



APPEALS POLICY AND PROCEDURE

ISACA[®]
South Africa Chapter

APPEALS POLICY AND PROCEDURE

1. Introduction

The Appeals Committee shall decide appeals regarding decisions of the Ethics Committee, following a summary finding or hearing, or it may consider a Change in Material Facts Appeal as provided below. In the case of a Summary Finding of Violation, an appeal may be submitted in writing pursuant to The Appeals Committee.

2. Procedure

2.1. Appeals must be submitted in writing to the Chair of the Appeals Committee c/o Ethics Committee Staff Liaison ("SL") by postal delivery to the mailing address of ISACA headquarters in Illinois (3701 Algonquin Rd, Ste. 1010, Rolling Meadows, IL 60008 or ethics@isaca.org. The Appeals Committee will meet using the same methods as the Ethics Committee; Respondent shall not be present during Appeals Committee deliberations. The Appeal should outline the basis for the appeal which is limited to:

- (a) Failure of the Ethics Committee to follow this Process; or
- (b) Severity of disciplinary action imposed; or
- (c) Material errors of fact.
- (d) For items (a) and (b) above, appeals must be submitted in writing by the Respondent within forty-five (45) calendar days of receipt of the decision from the Ethics Committee.

2.2. Where there is a change in materials facts operative in the initial determination, the Appeals Committee may consider one, additional appeal from the Respondent ("Change in Material Facts Appeal").

2.3. If the Appeals Committee determines that the request for appeal has an appropriate basis, the Appeals Committee shall serve notice, pursuant to Section 4 (*Notifications*), that the Appeal has been accepted. Such notice shall contain the following:

- 2.3.1. The Appeal shall be limited to a review of the written record, and shall not include a hearing or any similar trial-type proceeding, except in the case of a Change in Material Facts Appeal.
- 2.3.2. Only facts and conditions up to and including the time of the Ethics Committee's determination as represented by facts known at the time of the hearing are considered during an Appeal, except in the case of a Change in Material Facts Appeal.

2.4. The Appeals Committee will take one of the following actions:

- 2.4.1. Affirm the Ethics Committee's decision, or its own decision;
- 2.4.2. Modify the Ethics Committee's, or its own decision, including the recommended disciplinary action(s); or
- 2.4.3. Reverse the Ethics Committee's, or its own decision, in which case any disciplinary action(s) imposed shall be rescinded.

2.5. The Appeals Committee shall reach a decision within forty-five (45) calendar days from receipt of Appeal and notify the Respondent, ISACA CEO, Complainant(s), Ethics Committee Chair, the International President, the relevant Chapter President and the SL pursuant to Section 4 (*Notifications*).

2.6. A copy of the record, all materials considered by the Appeals Committee, and a copy of the notification of decision shall be maintained by ISACA headquarters.

2.7. Decisions of the Appeals Committee are final.

3. Publication

3.1. After an Appeal has been decided, or after the time within which a Respondent has to Appeal for a failure of the Ethics Committee to follow this Process or material errors of fact, has expired, information regarding disciplinary action may be disseminated as follows:

APPEALS POLICY AND PROCEDURE

- 3.1.1. From time to time there may be ISACA-wide publication of final actions taken by the Ethics Committee via newsletters, web sites and/or other means. This is done for educational purposes only and will not identify any Respondent by name who has been reprimanded, censured or suspended.
- 3.1.2. In the case of censure or suspension of membership or credential, notification may also be disseminated to the President of the Respondent's Chapter pursuant to terms provided by ISACA. Such terms shall indicate that dissemination of disciplinary actions shall be provided only to those who need to know of the action to enforce the disciplinary action (e.g., suspend Chapter membership).

4. Notifications

All notifications under the Appeals Process shall be disseminated in writing, by verifiable means, without undue delay, but in no case later than thirty (30) calendar days to the parties named in the applicable section.

5. Miscellaneous

- 5.1. All parties are encouraged to contact ISACA headquarters if they have any questions regarding the Ethics Code or this Process
- 5.2. All reports, findings, and materials created, collected or submitted in connection with the Complaint process, including but not limited to information submitted by a Complainant or a Respondent are ISACA's confidential property. Materials submitted to ISACA in connection with a Complaint or investigation will not be returned unless agreed to prior by the Complainant or Respondent and ISACA.
- 5.3. ISACA will take reasonable measures to ensure that any proceedings, hearings, deliberations, Appeals and/or files resulting from implementation of this Process shall be and remain confidential except as required by law, or as necessary to fully investigate a complaint or as otherwise provided in this Process.

6. Review

This Policy and Procedure shall be reviewed annually or as necessary.

7. Amendment History

| Revision Number | Date | Author Name & Designation | Amendment comment |
|-----------------|----------------|---------------------------------------|-------------------|
| 0.1 | 4 October 2019 | Arlene-Lynn Volmink (President) | Document Created |
| 0.2 | | Esther van der Walt (Finance Manager) | Peer Reviewed |
| 0.3 | | Tania Rhode (Consultant) | Peer Reviewed |
| | | | |
| | | | |

8. Approval

This policy document was approved by the ISACA SA Board of Directors on 31 October 2019.