

EUHA

Europäische Union der
Hörakustiker e.V.

Code of Honour

of the

European Union of
Hearing Aid Acousticians

Version of
19 October 2016

Preamble

to the Code of Honour of the EUHA

(European Union of Hearing Aid Acousticians)

Under § 2 concerning the cultivation of the professional honour as well as under § 4 on the protection of an immaculate professional ethos, the statutes of the EUHA characterise part of the EUHA's goals and targets, which are of particular importance in the interest of our profession. The EUHA's Code of Honour was created for the purpose of effecting proceedings of honour of the EUHA's members according to the principles laid down in the Code of Honour.

The Code of Honour printed in the following pages was submitted by the Board to, and approved by, the general meeting of the EUHA held on 19 October 2016.

Rules of Procedure for the Council of Honour of the EUHA

(European Union of Hearing Aid Acousticians)

I. General

§ 1

The Council of Honour is responsible for and has the authority to pass judgement on

- a) acts and defaults performed or omitted by members of the EUHA which are incompatible with a hearing aid acoustician's professional liabilities and the EUHA's standing,
- b) cases of defamatory behaviour and of conflict among EUHA members in which issues of our trade and/or professional liabilities are involved,
- c) cases in which members file an application for proceedings against themselves in order to protect their own honour.

§ 2

The final judgements passed by the EUHA's Council of Honour are as follows:

- a) reprimand,
- b) divestment of an office held,
- c) payment of a fine in support of certain institutions,
- d) rescindment of diploma/certificate,
- e) threat of exclusion from the EUHA,
- f) exclusion from the EUHA.

Judgement passed by the Council of Honour is binding on all members.

§ 3

The Council of Honour is responsible for the implementation of the proceedings of honour.

§ 4

To pass judgement, the Council of Honour must consist of a chairman and two assessors.

The chairman, the two assessors and their respective deputies are elected by the annual general meeting for a period of three years by way of a simple majority of the members present. Re-election is permissible.

The president of the EUHA acts as the chairman's deputy (vice-chairman). Further members (without voting rights) of the Council of Honour include those representatives of the country or state where a conflict among EUHA members or between the Board and one or several members originated.

§ 5

EUHA members are obligated to accept the office of chairman or assessor for the election if no just causes justify a refusal.

The members of the Council of Honour have to abide by the Council's summons. Unauthorised absence is regarded as a violation of the professional liabilities.

II. Exclusion and Rejection of Members of the Council of Honour

§ 6

The chairman or assessors are exempted from holding the office of a member of the Council of Honour

1. if they themselves are harmed by, or otherwise involved in, the case filed for proceedings,
2. if they are related by blood or by marriage, or economically associated with the persons involved in the proceedings.

§ 7

A member of the Council of Honour can be rejected because of suspected prejudice. The request for rejection must be submitted to the chairman or, if need be, the vice-chairman of the Council of Honour in writing and giving appropriate reasons. If the request for rejection is not submitted until after proceedings have commenced, it may only be considered if the requester can demonstrate with sufficient plausibility that he has not been in a position to submit the request at an earlier time.

The chairman of the Council of Honour decides whether the request for rejection is accepted. Should the request for rejection concern the chairman as well, the decision is made by the vice-chairman. If the request is allowed, the chairman, or in the case of his successful rejection, the vice-chairman, will appoint the new assessors.

Should the chairman have been successfully rejected, the vice-chairman, i.e. the president of the EUHA, becomes his successor.

Repeated rejection, even if it is aimed at persons different from those concerned in the first case, is not permissible.

The fact that the term of office of a member of the Council of Honour has ended, remains without effect on instituted proceedings.

III. Proceedings Leading up to the Main Hearing

§ 8

The request for the initiation of proceedings must be submitted in writing to the chairman of the Council of Honour, and, for information, to the president of the EUHA. It can only be filed by a member or organ of the EUHA. The neglect of duty with which the accused is charged must be set out in detail. Evidence must be brought forward.

The chairman or vice-chairman must take all measures within their power to settle the conflict amicably.

§ 9

If all efforts to settle the conflict amicably have failed, the chairman of the Council of Honour decides on the initiation of proceedings by the court of honour (order of initiation).

The order of initiation must be served upon the requester and the accused by registered mail.

The requester may file a complaint against a depreciatory order of initiation.

§ 10

The complaint must be addressed to the EUHA Executive Committee within a period of two weeks commencing on the day of delivery of the registered letter. The complaint must be substantiated by sufficient reasons. The Executive Committee passes a final judgement on the implementation of proceedings by the court of honour.

§ 11

Should the chairman of the Council of Honour regard the case as sufficiently clarified, he sets time and place for the main hearing of the Council of Honour. The summons for the main hearing is addressed to the accused by the chairman of the Council of Honour and served upon him by registered mail. The summons must be accompanied by the request for initiation of proceedings and the accused must be notified of the members of the Council of Honour.

Simultaneously, the assessors, the requestor as well as witnesses and experts who will be heard or consulted during the main hearing must be summoned. The period between service of the summons and the day of the main hearing must not be less than ten days.

The chairman of the Council of Honour may order that a legally trained adviser should take an active part in the main hearing and the counselling. This person must be summoned in due-date time as well.

§ 12

The accused may avail himself of the support of a EUHA member or of a judge or lawyer to protect his interests.

§ 13

The accused and his legal adviser must, at their request and in compliance with the precautions necessary, be allowed to inspect the documents.

IV. The Main Hearing

§ 14

The main hearing before the Council of Honour is closed to the public. Members of the EUHA are admitted to act as observers. The Council of Honour's counselling is conducted in private. The final judgement may be published in the EUHA column of trade journals in which case the Council of Honour decides on the form of announcement deemed appropriate. The EUHA members must be notified of the judgement by circular letter.

§ 15

The main hearing may be held in absentia of the accused provided that he was summoned in proper form and that he was cautioned that the main hearing would also be held in his absence.

The accused may stay absent and have his case pleaded by another EUHA member or his legal representative only if he is able to produce a medical certificate and, upon request, the statement of a public health officer attesting that the accused was unable to attend the main hearing as a result of serious illness.

§ 16

If the proceedings conducted by the Council of Honour are interrelated with criminal acts to be prosecuted or conflicts subject to private law, which can be dealt with by a court of law, the chairman of the Council of Honour, or, after the main hearing has commenced, the Council of Honour, may stay the proceedings at any time until the court of law has clarified the case or passed judgement.

The accused as well as the requester can be instructed to take, within an appropriate period of time, the measures required for initiating such proceedings as are deemed necessary for implementation by a court of law, and to keep the Council of Honour informed on their progress.

§ 17

Generally, the main hearing should progress according to the following stages (modifications are permissible):

opening by chairman of the Council of Honour, reporting by chairman of the Council of Honour, questioning of the requester, questioning of the accused in the witnesses' absence, questioning of the witnesses and specialists separately and one after the other, final statement by the accused, private counselling by the Council of Honour. The legally trained adviser called in by the chairman takes part in the counselling but has no right to vote.

Should it not be possible to terminate proceedings in one session, the next hearing must be held within the term of one month.

§ 18

A recorder, who should be a member of the Council of Honour, is appointed by the chairman to keep the minutes of the main hearing. The minutes must be duly signed by the chairman and the recorder. The minutes are to be read after the hearing has been closed.

§ 19

All decisions of the Council of Honour are reached by majority vote.

§ 20

The final judgement must state the names of the contributing chairman, the assessors, the legally trained adviser who was called in, furthermore the date of the hearing as well as the exact title of the case. The judgement must be supplemented by an explanatory statement and a note testifying that the final judgement is valid in compliance with § 2 and may not be appealed against.

§ 21

The final judgement must be duly signed by the contributing chairman and the assessors. The final judgement will be issued and dispatched by the EUHA's office. Delivery should be by registered mail.

V. Exclusion from the EUHA

§ 22

In the case of exclusion from the EUHA, the person concerned is excluded from the EUHA upon proclamation of the decision.

VI. Revision of Proceedings Terminated by Legal Judgement

§ 23

Proceedings terminated by legal judgement can be revised if either the accused or the chairman of the Council of Honour brings forward new facts or evidence which were not mentioned or, without anybody's fault, not produced in connection with the previous proceedings.

The request for revision must be addressed in writing to the chairman of the Council of Honour. It must be duly substantiated. The Council of Honour reaches a final decision on whether the request is to be allowed. Should the request be regarded as justified, the chairman of the Council of Honour institutes revision and sets a new date for the main hearing.

VII. Costs of Proceedings

§ 24

No fees are charged for proceedings before the Council of Honour, but only expenses in cash. The sum of cash expenses is fixed by the chairman of the Council of Honour. Expenses in cash include travelling expenses and the daily allowances for the persons involved in the proceedings.

§ 25

Every decision must provide regulation as to who will bear the costs of proceedings. In the case of acquittal, the costs will be borne by the requester, in the case of conviction, they will be borne by the accused, unless the Council of Honour makes a different provision. In the case of exclusion, the EUHA will bear the costs.

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