



INTERNATIONAL SEABED AUTHORITY

Rules of Procedure for the Joint Disciplinary Committee

July 2022

Rule1

Interpretation

These rules of procedure shall be for the Joint Disciplinary Committee and shall be read together with the staff rules of the Authority.

Rule 2

Composition

- a. The Joint Disciplinary Committee shall be composed of
 - i. A Chair appointed by the Secretary-General after consultation with the Staff Committee.
 - ii. One member appointed by the Secretary-General.
 - iii. One member elected by the staff.
- b. Members shall be appointed or elected for two years and shall be eligible for reappointment or re-election, and shall remain in office until their successors are appointed or elected or as long as they are staff members of the Authority.
- c. The Chair may be removed from the Joint Disciplinary Committee by the Secretary-General after consultation with the Staff Committee. The member appointed by the Secretary-General may be removed by the Secretary-General. The member elected by the staff may be recalled by a majority vote of the staff, taken at the initiative of the Staff Committee.
- d. At the request of either party, the Chair or any other member may be disqualified from consideration of a specific case, if in the opinion of the Chair, the action is necessary due to the relationship between the member of the Joint Disciplinary Committee and the staff member whose case is to be considered or the existence of any possible conflict of interest. The Chair or Vice-Chair may also excuse any member at that member's request from the consideration of a specific case.

Rule 3

Chair of the Joint Disciplinary Committee

The Chair directs the work and meetings of the Committee and shall preside over meetings to ensure efficiency in the consideration and finalization of cases.

Rule 4

Scope of powers / jurisdiction

The Joint Disciplinary Committee shall advise the Secretary-General upon request in disciplinary matters:

- a. The Committee shall have powers to investigate allegations of misconduct. Misconduct refers to any failure by a staff member to comply with obligations under the United Nations Convention

on the Law of the Sea, the Staff Regulations, Staff Rules and other relevant administrative issuances or the failure to observe the standards of conduct expected of an international civil servant.

- b. The Joint Disciplinary Committee shall also be available to advise the Secretary-General, if so requested, in matters pertaining to financial responsibility for gross negligence. In such a case, the level of any member of the panel who is also a staff member shall be at least the same as the level of the staff member whose financial responsibility may be engaged.

Rule 5

Procedure and Meetings

- a. The request from the Secretary-General shall be accompanied by a detailed descriptive memorandum containing the specific request and supporting documentation. The Committee may request any additional information or documentation from the Secretary-General for the purpose of consideration of the case.
- b. When the Secretary-General considers that a disciplinary measure should be applied to a staff member, the Secretary-General shall inform the Chair of the Joint Disciplinary Committee in writing, who shall convene the Committee as soon as possible. Notice of the convening of a meeting shall be given to the Members of the Committee not less than five (5) working days in advance of the date of the meeting.
- c. In considering a case, the Joint Disciplinary Committee shall act with maximum dispatch and shall make every effort to provide its advice in a written report to the Secretary-General and the staff member concerned within four (4) weeks after the case has been submitted to it. The Committee may organize its meetings by video or telephone conferencing.
- d. If the Committee considers that it requires the testimony of the staff member concerned or other witnesses, it may, at its sole discretion, obtain such testimony by written deposition, by personal appearance before the Committee, before one of its members or before another staff member acting as a special master, or by video conferencing, telephone, or other means of communication.
- e. Submissions to the Committee may be made orally or in writing, in one of the working languages of the Authority. Oral statements may be made through video or telephone conferencing. The Committee shall permit a staff member to arrange to have assistance of counsel or any person(s) at the staff member's cost.
- f. The Committee may request the submission of any documentary evidence which it considers necessary for the consideration of a case. Such evidence shall be provided to the Committee upon request no later than ten (10) working days from the date of the request.
- g. The report of the Joint Disciplinary Committee shall include all recommendations the Committee considers appropriate, as well as a summary of the reasons, fact and the law. Votes on the

recommendations shall be recorded and the separate opinion of any member of the Committee may be included in the report.

- h. The work of the Committee, including its deliberations and all submissions made to it shall be confidential.

Rule 6 ***Time limits***

The time limits for the establishment of statements and rebuttals including oral exchange of positions shall be determined by the Chair. The time limits set shall be no longer than ten (10) working days at each given time.

Rule 7 ***Recommendations of the Committee***

- a. All decisions of the Committee shall be taken by an absolute majority.
- b. The Committee shall act in good-faith and shall send its written report to the Secretary-General. The report shall state all recommendations that the Committee considers appropriate, as well as a summary of the reasons, facts and the law.
- c. Within 15 days after receiving the report of the Committee, the Secretary-General shall make a decision on each case taking into account the Committee's recommendations and thereafter inform the staff member.

Rule 8 ***Disciplinary measures***

- a. The Committee may recommend the imposition of a disciplinary measures on a staff member. Such measures shall be proportionate to the nature and gravity of the staff member's misconduct.
- b. Disciplinary measures recommended by the Committee shall be in line with the Staff Rules of the International Seabed Authority and may take one or more of the following forms:
 - (i) Written censure;
 - (ii) Loss of one or more steps in grade;
 - (iii) Deferment, for a specified period, of eligibility for salary increment;
 - (iv) Suspension without pay for a specified period;
 - (v) Fine;
 - (vi) Deferment, for a specified period, of eligibility for consideration for promotion;
 - (vii) Demotion with deferment, for a specified period, of eligibility for consideration of promotion;

(viii) Separation from service, with notice or compensation in lieu of notice, notwithstanding Staff Rule 9.7 on notice of termination, and with or without termination indemnity pursuant to paragraph (c) of annex I to the Staff Regulations;
(ix) Dismissal.

- c. The final decision to impose a disciplinary measure is the discretionary authority of the Secretary-General.

Rule 9

Secretariat

The Committee shall be assisted by a representative of the Office of Legal Affairs in an advisory capacity in the deliberations of the Joint Disciplinary Committee on an ex officio basis when the advice of the Committee has been requested in a matter pertaining to financial responsibility for gross negligence. The representative may also assist the committee with administrative support if required.

Rule 10

Entry into force and amendments

These rules of procedure shall enter into force upon adoption by the Joint Disciplinary Committee and may be amended by a majority vote of the Members of Joint Disciplinary Committee.