



MEMBERSHIP AND PANELS OF NEUTRALS APPOINTMENT REGULATIONS

August 2021

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PART I: REGULATIONS FOR MEMBERSHIP

1. Membership Application Process:

- 1.1 An application for membership may be made by the completion of an approved Membership Application Form and the submission of such Form to the Secretariat of TIAC.
 - 1.1.1 A Membership Application Form must contain an applicant's name, their address, a declaration that there is no any prior record of misconduct or disciplinary proceedings, and signed by the applicant.
 - 1.1.2 Proof of payment of the prescribed application fee as notified on the Centre's website from time to time.
 - 1.1.3 Completed application forms must be submitted to the Secretariat.
 - 1.1.4 The Secretariat reserves the right to ask an applicant for further and better particulars of their application and/or the necessary amount of payment of the prescribed application fee.
- 1.2 All completed applications will be reviewed in accordance with the Centre's approved procedure, as published on its website from time to time; and in particular, whether an individual applicant meets the minimum criteria for membership at a particular grade of membership of the Centre.
 - 1.2.1. Within five working days from the receipt of a complete Membership Application Form, the Secretariat will either send an acknowledgement of the application to the applicant or, inform the applicant of the outcome of their application or, if necessary, request further and better particulars of the application.
 - 1.2.2. An applicant can be awarded fellow membership based on the information provided. If the grade awarded is higher than the grade of Associate, the applicant will be notified by the Secretariat in writing that they have been awarded that grade and the amount of the additional subscription due. Unless the applicant informs the Secretariat within thirty (30) days of such notification that they do not wish to be awarded a grade higher than Associate, they will be liable for the appropriate rate of subscription fee for the grade awarded.
 - 1.2.3. An applicant may appeal against a decision regarding their eligibility for membership of the Centre, in writing, to the Managing Director, within thirty (30) days of being notified of a decision on their application. The appeal will be dealt with in accordance with the Centre's approved procedure, as published on its website from time to time.

1.2.4. If, for whatever reason, an application for membership is unsuccessful, the accompanying payment less the non-refundable application fee, as published on its website from time to time, will be refunded on request to the Managing Director.

2. Criteria and Qualifications for Membership

1.3 The minimum criteria for eligibility as an **Associate** are that an applicant must have successfully completed one of the following:

- A TIAC introductory course in the field of alternative dispute resolution; or
- A relevant introductory course offered by an accredited ADR Institution or other course by a course provider which has to, specifically, be approved by TIAC;
- Alternatively to any of the above the applicant must have demonstrated relevant experience in the field of private dispute resolution to the level required by the Centre from time to time.

1.4 The minimum criteria for eligibility as a **Member** are that an applicant must have successfully completed one of the following:

- TIAC intermediate level trainings in one of the four disciplines of mediation, arbitration, international arbitration or adjudication;
- A relevant course offered by an accredited ADR Institution in Tanzania or other course by a course provider which is specifically approved by TIAC; or
- Accelerated Route to Membership;

Alternatively to any of the above, the applicant must have demonstrated relevant experience in the field of private dispute resolution to the level required by the TIAC from time to time.

1.5 The minimum criteria for eligibility as a **Fellow** are that an applicant must have successfully completed one of the following:

- TIAC advanced trainings in any one of the four disciplines of mediation, arbitration, international arbitration or adjudication provided by TIAC;
- A relevant advanced course offered by an accredited ADR Institution in Tanzania

or internationally reputable ADR training institution, a course that should specifically be approved by the TIAC;

- Alternatively to any of the above, the applicant must have demonstrated sufficient experience in the field of private dispute resolution to the level required by the Centre from time to time. The applicant must have satisfied such other criteria as the Board of Directors and the Membership and Professional Development Committee may from time to time decide.
- All applicants for Fellowship must pass a Peer Interview in accordance with the Centre's procedure as published from time to time.
- Individuals who choose to follow the mediation route will be required to demonstrate relevant mediation practice before progressing on to the Peer Interview stage.
- The Board of Directors upon recommendation by the Membership and Professional Development Committee may admit a person to Fellow Membership without passing through Peer Interview.

2.3 The Board of Directors has the power to admit a person as an Honorary Fellow of TIAC.

2.4.2. A candidate for Honorary Fellowship shall not be required to pass a Peer Interview.

2.4.3. The proposal for Honorary Fellowship will normally be made by a member of the Board, a member of Senior Management of the Centre, or a member of a Committee

2.4.4. An Honorary Fellow shall be entitled to all of the Ordinary privileges of membership but shall not be required to pay any annual subscription of membership of the Centre.

2.4.5. Honorary Fellowship shall be conferred for the lifetime of the person.

2.4.6. The Board of Directors shall have the power, in its absolute discretion, and at any time, to withdraw the entitlement in any particular case.

2.4.7. The person being proposed for admittance by such route will be someone who can demonstrate that they have been involved in the field of dispute resolution normally for at least 10 years, and achieved national/international eminence and/or renown:

- i. through their high office; or
- ii. through their authorship of authoritative texts on the subject of dispute resolution;
- iii. Through their standing as professor or equivalent in a university or equivalent academic institution where they teach or research in the field of dispute resolution practice and procedure.

2.4 An Associate or Fellow who has retired from their primary profession and who is no longer, nor will be, engaged in any occupation, directly or indirectly concerned with dispute resolution as an advisor or Practitioner, on a fee-earning basis, may apply to be transferred to Retired Status.

2.4.1. A member who has been transferred to Retired Status will remain entitled to the Ordinary Privileges of Membership, save that:

2.4.2. If the member wishes to signify their continued membership of the Centre (on their letterhead or otherwise) they must include the word "Retired" after their designatory letters;

2.4.3. They shall not be entitled to receive invitations to and vote at general meetings; and

2.4.4. They shall not be entitled to stand for election or in the Board of Directors of the Centre but may take serve in the Committees of the Centre.

2.4.5. Any Associate or Fellow may resign as a member of the Centre at any time of their choosing by writing to the Managing Director but, in doing so, must return to the Centre all relevant membership certificates in their possession. No subscription fee, or parts thereof, will be returned to a member when tendering their resignation.

2.4.6. Members who resign will not be entitled to use or access any Ordinary Privileges of Membership.

3. Membership Subscription Fee:

3.1. Membership shall be renewed on annual basis

3.2. Annual subscription fee for associate members shall be TZS 150,000/= for all disciplines of practice approved by the Centre

3.3. Annual subscription fee for Members shall be TZS 250,000/= for all disciplines of practice approved by the Centre.

3.4. Annual subscription fee for Fellows shall be TZS 350,000/= for all disciplines of practice approved by the Centre.

4. Ordinary Privileges of Membership:

4.1. Members who have no outstanding financial obligations in respect of subscriptions to the Centre, and who do not have Retired Status, are entitled to:

4.1.1. receive invitations to and vote at general meetings;

4.1.2. signify their membership of the Centre by use of the appropriate designatory letters (Associate TIAC, or Fellow TIAC), or the public display or presentation of a Certificate of Membership or by wearing or using an appropriate item of Centre's merchandise;

4.1.3. all members who have trained in the adjudication and/or mediation discipline shall, when signifying their membership by use of the appropriate designatory letters which include "(Adjudication)" and/or "(Mediation)" after such designatory letters, as appropriate;

4.1.4. be given access to the Members' Section of the Centre's website and display of resume in the Centre's website;

4.1.5. receive or be given access to the Centre's journal;

4.1.6. attend members' social functions and events;

4.1.7. stand for election to an official office of the Centre or branch/chapter;

4.1.8. access the Centre's resource centre and legal advisory service; and

4.1.9. take advantage of any product or services, provided by third parties at a discounted rate for member.

PART II. REGULATIONS FOR PANEL OF NEUTRALS

5. General Principles

Where the appointment of a third-party neutral falls to be made by the TIAC Board Chair upon recommendation of the Panel Management Committee, then the overriding

principle is that;

- 5.1. All appointments shall be made with a view to selecting, on objective criteria, a suitable person to fulfill the particular role in question and that the appointment shall not be affected by personal factors.
- 5.2. The appointing or recommending authority shall always take such steps as may be reasonable and practicable to satisfy themselves that persons applying for appointment are in fact suitable persons to be appointed.

6. Eligibility:

- 6.1. Appointment to the Panel of Neutrals will only be open to members of the Centre from the levels of Members and Fellows.
- 6.2. Eligible members shall be required to demonstrate that, in all respects and on a continuing basis, they are suitable and competent for consideration for appointment into the Panel of Neutrals and that they wish to be so considered.
- 6.3. Upon appointment, a member shall be issued with a Panel Appointment Certificate (PAC).
- 6.4. The PAC is intended to allow members of TIAC to demonstrate publicly that they have qualifications and are competent to form a tribunal in the relevant discipline of ADR and are achieving and maintaining ethical and competent standards of practice in their discipline or disciplines of dispute resolution at the level of qualification held.
- 6.5. The PAC is not intended to limit or restrict appointments of members of the Centre or any other accredited ADR Centre.

7. Award and renewal of a PAC

- 7.1. A PAC shall be granted by the Board of Chairperson of TIAC upon recommendation by the Panels Management Committee to all qualified members of the Centre on application to the Committee.
- 7.2. An application for a PAC and renewal of a PAC applies to those members who wish to continue to be considered for appointment by the Board Chair or to those who are otherwise eligible and who may recognise the discipline value of a PAC and thus elect to maintain certification for personal or business reasons and assessment

programmes.

- 7.3. Upon expiry of a PAC, its renewal will be conditional on the satisfactory completion by the member of the requirements of the TIAC's Continuing Professional Development (CPD) requirements as laid down by the Centre from time to time and demonstration of maintenance of continuing suitability for appointment, as evidenced by a record of appropriate activity as a neutral relevant to the PAC, or otherwise to the satisfaction of the Panel Management Committee. Upon renewal, the PAC will be valid for a period of up to three years.
- 7.4. PAC will be issued upon payment of certification fee of TZS 300,000/= for a period of 3 years.

8. Renewal procedure

- 8.1. A member seeking renewal of a PAC shall make an application for renewal to the Chair of the Panel Management Committee through the Secretariat, on the form provided for this purpose and approved by the Panel Management Committee from time to time.
- 8.2. Applications for renewal should be submitted two months before expiry of the existing PAC.
- 8.3. An application received out of time may result in it not being processed before the expiry of the member's existing PAC and in that case the PAC will be suspended at its expiry date, until such time as the application has been processed.
- 8.4. Panel members are required to complete a record of their CPD on the relevant on-line database, or if unable to do so, to submit an up-to-date CPD record in hard copy. The form to be completed will include a declaration by the member that he/she has undertaken the CPD required under TIAC CPD regulations as amended from time to time.
- 8.5. The form will also include a declaration by the Panel member that since the granting or last renewal of their PAC he/she has carried out not less than 20 hours' activity as a neutral, the activity to be relevant to the PAC which he/she seeks to renew, and the Panel member shall give brief details of the relevant activity. If the Panel member is unable to make such declaration he/she shall set out any material information which he/she wishes to be considered by the Panel Management Committee when the application is processed.
- 8.6. Satisfactorily completed applications for renewal will be processed as soon as possible and Panel members will be sent a new PAC valid for a period of up to three years.

- 8.7. In order to ensure the integrity of the renewal process, the Secretariat, acting on behalf of the Panels Management Committee, will make further enquiries about the CPD undertaken by a number of Panel members to be selected at random.
- 8.8. If, in the opinion of the Panels Management Committee (or members of the Secretariat to whom it has delegated this function): -
- 8.8.1. The application for renewal has not been satisfactorily completed by the member, or
 - 8.8.2. In the random sampling process the CPD undertaken does not appear satisfactory, or
 - 8.8.3. The applicant has not been able to demonstrate the required amount of practical experience.
- 8.9. The Panel Management Committee may seek more information, or may call the member for interview, or may decline to renew the PAC.
- 8.10. A member who fails to provide additional information or to attend an interview, as required by the Panel Management Committee and referred to above, may have their application for PAC renewal declined.
- 8.11. If, on receipt of a notice from the Panel Management Committee that the PAC shall not be renewed, and a member is aggrieved by such a decision, the member shall be entitled to an appeal to be heard by the Board of Directors in a manner determined by the Board.

9. Interpretation

The interpretation of any provision in these Regulations shall be made by TIAC.

10. Amendment

These Regulations may be amended or modified by Centre at any time without notice.

Adopted by the Board of Directors this 28th Day of August 2021