



Hrvatsko aktuarsko društvo
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*/Croatian Actuarial Association
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**GUIDELINES FOR DISCIPLINARY PROCEEDINGS
OF THE CROATIAN ACTUARIAL ASSOCIATION**

Zagreb, 9th June 2008.

The Guidelines for Disciplinary Proceedings of the Croatian Actuarial Association were adopted by the General Meeting of the Croatian Actuarial Association at the session held on 09 June 2008.

GUIDELINES FOR DISCIPLINARY PROCEEDINGS of the Croatian Actuarial Association

1. INTRODUCTORY PROVISIONS

- 1.1 These Guidelines for Disciplinary Proceedings (hereinafter referred to as „the Guidelines“) define the manner in which disciplinary proceedings are conducted and specify the sanctions and measures for the members of the Croatian Actuarial Society (hereinafter referred to as „CAA“).
- 1.2 Pursuant to the provisions of the Guidelines, disciplinary proceedings may be taken against all regular, associate and honorary members of the CAA.

2. DISCIPLINARY COMMITTEE

- 2.1. Disciplinary proceedings against the CAA members are conducted by the Disciplinary Committee (hereinafter referred to as “the Committee”).
- 2.2. The Committee consists of five members of the CAA.
Three members of the Committee are elected by General Meeting among the regular members of the CAA.
Board and Supervisory Board of the CAA shall appoint two members of the Committee, one from the Board and the other from the Supervisory Board within 15 days from the General Meeting session of the CAA, and then inform its members thereof within 30 days from the General Meeting session of the CAA.
- 2.3. As a rule, the Committee is elected for a one-year period. The Committee is elected annually. The term of office of the Committee runs until the new Committee has been elected. In case disciplinary proceedings are underway at the same time the Annual General Meeting is being held, the old Committee shall complete the ongoing disciplinary proceedings.
- 2.4. The Committee elects its Chairman by majority vote. The Chairman reports on the work performed by the Committee when required and in the manner prescribed by the Guidelines. In the case the Chairman is not able to perform his/her duties for longer period the Committee shall elect new Chairman. The President of the CAA cannot be the Chairman of the Committee.
- 2.5. The Committee submits a report on its work at least once a year at the General Meeting of the CAA.
- 2.6. The Committee member cannot participate in the work of the Committee (reasons for exemption):
 - If he/she has sustained a loss through the action on account of which the complaint has been lodged
 - If he/she is the person against whom the proceedings are conducted
 - If he/she is the counsel, plaintiff, damaged party in the proceedings against the person charged with wrongdoing or is that person’s legal representative or attorney, spouse or blood relative of any degree on the straight bloodline or blood relative along the side-line of descent down to fourth degree;
 - If there are circumstances which elicit doubt as to his/her impartiality.

- 2.7. A request for exemption can be submitted by the member against whom disciplinary proceedings are to be conducted, the person who submitted the proposal for disciplinary proceedings and a member of the Committee.
- 2.8. The member of the Committee shall terminate any actions in relation to the case as soon as he/she receives notifications regarding the reasons for exemption and inform the President of the CAA and the Chairman of the Committee thereof.
- 2.9. The Board of the CAA decides on the request for exemption. The person being excluded cannot participate in the decision-making process.
- 2.10. The Board of the CAA nominates a member to act as a deputy of the excluded member solely for the purpose of this proceeding.

3. COMPLAINT AND DECISION ON INITIATING DISCIPLINARY PROCEEDINGS

- 3.1 The complaint must be signed and submitted in written form via registered mail at the CAA address. The complaint must contain:
 - the name and surname of the person to which the complaint relates
 - description of the actions that caused the complaint to be filed
 - evidences; if they are at complainant's disposal.
- 3.2 The complaint can be filed by any person in possession of the evidences proving violation of the principles of professional or ethical conduct or proving any other negligence.
- 3.3 The Committee notifies the member of the submitted complaint within 15 days from the day of its receipt and asks him to make a comment on the complaint. If the member does not do the above mentioned within 15 days from the day of receipt of the notification, it will be stated that he refused to comment the complaint.
- 3.4 The Committee shall initiate disciplinary proceedings pursuant to the submitted complaint upon determining that there may have been a disciplinary violation pursuant to Article 3.5 of the Guidelines for Disciplinary Proceedings.

If the Committee pursuant to the submitted complaint establishes that there could not have been a disciplinary violation pursuant to Article 3.5 of the Guidelines for Disciplinary Proceedings, the complaint shall thereby be dismissed and disciplinary proceedings shall not be initiated.

The Committee renders a decision whether to initiate disciplinary proceedings within 45 days from the day of receipt of the complaint. The complainant and the member against whom the complaint has been filed shall be informed on the decision and the statement of reasons rendered by the Committee.

- 3.5 A disciplinary violation means:
 - Violation of the Code of conduct of the CAA, the Articles of Association of the CAA and other relevant standards of conduct or other ethical principles,
 - Taking advantage of the CAA for making financial and other gains without consent of the competent CAA body,
 - Unfair treatment of the CAA members, clients, employers and members of international organisations of which the CAA is a member,
 - Activity that causes harm to the reputation of the profession,
 - Abuse of authority and office while serving on the CAA bodies
 - Failure to pay membership fee,

A violation is also deemed to be a type of conduct of a member in his/her private life if such conduct or action compromises the reputation of the CAA.

An actuary commits a violation if he/she does not perform his/her work competently, demonstrating the highest personal standards of moral responsibility.

An actuary commits a violation if he/she does not educate himself/herself continuously and if he/she does not keep up with advancements in the actuarial profession.

3.6 A member shall be financially liable if his/her violation causes damage to the CAA.

4. CONDUCT OF DISCIPLINARY PROCEEDINGS AND COMPLAINT

4.1 The Chairman of the Disciplinary Committee shall call for a session of the Committee within 30 days from the date the decision has been made for initiating the proceedings and shall inform thereof the Committee members, complainant and the member against whom the complaint has been filed. He/she shall point out that a counsel may be engaged in the proceedings and the evidence proposed.

4.2 Not later than 8 days before the session is to be held, the Committee notifies on the date and venue of the session in written form.

The Committee shall warn the member against whom the complaint has been filed that disciplinary proceedings will be conducted even if the above mentioned is not present, unless the absence is justified. The Committee shall receive prior notification thereof.

4.3 As a rule, the Committee holds sessions as a whole, but a minimum of three members is required to hold a session. Sessions are conducted by the Chairman of the Committee. In case of his /her justified absence, sessions are held by a Committee member. The persons other than the Committee members may attend sessions.

Minutes are taken and signed by each member of the Committee and the recorder of the minutes.

4.4 The Committee is entitled and obliged to request any evidence deemed relevant for assessment of the complaint and decision-making.

4.5 The parties to the disciplinary proceedings are entitled to present any relevant evidence at their disposal within 30 days from the date of receipt of the request of the Committee delivered by registered mail. .

4.6 The Guidelines for Disciplinary Proceedings shall be applied in the conduct of disciplinary proceedings. The Committee is obliged to establish true and complete facts and to thoroughly assess any evidence individually as well as in relation to other pieces of evidence, in order to be able to decide whether the complaint is founded or not.

4.7 The Committee is entitled to request professional and administrative outsourcing assistance upon the approval of the Board of the CAA.

4.8 The Committee may render a decision on:

- Suspension of the proceedings should the Committee establish that the action to which the complaint relates does not constitute a violation pursuant to the Guidelines for Disciplinary Proceedings, that there are circumstances which exclude the member's liability, that there is no evidence for a reasonable doubt that the member has committed a violation;
- The member's liability and impose a disciplinary measure;
- Exemption from liability if it has been established that the member has not committed a violation or that there is no sufficient evidence proving the violation;

- Rejection of the complaint if the complainant has withdrawn the complaint or in case that the limitation period has expired;
 - Financial liability of the member and the obligation to compensate for the loss.
- 4.9 The Committee renders decisions by majority vote of the present members in a closed session where only the Committee members are present.
- 4.10 The Committee shall conclude disciplinary proceedings within 60 days from the date of collection of any available evidence.
- 4.11 The Committee shall deliver the decision, statement of reasons with legal remedy and the names of the Committee members who participated in disciplinary proceedings to the member against whom the procedure is conducted, to the complainant, to the Board of the CAA and Supervisory Board of the CAA by registered mail no later than 15 days from the date when the decision has been rendered. The decision shall be signed by the Chairman of the Committee or by the member of the Committee who conducted the session.
- 4.12 The party which is not satisfied with the decision of the Committee is entitled to lodge a written appeal within 15 days from the date of receipt of the decision. The appeal shall be lodged in written form at the address of the CAA by registered mail.
- 4.13 The appeal shall be considered at the General Meeting of the CAA and the decision thereof shall be rendered by a majority of votes within 45 days from the date of receipt of the appeal or at the next General Meeting session. A decision in respect of the lodged appeal shall be duly signed and delivered in written form to all parties to the proceedings within 15 days from the date of rendering the decision.
- 4.14 The member shall accept any ruling or decision in respect of the lodged appeal.
- 4.15 The decision in respect of the lodged appeal is final.

5. DISCIPLINARY MEASURES

- 5.1. Depending on the degree of violation, the Committee may:
- Issue a caution
 - Send the member to an obligatory additional professional training
 - Issue a final warning before expulsion from the CAA
 - Propose to the General Meeting to expel the member from the CAA
- 5.2. When imposing disciplinary measures the Committee shall take into account all circumstances concerning the committed violation and also the personality of the member (implications of the violation, motives, harmful consequences etc.).
- 5.3. Expulsion from the CAA as a disciplinary measure is proposed in case of recurring violation or after committing some other violation, in case that a caution has previously been issued. On an exceptional basis, exclusion from the CAA as a disciplinary measure is imposed without prior caution if committed violations were particularly serious.
- 5.4. Written records in relation to imposed disciplinary measures shall be kept on file in the CAA and all materials in relation to disciplinary proceedings shall be kept in the CAA archives permanently.

- 5.5. Thirty days after the decision has become final, the Board shall deliver the decision, statement of reasons, imposed disciplinary measures and the statement of reasons for such measures to all the members of the CAA and/or to publish the above said at the web page of the CAA and/or to publish it in some other way, according to the decision of the Committee.
- 5.6. Imposed disciplinary measures shall be stated in the Annual report at the General Meeting session of the CAA.

6. STATUTE OF LIMITATIONS

- 6.1. Initiation of disciplinary proceedings shall be barred by the statute of limitations within two years from the date of receiving a notification regarding the committed violation and the perpetrator.
- 6.2. In any case, the statute of limitations occurs four years after the violation has been committed. If by committing the violation a criminal offence has been committed as well, then the statute of limitations occurs at the same time as the statute of limitations for the criminal offence. It is interrupted by taking any actions in disciplinary proceedings.

7. FINAL PROVISIONS

- 7.1. The Guidelines shall take effect within 15 days from the date of their adoption at the General Meeting of the CAA. The Guidelines shall be delivered to all CAA members within 8 days from the date of their coming into force.
- 7.2. The Guidelines for Disciplinary Proceedings of 19 June 2002 shall no longer be valid upon the date of the entry into force of the present Guidelines.