

from your ExComm

from the Chair,
Therese Moodie-Bloom

Natural Justice

The International Board of Directors (the IBD), made up of your elected representatives, determined that all National Mensas have a formal procedure in place for Dispute Resolution.

However, it is also required by the Mensa [International] Constitution that all members have the right to a 'fair and impartial' hearing, and the Mensa Constitution overrides the National Constitutions.

As you can imagine, the words 'fair and impartial' have almost as many connotations as there are countries and regions! How does one 'fairly and impartially' interpret them?

Our Constitution follows British Law, the Westminster System of government. This is the law under which Mensa International operates. One of the main tenets of Westminster Law is the concept of Natural Justice.

The basic requirements of Natural Justice regarding disputes are that:

- everyone has the right to be heard; the right to present his or her case, or their 'side of the story', otherwise known as *audi alteram partem*;
- everyone has the right for that

hearing to be fair and impartial.

Fair: an accepted, set procedure is followed, the same for all parties.

Impartial: the judges, mediators, adjudicators, panellists have no bias towards or against any of the parties involved. They must have no personal or financial interest whatsoever in the outcome of the case. If someone has already stated a strong opinion on the issue, or about the parties involved, that person must be recused (disqualified) from taking part in the procedure. These are necessary steps to avoid prejudice — also known as *nemo iudex in causa sua*.

These are the two main pillars of Natural Justice, and they apply to decisions of all tribunals, and the judgments of all courts operating under these principles. If these principle are breached, the decision of the tribunal or Court may be declared to be *ultra vires*, ie, having no effect, if found in contravention of natural justice. See also natural law and natural rights

Natural Justice also includes that everyone has a right to know who his/her accuser is, ie, who has brought this complaint against him/her. While discretion may be called for in the early stages of investiga-



tion, when it comes to formal Dispute Resolution there is no room for anonymous accusers in Mensa International.

Fiinally, a concept you will all recognise: **not only must justice be done; it must also be seen to be done.**

The above aphorism is distilled from a quotation attributed to Lord Hewart, who was at the time the Lord Chief Justice of England. The full quotation is much stronger and definitive:

"It is not merely of some importance but I of fundamental importance that justice should not only be done, but should manifestly and undoubtedly be seen to be done." (Rex v. Sussex Justices, [1924] 1KB 256)

All organisations which follow the concept of Natural Justice must have protocols in place to ensure the maintenance of a reputation for integrity, fair play, and impartiality.

Therese
International Chairman