The Institute of Internal Auditors Australia

MEMBER CONDUCT COMPLAINT PROCESS

INTRODUCTION

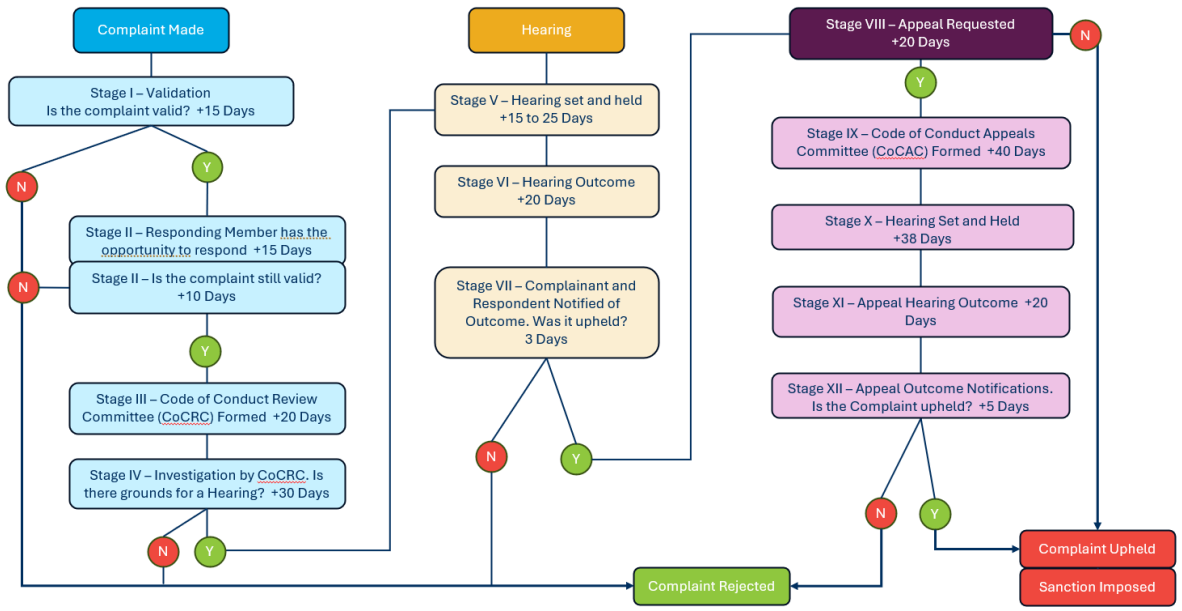
To safeguard the trust and confidence invested in the profession by the public, Institute of Internal Auditors-Australia (**IIA-AU**) is committed to promoting and upholding the highest level of professional standards in the delivery of internal auditing and associated governance, risk, and assurance practice. For this purpose, the IIA-AU has issued a Code of Conduct (**Code**). The Code outlines the expected behaviour and ethical responsibilities required of IIA-AU Professional Fellow, Professional and Associate Members (**Members**).

The IIA-AU takes seriously any alleged breach of the Code of Conduct by a Member, and it will take action as outlined in this document. The principles guiding the Member Complaint and Disciplinary Process (**Process**) aim to consider the perspectives of the person making the complaint (**Complainant**) and the Member who is the subject of the complaint (**Responding Member**). In particular, the IIA-AU will:

- act in an impartial, timely, transparent and, as far as possible, confidential manner.
- reserve the application and scope of the Process to complaints raised about a Member's professional behaviour or character as an internal auditor or associated governance, risk, and assurance professional; and that concern an alleged breach of the Code.
- use this Process to ensure that standards of professional conduct are upheld and that Members behave in an appropriate fashion in accordance with the Code.
- instigate disciplinary proceedings in order to deal with the complaint only when fully satisfied that it is appropriate to do so and will never enter such undertakings lightly.

The IIA-AU's Chief Executive Officer will have overall responsibility for the efficient and responsible administration and delivery of the Process, ensuring that it is implemented as intended.

Member Code of Conduct Review Process



DEFINITIONS

Member means a professional fellow, professional or associate member or members of the Institute of Internal Auditors-Australia, as defined by its Constitution and Bylaws

Board means the Board of Directors of the Institute of Internal Auditors-Australia

CEO means Chief Executive Officer of the Institute of Internal Auditors-Australia.

Code of Conduct Review Committee (CoCRC) means the panel constituted to conduct the independent review of a Member's conduct as outlined in this document

Code of Conduct Appeal Committee (CoCAC) means the panel constituted to hear the appeal against the CoC RC's decision and/or the imposed sanction

Company Secretary means the Company Secretary of the Institute of Internal Auditors-Australia or their representative

Complainant means the person making the complaint.

Days means business days

IIA-AU means Institute of Internal Auditors-Australia.

PREC means the Professional Responsibility and Ethics Committee (**PREC**) which is an independent committee of comprised of Professional Fellow Members (PFIIA) of the Institute of Internal Auditors-Australia appointed by the Board to consider professional conduct and ethics matters.

Professional Conduct means all work-related duties and public behaviours that could bring the profession into disrepute, versus personal conduct in private life, which is generally not covered unless it involves serious dishonesty, prejudice, or becomes publicly associated with the profession.

Professional Fellow Group means the pool of Professional Fellow Members (PFIIA) of the Institute of Internal Auditors-Australia (excluding Board members) approved by the PREC and the Institute of Internal Auditors-Australia Nominations Committee from which members of the CoCRC and CoCAC can be drawn.

Responding Member means the Member against whom the complaint is made.

1. GOVERNING PRINCIPLES

1.1. These procedures deal with complaints about an individual Professional Fellow, Professional or Associate Member. For clarity, it does not apply to Affiliate or Student/Graduate Members as these member classes are not bound by the Code.

1.2. The grounds for a complaint must be that the Member has allegedly demonstrated conduct that breaches (or is deemed to breach) the Code relating to their professional practice.

1.3. Any individual, whether or not they are a Member, may bring such a complaint to the IIA-AU.

1.4. Where information concerning the conduct of a Member has come to the attention of the IIA-AU CEO by means other than the receipt of a complaint (ie by a whistleblower); and the CEO considers it appropriate that the matter should be investigated, a representative from PREC will be appointed to act as the Complainant.

1.5. In conduct review proceedings the standard of proof will be satisfied on a balance of probabilities, with a higher burden required the more serious the alleged offence.

1.6. Confidentiality (and anonymity):

1.6.1. As part of the procedures for making a formal complaint, a complainant will be asked to provide personal details in addition to information relating to the alleged breach of the Code, including their name and contact details. The IIA-AU will not accept complaints that are made anonymously except under exceptional circumstances, and these will be dealt with under rule 1.4 above.

1.6.2. When a complaint is made, the Complainant will be asked to agree that the information provided can be disclosed as required for the undertaking of the Process. This includes providing details of the complaint to the Responding member, members of any committee formed as part of the Process or if required by law. The IIA-AU will apply its best endeavours to not disclose the Complainant's identity to the Member subject to complaint. However, complainants should bear in mind that the nature of the process means that anonymity cannot be guaranteed. The IIA-AU will need to inform the Member about the complaint, providing an opportunity to respond, and this may not be possible without in some way revealing the identity of the complainant.

1.6.3. Once a complaint has been made, the substance of the complaint and all related correspondence, statements and submissions of the Complainant and the Responding Member will be treated with confidentiality by the IIA-AU.

1.6.4. Both the Complainant and the Responding Member will be asked to treat the complaint with confidentiality and will be reminded that failure to do so may prejudice the proceedings.

1.6.5. All other participants involved in the process will also be required to maintain confidentiality, with the exception where a sanction is imposed that requires the IIA-AU to make public its decision.

1.7. In the event of a complaint being received, if the Responding Member seeks to resign before the complaint has been fully dealt with, the resignation will not be accepted until after the complaint has been fully dealt with, including any sanctions, if relevant applied.

1.8. The Complainant retains the right to withdraw a complaint at any time.

2. MAKING A COMPLAINT

Commencing the process by making a complaint

2.1. Formal complaints regarding potential breaches under the Code must be made via the online form. The online form will confidentially send your complaint to the IIA-AU CEO and a copy to the Company Secretary. If a complaint is made in another format, a link to the online form will be sent to the Complainant for completion. The IIA-AU will use this form as a way of ensuring that it has all the information it requires, in the most accessible format.

2.2. So that it can be given full and proper consideration, the complaint should contain all of the following information:

- 2.2.1. the name and contact details of the Complainant
- 2.2.2. the name of the Member subject to the complaint
- 2.2.3. disclosure of the relationship between the Complainant and the Responding Member if any
- 2.2.4. a clear and concise summary of the complaint, including date(s)
- 2.2.5. a description of how and which Code they believe has been breached
- 2.2.6. any supporting documentation that substantiates the complaint together with confirmation that the documentation has been obtained legally
- 2.2.7. confirmation of whether the Complainant knows if the complaint
  - 2.2.7.1. is the subject of a police investigation or if other legal action is contemplated
  - 2.2.7.2. has been made to or is being considered by another professional or regulatory body
  - 2.2.7.3. is, or has been, the subject of an investigation by the member's employer
- 2.2.8. consent that all documentation that has been submitted may be disclosed to the Responding Member and to other relevant third parties.
- 2.2.9. Consent that all submitted documentation may be shared with those selected to for the CoCRC, and the CoCAC if required.

3. STAGE I: VALIDATION OF THE COMPLAINT

Stage I – up to 15 Days

3.1. Within 10 Days of receipt of a complaint, the CEO will determine:

3.1.1. Whether it is valid or invalid, and

3.1.2. if valid, whether other proceedings (if there are any) should conclude before the complaint can proceed

3.2. A valid complaint must satisfy all the following conditions apply:

3.2.1. It is complete in terms of the information stipulated in 2.2

3.2.2. it relates to an alleged breach of the Code

3.2.3. it relates to Professional Conduct

3.2.4. it relates to a current Member of the IIA-AU who was a Member at the time of the alleged breach

3.2.5. there is no compelling evidence on hand that the complaint is unfounded, vexatious, or malicious.

3.3. A complaint will be deemed invalid if one of the conditions in 3.2 is not met. If it is invalid only because the information supplied was insufficient to meet the requirements of 2.2, then the CEO may, at their discretion, request the Complainant produce the remaining information within 10 Days or the matter will be closed. Note this resets the timeline.

3.4. If the complaint is valid, and the CEO is aware of other proceeding taking place in relation to the complaint, then one of the following will take place:

3.4.1. If legal proceedings are intended or have already commenced, then the complaint will not proceed, and the matter will be closed. Once legal proceedings are concluded, the Complainant may make a new complaint if they wish to reopen the matter for consideration

3.4.2. If other proceedings are before a regulatory body, professional body or the employer of the Responding Member, the CEO will consider the hierarchy of authority held by the other party given the nature of the complaint to determine whether to proceed or suspend the process. If the decision is to suspend, it is the responsibility of the Complainant to notify the CEO and Company Secretary when that other party's process has concluded and the findings. If no update is provided within 12 months the complaint will be deemed to be withdrawn

3.5. Within 5 Days of the CEO's determination on the validity of the complaint and its ability to proceed, the Company Secretary:

3.5.1. Will write to the Complainant sharing a copy of this document and advising one of the following:

3.5.1.1. The complaint is invalid and therefore there will be no action taken

3.5.1.2. The complaint is valid, however due to legal proceedings being underway, there will be no action taken, but the Complainant can lodge a new complaint once the legal proceedings are concluded

3.5.1.3. The complaint is valid, however as there are other non-legal proceedings underway, the process is suspended awaiting that outcome and that the Complainant has up to 12 months to request that the process be continued

3.5.1.4. The complaint is valid and will proceed to the investigation stage.

3.5.2. Will write, by recorded delivery, to the Responding Member if the complaint is valid and is proceeding to the investigation stage, advising:

3.5.2.1. the details of the complaint

3.5.2.2. the procedures IIA-AU will follow in handling the complaint and include a copy of this document

3.5.2.3. that if upheld, possible sanctions may be applied

3.5.2.4. that Responding Member should send a written response to the allegations the IIA-AU within 15 Days of being notified, or request an extension with an explanation of why a response cannot be given within that timeline

3.5.3. Record the decision and communications in the CoC Register and inform the members of the PREC.

4. STAGE II: RESPONDING MEMBER RESPONSE & REVALIDATION

Stage II up to 15 Days for the Responding Member to respond and then up to 10 Days for revalidation.

4.1. Stage II is triggered when:

4.1.1. the Responding Member's response is received

4.1.2. Any request by the Responding Member for an extension has been considered by the CEO and the Responding Member notified

4.1.3. No response is received by the Responding Member by either the end of the 15 days or, if applicable an extension deadline.

4.2. Within 5 Days of receipt of a response, the CEO will determine:

4.2.1. Whether, based on 3.2, it is still valid or invalid, and

4.2.2. if valid, whether other proceedings (if there are any) should conclude before the complaint can proceed as per 3.4

4.3. Within 5 Days of the CEO's determination on the validity of the complaint based on the responding members response and its ability to proceed, the Company Secretary:

4.3.1. Will write to the Complainant advising one of the following:

4.3.1.1. The complaint is invalid and therefore there will be no action taken

4.3.1.2. The complaint is valid, however due to legal proceedings being underway, there will be no action taken, but the Complainant can lodge a new complaint once the legal proceedings are concluded

4.3.1.3. The complaint is valid, however as there are other non-legal proceedings underway, the process is suspended awaiting that outcome and that the Complainant has up to 12 months to request that the process be continued

4.3.1.4. The complaint is valid and will proceed to the next stage.

4.3.2. Will write to the Responding Member if the complaint is valid and is proceeding.

4.3.3. Record the decision and communications in the CoC Register and inform the members of the PREC.

5. STAGE III: FORMATION OF THE COC REVIEW COMMITTEE

Stage III – up to 20 Days

5.1. Stage III is triggered when the Company Secretary advises members of PREC that following the CEO's review of the Responding Member's response the complaint is still considered valid and ready to proceed

5.2. Within 15 Days of notice (5.1) the members of PREC will:

5.2.1. Consider any real or perceived conflicts of interest the members may have regarding the Complainant and Responding Member and determine if any member needs to be excluded

5.2.2. Determine which member will Chair the CoCRC

5.2.3. Inform the Professional Fellow Group that a CoCRC is being established and only the names of the parties before it

5.2.4. Call for and determine two volunteers from the Professional Fellow Group that do not have any connection with the Complainant and/or Responding Member to join the CoCRC

5.2.5. Advise the Company Secretary of the names of the CoCRC members

5.3. Within 5 Days of the CoCRC being established the Company Secretary will:

5.3.1. provide the CoCRC members with secure access to all materials relating to the matter and

5.3.2. notify the Complainant and the Responding Member of the names of the CoCRC members, giving both parties 5 Days within which to object to the appointment of one or more CoCRC members. To be considered the objection must be accompanied by a detailed explanation as to why the CoCRC member(s) would not be able to act impartially in the process.

6. STAGE IV: INVESTIGATION OF THE COMPLAINT

Stage IV – up to 30 Days

6.1. Stage IV is triggered when the Company Secretary notifies CoCRC members that they have access to the materials of the matter

6.2. If under 5.3.2, an objection is received by either party, the PREC will consider the application and if deemed appropriate determine replacement members for the CoCRC. The decision and action taken, along with any timeline impact will be notified to the Company Secretary, who will in turn notify both parties. There are no further rounds of objection.

6.3. The CoCRC will have secretarial support from the Company Secretary and if it needs additional resourcing on a general or specific nature, the CEO will consider such requests, but may, at their discretion decline based on the needs of the organisation, without further explanation

6.4. The CoCRC will review the available material and considering the alleged breach of the Code and the powers of IIA-AU, determine if the complaint needs further investigation before holding a hearing, and what investigation activities are appropriate. Investigation avenues available to the CoCRC include:

6.4.1. Requesting additional information or written responses to questions on notice from either or both parties

6.4.2. Accessing the IIA-AU's records on the Responding Member's records including their continuing professional education activity

6.4.3. Requesting the CEO and/or Company Secretary to make specific enquiries with other parties associated with the facts of the complaint, noting that there may be factors inhibiting or limiting the IIA-AU's ability to action

6.4.4. Recruiting Professional Fellow Group members with specialist knowledge

6.4.5. Other means in conjunction with the CEO, noting that there may be factors inhibiting or limiting the IIA-AU's ability to action

6.5. Within 25 Days of stage IV being triggered the CoCRC must make one of the following determinations:

6.5.1. Complaint unable to proceed. No further action is warranted in a number of circumstances including (but not limited to):

6.5.1.1. The Evidence to support the complaint is insufficient or has been found to be unsubstantiated

6.5.1.2. The allegations are found to be trivial, frivolous, or malicious

6.5.1.3. The time elapsed since the alleged breach of the Code is such that proper discovery of the facts is no longer possible.

6.5.2. Complaint sufficiently upheld in another proceeding. Proceeding straight to considering sanctions is warranted in a number of circumstances including (but not limited to) when the Responding Member has already been:

6.5.2.1. sanctioned by an IIA organisation (IIA Inc, institute, affiliate, or chapter)

6.5.2.2. found by a criminal court of an offence that could be prejudicial to the ability to comply with the Code

6.5.2.3. established by a third party and is a substantial breach of the Code, to the extent that a failure to take action promptly would bring IIA-AU into disrepute or be prejudicial to the interests of IIA-AU

6.5.3. Complaint to proceed to hearing, which requires the CoCRC to determine:

6.5.3.1. The date of the hearing, which cannot be less than 15 Days and not more than 25 Days from this decision

6.5.3.2. The format of the hearing including accessibility

6.6. The CoCRC will provide the Company Secretary a written report outlining its decision and, under 6.4.1 or 6.4.2 the specific reasons

6.7. Within 5 Days of receiving the CoCRC report, the Company Secretary will advise the Complainant and the Responding Member one of the following:

6.7.1. The CoCRC has concluded its investigation and determined that there are insufficient grounds for the complaint to proceed to hearing. As a result, the complaint is now closed

6.7.2. The CoCRC has found that there is sufficient evidence to proceed to determining sanctions referencing where appropriate the CoCRC investigation findings

6.7.3. The CoCRC has determined to proceed to hearing and the details of the hearing

7. STAGE V: COCRC HEARING

Stage V – 15 to 25 Days after Stage IV

7.1. Stage V is triggered by the hearing date establish in 6.4.3 and outlines how the hearing will proceed

7.2. Attendance:

7.2.1. The CoCRC both attend and rule the procedures at the hearing

7.2.2. Both the Complainant and the Responding Member are invited to attend the hearing

7.2.3. The Complainant and the Responding Member may each have one non-representing adult support person in attendance.

7.2.4. A condition of attendance under 7.2.2 and 7.2.3 is that parties accept that the CoCRC Chair controls proceedings and will exercise judgement in the hearing on how to hear both parties while enabling the CoCRC to explore the alleged breach of the Code best served for natural justice

7.2.5. The Chief Executive Officer, Company Secretary and/or delegate will attend the hearing to provide procedural guidance and administrative support.

7.2.6. IIA-AU may have other people present in specific specialised capacities

7.2.7. The Chair has the right to eject any person that the majority of CoCRC members believe may be acting in bad faith or in a manner inconsistent with Code in these proceedings

7.3. Commencing and postponing the Hearing:

7.3.1. If either party does not attend the hearing and the CoCRC is satisfied that correct notice has been given, it may proceed in their absence.

7.3.2. The CoCRC Chair may postpone or adjourn the hearing at any point. This can be triggered by:

7.3.2.1. The Responding Member requesting such an adjournment to allow time to provide additional evidence and testimony if new matters arise during the proceedings.

7.3.2.2. If in the opinion of the majority of the CoCRC, such action should be taken to allow for evidence of new information to be provided. NB: The CoCRC has no powers to compel.

7.4. Proceedings

7.4.1. The Chair of the CoCRC chairs the hearing and manages proceedings which generally follow this path.

7.4.2. The Company Secretary will take the minutes of proceedings

7.4.3. Establishing the complaint

7.4.3.1. The Chair will first establish the complaint, the alleged breach of the Code, the evidence so far presented, and the resulting scope for the hearing

7.4.4. Hearing the Complainant

7.4.4.1. the Complainant will be invited to make a brief opening statement

7.4.4.2. the Chair will ask and invite questions from the other CoCRC members

7.4.4.3. The Chair will offer the Responding Member the opportunity to ask some questions via the Chair. The Chair has full discretion over whether to ask the question, to ask it in a reframed manner, or reject the question without explanation.

7.4.5. Hearing the Responding Member

7.4.5.1. the Responding Member will be invited to make a brief opening statement

7.4.5.2. the Chair will ask and invite questions from the other CoCRC members

7.4.5.3. the Chair will offer the Complainant the opportunity to ask some questions via the Chair. The Chair has full discretion over whether to ask the question, to ask it in a reframed manner, or reject the question without explanation.

7.4.6. Right of reply

7.4.6.1. The Responding Member and Complainant will be offered an opportunity to address what has been presented without the other party present.

7.4.7. Conclusion

7.4.7.1. The Chair will conclude the hearing without making a determination

8. STAGE VI: COCRC HEARING OUTCOMES

Stage III – up to 20 days

8.1. Stage VI is triggered once the hearing has been concluded

8.1.1. The CoCRC first must determine if the Responding Member breached the Code and will decide upon one of the following outcomes:

8.1.2. to uphold the complaint, or

8.1.3. to reject the complaint

8.2. If the CoCRC determines that the complaint is upheld, it must then consider what the appropriate sanction is to impose.

8.2.1. The CoCRC may impose one or more of the following sanctions (Sanctions):

8.2.1.1. : conditions for continued membership (eg completing further training or periods of mentoring)

8.2.1.2. a reprimand or imposing conditions for continued membership (e.g. completing further training or periods of mentoring)

8.2.1.3. a suspension from membership for a specified period not exceeding three years

8.2.1.4. a permanent expulsion from membership.

8.2.2. In extreme situations, in addition to the above, the CoCRC may in impose one or more of the following public notification sanctions (Public Sanctions). Prior to implementing any Public Sanction, the CoCRC must consult with the Chief Executive Officer to consider the CEO's assessment of potential legal and reputational risks and implications. The CoCRC retains discretion to proceed with the sanction, providing written reasons if proceeding contrary to the CEO's risk assessment:

8.2.2.1. a letter be sent by the IIA-AU to the Member's employer to advise them that a complaint against the Responding Member has been upheld.

8.2.2.2. A notice of the decision and sanctions be published by the IIA-AU in a communications channel available to the organisation.

8.2.3. Time periods: If the Sanction requires action or compliance by the Responding Member, the CoCRC will also determine at the same time the action to be taken if the Member fails to comply, usually within three months, or within the time set by the CoCRC.

8.3. Decisions of the CoCRC will be made on a majority basis

8.4. The CoCRC will document its decision in two parts:

8.4.1. Did the Responding Member breach the Code, and on what basis has the CoCRC reached this decision

8.4.2. If the Responding Member did breach the Code, what Sanctions and/or Public Sanctions does the CoCRC impose. The rationale for the sanctions (imposed and/or recommended should be included.

8.5. The report will be signed by at least the majority of members of the CoCRC

8.6. Within 10 Days of the hearing the CoCRC will send this report to the CEO.

8.7. The report will form part of the minutes of the CoCRC along with the record of the proceedings and be kept accordingly

9. STAGE VII: NOTIFICATIONS

Stage VII – 3 Day

9.1. Stage VII is triggered when the CoCRC issues its report to the CEO.

9.2. Within 3 Days of the trigger the Company Secretary will send to the Responding Member and to the Complainant written notice of the CoCRC's decisions, including the reasons and sanctions to be imposed. If the complaint has been upheld, the notice will also advise both parties that the Responding Member has a right to appeal the decision within 21 days of the date of notification and that if exercised they will be responsible for all costs borne by IIA-AU in the Appeal process.

9.3. If the complaint was upheld, if there is no request for appeal received within 15 Days, the Company Secretary will put into place the sanctions and notify IIA Inc of the disciplinary action.

10. STAGE VIII REQUESTING AN APPEAL

Stage VIII – up to 20 days

10.1. Stage VIII is triggered if the Responding Member applies to appeal against the finding or a sanction within 15 Days of notice having been issued.

10.2. The Member seeking an appeal will be required to affirm that they will cover IIA-AU's costs if it is determined that an appeal should be heard and to state the grounds of appeal and the grounds so stated will not thereafter be amended except with the leave of the CoCAC.

10.3. The Company Secretary will acknowledge receipt and advise the Complainant and PREC of the request for an appeal within 5 Days of receipt.

11. STAGE IX COCAC FORMATION AND INITIAL DETERMINATION

Stage IX – up to 40 Days

11.1. Stage IX is triggered when PREC is notified of an appeal being lodged.

11.2. Within 15 Days of notice (10.3) the members of PREC will:

11.2.1. Exclude the CoCRC Chair from further discussions

11.2.2. Consider any real or perceived conflicts of interest the remaining members may have regarding the Complainant and Responding Member and determine if any member needs to be excluded

11.2.3. Determine which member will Chair the CoCAC

11.2.4. Inform the Professional Fellow Group that a CoCAC is being established and only the names of the parties before it

11.2.5. Call for two volunteers from the Professional Fellow Group that do not have any connection with the Complainant and/or Responding Member, and have not participated in the CoCRC to join the CoCAC

11.2.6. Advise the Company Secretary of the names of the CoCAC members

11.3. Within 5 days of the CoCAC being established the Company Secretary will:

11.3.1. provide the CoCAC members with secure access to all materials relating to the matter and

11.3.2. notify the Complainant and the Responding Member of the names of the CoCAC members.

11.4. Within 10 Days of the CoCAC being established they will review the appeal request and decide by majority whether there are sufficient grounds to support the appeal, including significant evidence not considered by the original hearing. This will be communicated to the CEO.

11.5. If the CoCAC determines that an appeal should be heard, the CEO will determine an estimate of the costs of the appeal, including legal counsel if required and within 10 Days the Company Secretary will advise the Responding Member that the CoCAC will hear the appeal and advise the cost estimate that the Responding Member must pay in advance to proceed.

11.6. If the CoCAC determines that an appeal should not be heard, the Company Secretary will notify the Responding Member of the decision within 10 Days. This communication does not need to include the reason for the decision.

12. STAGE X COCAC HEARING

Stage X – up to 38 Days

12.1. Stage X is triggered when the Responding Member makes payment for the Appeal

12.2. Within 10 Days the members of PREC will determine and advise the Company Secretary:

12.2.1. The date of the hearing, which cannot be less than 15 Days and not more than 25 Days from this decision

12.2.2. The format of the hearing including accessibility

12.3. Within 3 Days the Company Secretary will notify the Complainant and the Responding Member of the details of the hearing

12.4. Attendance:

12.4.1. The CoCAC both attend and rule the procedures at the hearing

12.4.2. Both the Complainant and the Responding Member are invited to attend the hearing

12.4.3. The Complainant and the Responding Member may each have one non-representing adult support person in attendance.

12.4.4. A condition of attendance under 12.4.2 and 12.4.3 is that parties accept that the CoCAC Chair controls proceedings and will exercise judgement in the hearing on how to hear both parties while enabling the CoCAC to explore the appeal in a manner best served for natural justice

12.4.5. The Chief Executive Officer and Company Secretary will attend the hearing to provide procedural guidance and administrative support.

12.4.6. IIA-AU may have other people present in specific specialised capacities

12.4.7. The Chair has the right to eject any person that the majority of CoCAC members believe may be acting in bad faith or in a manner inconsistent with Code in these proceedings

12.5. Commencing the Hearing:

12.5.1. If either party does not attend the hearing and the CoCAC is satisfied that correct notice has been given, it may proceed in their absence.

12.6. Proceedings

12.6.1. The Chair of the CoCAC chairs the hearing and manages proceedings which will generally follow this path.

12.6.2. The Company Secretary will take the minutes of proceedings

12.6.3. Establishing the appeal

12.6.3.1. The Chair will first establish the background facts and determinations, outline the stated grounds for appeal, and the resulting scope for the hearing

12.6.4. Hearing the Responding Member

12.6.4.1. the Responding Member will be invited to make a brief opening statement

12.6.4.2. the Chair will ask and invite questions from the other CoCAC members

12.6.4.3. The Chair will offer the Complainant the opportunity to ask some questions via the Chair. The Chair has full discretion over whether to ask the question, to ask it in a reframed manner, or reject the question without explanation.

12.6.5. Hearing the Complainant

12.6.5.1. the Complainant will be invited to make a brief opening statement

12.6.5.2. the Chair will ask and invite questions from the other CoCRC members

12.6.5.3. the Chair will offer the Responding Member the opportunity to ask some questions via the Chair. The Chair has full discretion over whether to ask the question, to ask it in a reframed manner, or reject the question without explanation.

12.6.6. Right of reply

12.6.6.1. The Responding Member and Complainant will be offered an opportunity to address what has been presented without the other party present.

12.6.7. Conclusion

12.6.7.1. The Chair will conclude the hearing without making a determination

13. STAGE XI: COCAC HEARING OUTCOMES

Stage XI – up to 20 Days

13.1. Stage VI is triggered once the hearing has been concluded

13.1.1. The CoCAC first must determine if the Responding Member breached the Code and will decide upon one of the following outcomes:

13.1.2. to uphold the decision of the CoCRC, or

13.1.3. to overturn the decision of the CoCRC

13.2. If the CoCAC determines that the complaint is upheld, it must then consider if the Sanctions/Public Sanctions imposed should be different from those determined by the CoCRC.

13.2.1. The CoCAC may impose one or more of the following sanctions (Sanctions):

13.2.1.1. : conditions for continued membership (eg completing further training or periods of mentoring)

13.2.1.2. a reprimand or imposing conditions for continued membership (e.g. completing further training or periods of mentoring)

13.2.1.3. a suspension from membership for a specified period not exceeding three years

13.2.1.4. a permanent expulsion from membership.

13.2.2. In extreme situations, in addition to the above, the CoCAC may impose one or more of the following public notification sanctions (Public Sanctions). Prior to implementing any Public Sanction, the CoCRC must consult with the Chief Executive Officer to consider the CEO's assessment of potential legal and reputational risks and implications. The CoCRC retains discretion to proceed with the sanction, providing written reasons if proceeding contrary to the CEO's risk assessment:

13.2.2.1. a letter be sent by the IIA-AU to the Member's employer to advise them that a complaint against the Responding Member has been upheld.

13.2.2.2. A notice of the decision and sanctions be published by the IIA-AU in a communications channel available to the organisation.

13.2.3. Time periods: If the Sanction requires action or compliance by the Responding Member, the CoCAC will also determine at the same time the action to be taken if the Member fails to comply, usually within three months, or within the time set by the CoCAC.

13.3. Decisions of the CoCAC will be made on a majority basis

13.4. The CoCAC will document its decision in two parts:

13.4.1. Did the Responding Member breach the Code, and on what basis has the CoCRC reached this decision

13.4.2. If the Responding Member did breach the Code, what Sanctions and/or Public Sanctions does the CoCAC impose. The rationale for the sanctions (imposed and/or recommended should be included.

13.5. The report will be signed by at least the majority of members of the CoCAC

13.6. Within 10 Days of the hearing the CoCAC will send this report to the CEO.

13.7. The report will form part of the minutes of the CoCAC along with the record of the proceedings and be kept accordingly

14. STAGE XII: APPEAL NOTIFICATIONS

Stage XII – up to 20 Days

14.1. Stage XII is triggered when the CoCAC issues its report to the CEO or, if there are recommended sanctions, when the CEO has made a decision about them.

14.2. Within 5 Days of the trigger the Company Secretary will send to the Responding Member and to the Complainant written notice of the CoCAC's decisions, including the reasons and sanctions to be imposed.

14.3. If there remain outstanding costs from the appeal beyond the original payment, an invoice will be issued to the Responding Member for immediate payment.

14.4. This concludes the matter, and no further action can be taken.

14.5. Within 15 Days, the Company Secretary will put into place the sanctions and notify IIA Inc of the disciplinary action.

15. RECORDS OF COMPLAINTS

16. Record keeping

16.1. Records, data, and evidence relating to complaints will be held accordingly:

16.1.1. Permanently where the complaint is upheld and sanctions imposed

16.1.2. Permanently where an appeal hearing is held regardless of outcome

16.1.3. As per IIA-AU record management policies for all other situations.

16.2. The Chief Executive Officer and Board will receive a report of every complaint and outcome, prepared by the Company Secretary.

16.3. The Company Secretary will maintain a register of all complaints received and the decisions made throughout the process. Where it has been determined that there is no case to answer, the register entry will be anonymous so that no details of the Member subject to complaint appear. Otherwise, the name of the Member subject to complaint will be held on the register for at least seven years following the sanction imposed.