

# Exemplar Global Appeals Procedure

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## Exemplar Global Appeals Procedure

### 1. Definitions

<b>Appeal</b>	A formal request against a determination
<b>Appellant</b>	Means the person who is appealing against a determination or sanction
<b>Appeal Committee</b>	Means the committee appointed by the Vice President Operation to determine an appeal in accordance with this procedure
<b>Appeal Determination</b>	Means a determination of appeal by the Appeal Committee
<b>Code of Conduct</b>	The Exemplar Global Code of Conduct
<b>Complaint</b>	A grievance against Exemplar Global certified persons, decisions, service or Training Providers in accordance with clause 3.1 of this complaints procedure by means of Exemplar Global complaint form.
<b>Complaints procedure</b>	This complaints procedure
<b>Corrective Action</b>	Internal actions taken by Exemplar Global as appropriate
<b>Customer Charter</b>	The Exemplar Global Customer Charter
<b>Determination</b>	The outcome of the review by the Vice President, Operations of a complaint
<b>Investigation</b>	The review of a complaint
<b>Investigator</b>	The person appointed by the Vice President, Operations to review and investigate a complaint
<b>Sanction</b>	Increased frequency of surveillance of knowledge, skills and attributes. A warning, downgrade in certification or scope or both. Suspension or Withdrawal of Certification under the Exemplar Global disciplinary procedure.
<b>Vice President, Operations</b>	The Exemplar Global Vice President of Operations

## Exemplar Global Appeals Procedure

### 1.1 Interpretation

In this Complaints Procedure, unless the contrary intention appears:

- (a) Words in the singular number include plural and words in the plural number include the singular;
- (b) Words importing a gender include any other gender; and
- (c) All references to clauses are clauses in this Appeals Procedure.

## 2. Scope of Appeals Procedure

### 2.1 Matters which may be appealed

This Appeals Procedure applies to Appeals which relate to:

- (a) A Determination of a Complaint; and
- (b) A Sanction imposed in accordance with the Exemplar Global Disciplinary Procedure.

### 2.2 Grounds of Appeal

The grounds of Appeal are limited to one or more of the following:

- (a) New evidence;
- (b) Failure by the Investigator or Vice President, Operations to follow the Complaints Procedure;
- (c) A material error or omission of fact by the Vice President, Operations in determining a Complaint; and
- (d) The severity of Sanction imposed.

## 3. Fees

### 3.1 Fee requirements

- (a) An Appellant will submit simultaneously with his or her Appeal the fee payable.
- (b) The fees payable are set out in the Schedule of Fees.

## 4. Submission of Appeals

### 4.1 Appeal Shall Be Submitted

- (a) Be in writing;
- (b) Be submitted via the Exemplar Global Appeals Form;
- (c) (If the Appeal is received otherwise via the Exemplar Global Appeals Form), the Appellant shall be referred by the proper officer of Exemplar Global for formal submission of the Appeal by the Appellant;

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- (d) Be submitted within 14 days after the Parties are notified of the Determination by the proper officer;
- (e) Include the Appeal Fees, if applicable;
- (f) Clearly identify the Determination or Sanction which is the subject of the Appeal;
- (g) Clearly state the grounds on which the Appeal is made; and
- (h) Have attached to it the evidence and submissions that the Appellant relies on in support of his Appeal.

### 4.2 Non Discriminatory Actions

- (a) Submission, investigation and decision on Appeals shall not result in any discriminatory actions against the Appellant.

## 5. Receipt and Initial Review of the Appeal

### 5.1 Customer Relations Coordinator

- (a) The Customer Relations Coordinator will receive the Appeal submitted via the Exemplar Global Website and acknowledge receipt of the Appeal to the Appellant within 3 days of receipt.
  - (i) Acknowledgement does not imply that an Appeal Determination has been made.
- (b) The Customer Relations Coordinator conducts the initial review of the Appeal to determine compliance to clause 4.1.
  - (ii) If complaint meets clause 4.1, the Customer Relations Coordinator refers the Appeal to The Vice President, Operations.

## 6. Referral of Appeal

### 6.1 Referral of Appeal by Vice President, Operations

- (a) The Vice President, Operations appoints an Appeal Committee and notifies the applicant of the referral.

## 7. Appeal Committee

### 7.1 Composition of the Appeal Committee

- (a) The Appeal Committee is appointed by the Vice President, Operations and consists of three (3) members, at least one (1) of whom shall be an Exemplar Global board member.
  - (i) The Appeal Committee shall act independently, impartially and objectively; and
  - (ii) None of the members shall be different than those involved in the Determination being appealed. The Appeal Committee will act independently, impartially and objectively.

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### 8. Notification of Appeal

- (a) The Appeal Committee shall provide to the Respondent a copy of the Appeal and the Appellant's evidence and submissions.
- (b) The Respondent may provide to the Appeal Committee evidence and submissions in relation to the Appeal within 14 days.
- (c) The Appeal Committee will provide to the Appellant copies of any evidence and submissions it receives from the Respondent.

### 9. Determination of Appeal

#### 9.1 Determination of the Appeal Committee

- (a) Within a reasonable period of receipt of the Parties' evidence and submissions, the Appeal Committee shall determine the Appeal either by dismissing the Appeal or upholding the Appeal.
- (b) If the Appeal Committee dismisses the Appeal, no further action is required by Exemplar Global, except to inform the Appellant and Respondent of the Appeal Determination.
- (c) If the Appeal Committee upholds the Appeal, it shall substitute its own Appeal Determination in place of the Determination.

#### 9.2 Notification of Determination

- (a) The Appeal Committee will report the Appeal Determination to The Vice President, Operations.
- (b) The Vice President, Operations will notify the Parties of the Appeal Determination.
- (c) The Appeal Determination is final.

#### 9.3 Corrective Actions

- (a) If applicable, Exemplar Global shall take appropriate Corrective Actions relating to Appeal determinations.

### 10. Schedule of fees

<b>Type of Appeal</b>	<b>Fee</b>
Appeal against Determination of Complaint:	\$250.00
Appeal against Sanction not involving Suspension or Withdrawal of Certification:	\$250.00
Appeal against Sanction involving Suspension or Withdrawal of Certification:	NIL

### 11. Tracking and Recording

- 11.1 All appeals and actions undertaken are tracked and recorded