with respect
  4. design for the future
  5. embrace responsive design
  
- **State:** used in the generic sense, that is, the particular state within which the member is or has conducted his/her professional practice; usually, but not always, the Republic of Ireland.

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<sup>1</sup> "meet the needs of the present without compromising the ability of future generations to meet their own needs" in '*Our Common Future*' (1987) report prepared by the UN World Commission on Environment and Development.

<sup>2</sup> see [www.aila.org.au/landscapeprinciples/](http://www.aila.org.au/landscapeprinciples/)



## PART 1: ETHICS AND PROFESSIONAL RESPONSIBILITY

- ES1.1 Members should understand and obey the laws governing their professional practice and business affairs and conduct their professional duties within the art and science of landscape architecture and their professional Institute with honesty, efficacy, dignity and integrity.**
- R1.101 Members shall treat other Members, clients, employers, employees, the public and Institutes and agencies of the State with honesty, efficacy, respect, dignity, and integrity in all actions and communications of any kind.
- R1.102 In the conduct of their professional practice, Members shall not violate the law including any International, EU, or State law. Members shall pay particular attention to laws and regulations in the areas of employment, landscape, environmental, health and safety and land use / spatial planning, and those governing professional practice.
- R1.103 Members shall not give, lend, or promise anything of value to any public official or representative of a prospective client in order to influence the judgment or actions of that official or representative of a prospective client in the letting of a contract.
- R1.104 Members in full-time government, local government or state agency employment shall not accept private practice work with anyone doing business with their employer or with whom the Member has any contact on matters involving applications for grants, contracts, or planning actions.
- R1.105 Members shall recognize the contributions of other Members and fellow professionals that are engaged in the planning, design, and construction and management of the physical environment and shall give them due credit for professional work; and shall not maliciously injure or attempt to injure the reputation, prospects, practice, or employment position of those persons so engaged. Credit shall be given to the design/management firm or individual for the use of all project documents, plans, photographs, sketches, reports, or other work products developed while under the management of the design firm of record. Use of another's work for any purpose shall accurately specify the role of the individual and/or practice in the execution of the design work.  
*Commentary: Members representing views opposed to the views of another Member shall keep the discussion on an issue-oriented, professional level.*
- R1.106 Members shall not mislead existing or prospective clients, through advertising or other means, about the result that can be achieved through use of their services; nor shall Members state that they can achieve results by means that violate this Code or the law.  
*Commentary: So long as they are not misleading, advertisements in any medium are permitted by this Code.*
- R1.107 Members shall not accept compensation for their services on a project from more than one party unless all parties agree to the circumstances in writing.



R1.108 Members shall truthfully inform the client, employer, or the public about professional qualifications, capabilities, competencies and experience without exaggerated, misleading, deceptive, or false statements or claims.

*Commentary: Members shall not take credit for work performed under the direction of a former employer beyond the limits of their personal involvement and shall give credit to the performing firm. Employers should give employees access to work that they performed, to permit reproduction of such work, at the employee's cost, for the purposes of compilation of their personal portfolio/curriculum vitae.*

R1.109 Members shall not reveal information obtained in the course of their professional activities that they have been asked to maintain in confidence or that could affect the interests of another adversely.

*Unique exceptions: Members shall not be in breach of this rule if, in his/her professional judgement, he/she feels compelled to take action necessary:*

- to stop an act that creates harm and/or significant risk(s) to the landscape, environment, to the public or public health, safety and welfare that cannot otherwise be prevented;
- to establish claims or defense on behalf of Members;
- or in order to comply with applicable law, regulations, or with this Code.

*Note: the test here is based on the member's professional judgment of the significance of risk.*

R1.110 Members shall not copy or reproduce the copyrighted works of other landscape architects or design professionals without prior written approval of the author(s).

R1.111 Members shall not seek to obtain contracts, awards, or other financial gain relating to projects or programs for which they may be serving in an advisory or critical capacity.

*Commentary: This does not prevent a Member from seeking an award or contract for a project over which the Member has no influence or role in its selection, approval, or supervision or any other role that could constitute a conflict of interest.*

**ES1.2 Members should disclose any relevant information and/or conflicts of interest to clients and other interested parties who rely on their advice and professional work.**

R1.201 Members making public statements on landscape issues shall disclose compensation other than their fees, their role(s) and any economic interest in a project.

R1.202 Members shall truthfully and fully respond to requests for information during procurement of their services regarding the roles and professional status of all project team Members and consultants, including their professional registration, professional qualifications, availability of liability coverage and any other material potential limitations.



## PART 2: MEMBERS' RESPONSIBILITIES

- ES1.3** Members should endeavor to protect the interests of their clients and the public through competent performance of their work, active and consistent participation in Continuing Professional Development (CPD), research and development, and dissemination of technical information relating to the sustainable planning, design, construction, and management of the physical environment.
- R1.301 Members shall undertake to perform professional services only when education, training, or experience in the specific technical areas involved, qualifies them together with those persons whom they may engage as consultants.
- R1.302 Members shall not sign, certify or seal drawings, specifications, reports, or other professional work for which they do not have direct professional knowledge or direct supervisory control.
- R1.303 Members shall continually seek to raise their professional standards of excellence through their compliance with the Institute's **Continuing Professional Development (CPD)** programme; and through adherence to any corresponding **and/or** applicable Institute requirements for CPD.
- R1.304 Public discussion of controversial projects and issues shall be conducted on a professional level and shall be based on issues-oriented, factual analysis with respect for opposing points of view.
- ES1.4** Members should understand and endeavor to practice the **Ethical Standards of the Code of Landscape, Environmental and Social obligations** (see Part 3) of the ILI.
- R1.401 Members shall work to ensure that they, their employees and other Members comply with this Code of Ethics and Professional Conduct, the Articles of Association and the and Bylaws of the Irish Landscape Institute.
- R1.402 Members having information that leads to a reasonable belief that another Member has committed a violation of this Code shall report such information to the Honorary Secretary of the Irish Landscape Institute.
- Commentary: An ILI member may recognize that the behavior of another member poses a serious question as to that member's professional integrity. **It is the duty of the professional to bring the matter to the attention of the ILI Professional Practice Committee; which action, if done in good faith, may be protected from libel or slander action.** If in doubt, the Member reporting under this rule, should seek counsel prior to making such a report.*
- R1.403 The official logo of the Irish Landscape Institute shall not be used other than as specified in rules set out by the Institute or by the express permission of the ILI Council.
- R1.404 Professional ('Corporate'), Fellow, Graduate, Student, Affiliate and Honorary Members shall adhere to the specific, applicable terms of the Articles of Association and Bylaws regarding use of references to ILI Membership. Corporate and Fellow Members are encouraged to use the appropriate ILI designation after their names.
- ES1.5** Members are encouraged to serve on elected or appointed state agencies, boards and



**committees; and on judging panels dealing with the arts, design and environmental, land-use and sustainability issues.**

R1.501 Members who are appointed to state agencies, boards and committees and judging panels, that deal with arts, design, environmental, land-use and sustainability issues, including competitions, shall avoid conflicts of interest, and shall comply with rules and policies with regard to conflict of interest (ES1.2).

Members serving on such aforementioned bodies shall disqualify themselves and shall not be present when discussion is held relative to an action in which they have an interest.



### **PART 3: LANDSCAPE, ENVIRONMENTAL & SOCIAL OBLIGATIONS**

**ES1.6** Members shall have due regard to the consequences and effects of their professional activities and work. They shall have particular responsibility for fostering respectful attitudes to the natural and the built environment among fellow Members, clients, employers and the public.

Members shall strive to ensure that projects for which they are responsible will, as far as is practicable, have minimal adverse effects on the environment, and on the health and safety of the public and on society.

**ES1.7** Members shall promote the principles and practices of sustainable development. Moreover, Members shall, in the course of all their work activities, incorporate best practices in sustainable landscape planning, sustainable landscape design, sustainable management and sustainable procurement.

At all times Members shall take opportunities to research and prepare design solutions that display innovation and flair in applying the principles of sustainability to their work.

**ES1.8** Members shall strive to accomplish the objectives of their work with the most efficient consumption of natural and manmade resources, including the maximum achievable reductions in energy usage, waste and pollution.

**ES1.9** Members shall incorporate in their practices and shall promote the importance of social and environmental factors to professional colleagues, employers and clients with whom they share responsibility and collaborate with other professions to mitigate the adverse negative impacts of their common endeavors.



#### **Part 4: Enforcement – Professional Practice Committee and Complaints Procedure**

**4.1** Any person, individual, company or organisation (clients, employers, Members, the public, private and public bodies, NGO's), *directly aggrieved by, observes or is aware of a breach of this code by a Member of the Irish Landscape Institute*, may lodge a complaint along with supporting documentation with the Honorary Secretary of the Irish Landscape Institute.

#### **4.2 Professional Practice Committee**

The ILI Council through the Professional Practice Committee shall be responsible for promoting, monitoring and enforcing the Institute's Code of Ethics and Professional Conduct. The functions of the Committee in relation to the code of ethics and professional conduct shall be to: -

- (a) Decide whether a complaint of alleged professional misconduct warrants the establishment of an Investigative and Disciplinary Panel to investigate and adjudicate upon such complaint.
- (b) Appoint an Investigative and Disciplinary Panel to investigate and adjudicate upon complaints of professional misconduct.
- (c) refer the complaint to an [Investigative and Disciplinary Panel](#) for investigation and adjudication, if conduct of a Member comes to its attention and which, in the opinion of the Professional Practice Committee, warrants investigation and adjudication by a Panel.
- (d) Promote the Institute's Code of Ethics and Professional Conduct in liaison with the ILI Council.
- (e) Monitor the implementation and operation of the Code of Ethics and Professional Conduct.
- (f) Recommend changes or amendments to the Code of Ethics and Professional Conduct.
- (g) Present an annual report to the Council on the work of the Professional Practice Committee which will include a report on any actions in relation this code of practice..

**4.3** The Investigative and Disciplinary Panel shall have a membership of 5 persons including the ILI President, who shall act as Chairperson, and shall include two persons who are not members of the landscape architecture profession. The Honorary Secretary of the ILI shall normally serve as Secretary to the Professional Practice Committee. The quorum for a meeting of the Investigative and Disciplinary Panel shall be three, to include one person who is not a member of the landscape architecture profession.

The Investigative and Disciplinary Panel shall examine and collect information on all sides of the issue and, through discussions with all parties, attempt to mediate and bring all parties into compliance. If State registration regulations appear to have been violated or if there is an indication of civil violations, the issue may be referred back to the aggrieved party for recourse or directly to the civil authorities if the Investigative and Disciplinary Panel feel it is appropriate.



#### 4.4 Definitions

**‘The Complainant’** means a person who has made a complaint of professional misconduct against a Member. ‘Investigative and Disciplinary Panel’ shall be a committee established by and reporting to the Professional Practice Committee and the Council of the Irish Landscape Institute and shall comprise at least 3 Corporate and/or Fellow Members, of at least 2 years standing.

**‘The Member Concerned’** means a Member of the Irish Landscape Institute, against whom a complaint has been made.

**‘Investigation’** means a full inquiry into a complaint.

**‘Professional misconduct’** means conduct which, in the opinion of the **Professional Practice Committee**, constitutes conduct which is a breach of the Code of Ethics and Professional Conduct, at the time the said conduct occurred.

**‘Appeal Committee’** means an Appeal Committee established under Clause 4.29 hereof.

**Letter of admonition** means a cautionary advice or warning issued by the Professional Practice Committee

**Letter of censure** means an official rebuke expressing strong disapproval, by the ILI Council.

**‘Suspension’** means removal from the Institute’s Register of Members and Register of Holders of Professional Titles and loss of all membership privileges for the period defined by the Professional Practice Committee.

**‘Expulsion’** means permanent removal from the Institute’s [Register of Members](#) and [Register of Holders of Professional Titles](#) and permanent loss of all membership privileges.

#### 4.5 Permitted Actions of the Professional Practice Committee

- a. Write a confidential **letter of admonition**. This action may be appealed to the ILI Council, which shall hear all parties and render a binding decision.
- b. Refer the issue to the ILI Council to write a **letter of censure**. This action may be appealed to the ILI Council, which shall hear all parties and render a binding decision. The appeal will follow the procedure as defined in 4.29 hereof.
- c. Refer the issue to the ILI Council for review and **possible of suspension** of Membership and all privileges of Membership. This action may be appealed to the ILI Council, which shall hear all sides and render a binding decision. . The appeal will follow the procedure as defined in 4.29 hereof.
- d. Refer the matter to the Council for review and **possible exclusion** of Membership and all privileges of Membership. This action may be appealed to the ILI Council, which shall hear all sides and render a binding decision. . The appeal will follow the procedure as defined in 4.29 hereof.



#### **4.6 Proceedings of the Professional Practice Committee**

All proceedings and deliberations of the Professional Practice Committee, the Investigative and Disciplinary Panel, the ILI Council and the Appeals Committee shall be in private and, subject to the provisions of this Code, shall be confidential. Members shall, as a matter of professional obligation, maintain such confidentiality. In the event that, following an Investigative and Disciplinary Panel or Appeal Committee decision as the case may be, and following endorsement of such decision by ILI Council, a Member is to be suspended or expelled from membership of the Institute:

- Such suspension shall be published in the Institute's newsletter and/or website.
- Such expulsion and the name of the Member or name and address of the practice shall be published in the Institute's newsletter and/or website and, at the discretion of Council, in local and/or national print media.

Subject to the above, the Council shall, at its discretion, be entitled to make disclosure of any decisions of a Professional Practice Committee, Investigative and Disciplinary Panel, the Council or the Appeal Committee.

#### **4.7 Investigative and Disciplinary Panels**

In respect of conduct, which predated the coming into force of his Code of Ethics and Professional Conduct, such complaint shall be dealt with as provided for in this Code, but by reference to the Institute's Code of Professional Conduct in force at the time the alleged misconduct occurred.

**4.8** The Chair of the Professional Practice Committee may, at the request of the Chairman of a Panel, nominate additional persons to be members of an Investigative and Disciplinary Panel. Such additional members of the Panel may be drawn from the Membership of the Irish Landscape Institute, or, if the Chairman of the Professional Practice Committee considers it appropriate, necessary or expedient, a person or persons with a particular, proven expertise in dispute resolution and/or the governance of professional bodies. The nomination of such additional person or persons shall be subject to the prior approval of the Council of the Institute.

#### **4.9 Complaints and Investigative Procedure**

A complaint of alleged professional misconduct against a Member ('the Member Concerned') may be made by any person ('the Complainant') by referring the same to the Honorary Secretary of the Institute, who shall acknowledge the complaint and refer it on to the Professional Practice Committee. Any such complaint shall be in writing and shall be signed by the complainant and shall contain a comprehensive description of the matter complained of and details of the circumstances giving rise to the complaint.



**4.10** A complaint of alleged professional misconduct against a Member (“the Member Concerned”) made by the Professional Practice Committee pursuant to Clause 4.2 (c) shall be in writing and shall be signed by the Chairman of the Professional Practice Committee. It shall contain a description of the matter complained of and the details of the circumstances giving rise to the complaint.

**4.11** If, having considered a complaint of alleged professional misconduct, the Professional Practice Committee is of the opinion that the complaint may disclose professional misconduct on the part of the Member Concerned, the Professional Practice Committee shall establish an Investigative and Disciplinary Panel. The function of the Panel shall be to investigate and to adjudicate upon the complaint. The Panel shall comply with any general guidelines, which may have been issued by the Professional Practice Committee in respect of the conduct of proceedings by Panels. Any decision of the Professional Practice Committee to establish such a Panel shall be by majority vote, the Chairman of the Committee having a casting vote.

**4.12** The panel shall, within 21 calendar days of its establishment, notify the Member Concerned in writing of the fact that a complaint has been received and that a Panel has been established to investigate and to adjudicate upon the said complaint. The Panel shall, with such notification, provide the Member Concerned with a copy of the complaint and all its contents and shall inform such Member of the provisions of clause 4.11 hereof.

**4.13** The Member Concerned may, within 14 days of the receipt by him/her of a notification of a complaint, or within such further period as may be permitted by the Panel, submit to the Panel a statement in writing of his/her response to the complaint. The Member Concerned shall state in his/her response whether he/she requires an oral hearing of the complaint.

**4.14** Upon receipt from a Member Concerned of his or her response in writing to the complaint, the Panel shall send a copy of that response to the Complainant. The Complainant shall be invited to make a written response within 14 days of receipt of the member’s response or within such further period as may be permitted by the Panel. Whether or not a response has been received from the Member Concerned, the Complainant shall be asked by the Panel whether he/she requires an oral hearing of the complaint.

**4.15** In the event that the Member Concerned does not submit a statement in writing of his or her response to the complaint within 14 days from the date of receipt by him or her of the complaint or within such extended period as may have been permitted by the Panel, the Panel may proceed to adjudicate upon the complaint in the absence of such a statement. In adjudicating, a Panel may: -

- (a) Request any person to provide information.
- (b) Request any person to attend before it to give evidence.



- (c) Request any person to make available to it any documents or other evidence, which it wishes to consider.
- (d) Set time limits for the provision of any information or documents to the Panel by the Complainant or the Member Concerned.
- (e) Inquire into the complaint by way of oral hearing whether or not the same shall have been requested.
- (f) Appoint any person to present evidence to the Panel or to assist the Panel in any way it considers necessary for the proper discharge of its functions.
- (g) Decide on what procedures it will adopt in respect of any matter for which no procedure is specifically provided for in this Code.

**4.16** The Investigative and Disciplinary Panel shall adjudicate upon the complaint fairly and impartially and in accordance with the principles and requirements of natural justice. In particular the Panel shall, in addition to the notification provided for in clauses 4.10 and 4.12 hereof: -

- (a) Provide the Member Concerned and the Complainant with an opportunity to be heard by the Panel.
- (b) Permit the Member Concerned and the Complainant to be present at any oral hearing and to cross-examine any witness before the Panel.
- (c) Notify the Member Concerned and the Complainant in writing of its decision within 7 calendar days from the date of the making of the decision.
- (d) In the event that the Panel shall have decided that the Member Concerned was guilty of professional misconduct, inform the Member Concerned of the action to be taken and of his or her right to appeal and of the provisions of this Code with regard to appeals.

**4.17** All decisions of the Panel shall be by simple majority vote. The Panel shall normally reach a decision within two months of receipt of all written and oral submissions.

#### **4.18 Sanctions**

In the event that the Investigative and Disciplinary Panel decides that the Member Concerned has been guilty of professional misconduct it may: -

**(a) No sanction:** decide that the professional misconduct in question is not sufficiently serious to warrant the imposition of sanctions

or

**(b) Admonition:** issue a letter informing the Member Concerned of the contravention(s) and admonishing and reprimanding him/her and requiring him/her to provide an undertaking in writing to the Professional Practice Committee to desist from and/or not repeat the conduct, which constituted the professional misconduct



or

**(c) Censure:** recommend to the Council, via the Professional Practice Committee, that that ILI Council write a **letter of censure**. This action may be appealed to the ILI Committee of Trustees, which shall hear all parties and render a binding decision.

or

**(c) Suspension:** recommend to the Council, via the Professional Practice Committee, that the Member Concerned be suspended from membership of the Institute, for a specified period and be required to provide an undertaking in writing to the Council to desist from and/or not repeat the conduct which constituted the professional misconduct

or

**(d) Expulsion:** recommend to Council, via the Professional Practice Committee, that the Member Concerned be excluded from Membership of the Institute.

**4.19** In the event that the Investigative and Disciplinary Panel decides that the Member Concerned has been guilty of professional misconduct, the Panel may direct such Member to make a contribution towards the costs and expenses of the Institute of and incidental to the investigation and adjudication of the complaint.

**4.20** The Investigative and Disciplinary Panel shall inform the Member Concerned, the Complainant, the Council, the Professional Practice Committee of the Institute in writing of its decision, the reasons for its decision and the sanction it has decided to impose or to recommend to the Council, within 7 calendar days from the date when such decision shall have been made. At the same time, pursuant to Clause 4.16(d), the Panel shall inform the Member Concerned and the Complainant of their respective right to appeal in respect of the decision of the Panel and of the provisions of this Code with regard to appeals.

**4.21** In the event that the Investigative and Disciplinary Panel decides to recommend to the Council that the Member Concerned be suspended or expelled from Membership of the Institute, the Council shall, after the time for lodging an appeal by the Member Concerned or by the Complainant as provided for under Clause 4.30, shall have expired and with no appeal having been lodged, consider the decision and the recommendation of the Panel.

The Council shall: -

(a) Formally endorse the recommendation of the Panel

or

(b) If the Council considers there are compelling reasons for doing so, refer the issue to the Appeal Committee for consideration with the reasons for such referral detailed in writing.



Any referral under (b) shall be deemed to be an appeal and shall be treated as such by the Appeal Committee insofar as is practicable in accordance with the provisions of this Code in respect of appeals.

**4.22** All decisions of the ILI Council shall be by simple majority vote of the Members present (assuming a quorum of half of the members of the ILI Council), except in the case of a recommendation for exclusion of the Member Concerned, in which case a two-thirds majority of the Members present, shall be required (and the quorum shall be two thirds of the ILI Council).

**4.23** The decisions of the Council shall be issued in writing to the Member Concerned, the Complainant, the Professional Practice Committee and the Investigative and Disciplinary Panel of the Institute within 7 days from the date of the decision.

**4.24** Any Member of the Council who shall have been a Member of the Panel which shall have made a recommendation to the Council that the Member Concerned be suspended or excluded from Membership of the Institute, shall not participate in any deliberations or decisions of the Council at which such recommendations are being discussed or decided upon.

**4.25** In the event that the Council decides pursuant to Clause 4.21 or Clause 4.34 to exclude the Member Concerned from membership, such exclusion shall be deemed to have taken effect from the date of the said decision of the Council.

**4.26** In the event that the Council decides pursuant to Clause 4.21 or Clause 4.34 to suspend the Member Concerned from membership, such suspension shall be deemed to commence on the date of the said decision of the Council.

**4.27** In the event that the Member Concerned is required, pursuant to clause 4.18 to request an appeal or Clause 4.31 hereof to provide an undertaking in writing or make a contribution to costs, the Member Concerned shall provide such undertaking in such terms as may be required within 14 days, or within such extended time as the Council may at its discretion allow, from the date of receipt by the Member Concerned of notification from the Honorary Secretary of the Institute that such an undertaking is required.

**4.28** If the Member concerned fails or refuses to give such undertaking, as is required pursuant to clause 4.18 or clause 4.31, within the time prescribed in paragraph 4.27 hereof, or within such extended time as the Council may at its discretion allow, the Council shall, at its discretion, either: -  
(a) Suspend the Member concerned from Membership of the Institute until such time as the undertaking has been given,



or

(b) Exclude the Member concerned from Membership of the Institute.

**4.29** The Council shall establish a three person Appeals Committee to hear appeals. The Chairman and one other member of the Appeal Committee shall be Past-Presidents of the Irish Landscape Institute and the third member shall be a prescribed independent person. All three members shall be nominated by the Council of ILI for the time being. None of the Appeal Committee Members shall be members of the Professional Practice Committee. Appeal Committee members shall not serve on Investigative and Disciplinary Panels. Membership of the Appeals Committee shall be reviewed by the ILI Council every three years.

**4.30** A Member Concerned or Complainant who is aggrieved at the decision of a Panel shall be entitled to appeal to the Appeal Committee in respect of such decision. An appeal by a Member Concerned or a Complainant shall be lodged by notifying the Appeal Committee in writing within 21 days of the receipt by the Member Concerned or by the Complainant, as the case may be, of the decision of the Panel, whichever is the later. A copy of the appeal shall be forwarded for information to the Professional Practice Committee, the ILI Council, the Investigative and Disciplinary Panel and the second party (Complainant or Member Concerned as the case may be). The second party (Complainant or Member Concerned as the case may be) shall have the right to respond to the statement of appeal.

**4.31** The Appeals Committee may: -

- (a) Uphold the decision of the Panel in whole or in part.
- (b) Rescind the decision of the Panel in whole or in part.
- (c) Find that the Member Concerned has been guilty of professional misconduct but that the sanctions imposed or recommended by the Investigative and Disciplinary Panel should be changed to another more appropriate sanction in the specified range.
- (d) Uphold or rescind any decision of the Panel directing the Member Concerned to make a contribution towards the cost of the Institute of and incidental to the investigation and adjudication of the complaint or direct that the Member Concerned should pay a lesser or greater contribution.

**4.32** In hearing an appeal the Appeals Committee shall, for the purposes of its functions, have the same powers as are vested in the Panel by Clause 4.14 hereof and the same obligations as are required of the Panel under Clause 4.16(a), (b), (c) and (d).

**4.33** Decisions of the Appeals Committee shall be by simple majority.



**4.34** The Appeals Committee shall normally reach a decision within two months of receipt of all written and oral submissions. The Appeal Committee shall issue its decision on an appeal in writing to the Complainant, the Member Concerned, the Council, the Professional Practice Committee, the Investigative and Disciplinary Panel and the Council of the Institute within 7 days from the date of the decision.

**4.35** The Council shall formally endorse the decision of the Appeals Committee and shall accept such decision as its final position on the matter and shall act accordingly.



## **Appendix 1. ILI Code of Ethics and Professional Conduct**

Working Group Members

Prepared by Professional Practice Committee:

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