

# P1.6 Complaints and Appeals



# 1 Complaints Procedure

## 1.1 Nature of Complaints

### 1.1.1 Natural Justice

To the extent to which it is possible within the confines of this Complaints Procedure, EXEMPLAR GLOBAL will observe the principles of natural justice in the implementation of this Complaints Procedure. In summary, natural justice involves decision-makers informing people of the allegations against them or their interests, giving them a right to be heard (the ‘hearing’ rule), not having a personal interest in the outcome of a determination (the rule against ‘bias’), and making determinations only based on logical proof or evidence (the ‘evidence’ rule).

In this Complaints Procedure, the ‘hearing rule’ will be satisfied by affording the parties an opportunity to submit evidence and submissions in relation to a Complaint.

### 1.1.2 Rights

- (a) The Complaints Procedure neither replaces nor overrides any rights available to a person at law, subject to clause 1.1.2. (b).
- (b) The Parties acknowledge that they have:
  - (i) no right of action in any court or jurisdiction; and
  - (ii) no right to damages, compensation, or indemnity from Exemplar Global, any Exemplar Global certified person, or any other Party, in relation to:
    - (a) any costs of any nature incurred by a Party in dealing with a Complaint; or
    - (b) any losses or damages of any nature, whether direct or indirect, arising from any act or omission by Exemplar Global, the Director of Product and QA, or any other employee of Exemplar Global.

## 1.2 Scope of Complaints Procedure

### 1.2.1 Who and what can be complained about?

This Complaints Procedure applies to Complaints about EXEMPLAR GLOBAL certified persons and training providers in relation to one or more of the following:

- (a) alleged breaches of the Code of Conduct (or Criteria, Procedures, Advisories, and other terms of EXEMPLAR GLOBAL programs);
- (b) conduct of EXEMPLAR GLOBAL certified persons or training providers who act or fail to act in the course of his professional activities in compliance with the Code of Conduct (or Criteria, Procedures, Advisories, and other terms of EXEMPLAR GLOBAL programs);
- (c) failing to observe the Code of Conduct (or Criteria, Procedures, Advisories, and other terms of EXEMPLAR GLOBAL programs), whether intentionally or unintentionally; and

- (d) failure to comply with the EXEMPLAR GLOBAL Criteria, Procedures, Advisories, and other terms of EXEMPLAR GLOBAL programs.

#### 1.2.2 Anonymous complaint

A complaint made anonymously is not a Complaint.

#### 1.2.3 Complaints regarding the decision by EXEMPLAR GLOBAL to decline an application for Personnel Certification.

### 1.3 Form and Preliminary Assessment of Complaint

#### 1.3.1 Lodging a Complaint

A Complaint shall:

- (a) be submitted in writing via the Complaints Form on the EXEMPLAR GLOBAL website (see Appendix A for form template)
- (b) (if a complaint is received otherwise than via the EXEMPLAR GLOBAL website or by way of a completed Complaints Form), be referred back to the complainant for submission of the Complaint in accordance with this Complaints Procedure;
- (c) be submitted within 30 days after the conduct which gave rise to the Complaint is alleged to have occurred;
- (d) disclose the name, address, and other contact details of the Complainant;
- (e) clearly state the nature and circumstances of the Complaint;
- (f) Identify the provisions of the Code of Conduct [or Criteria, Procedures, Advisories, and other terms of EXEMPLAR GLOBAL programs] which are alleged to have been breached;
- (g) have attached to it, such evidence and submissions as the Complainant relies on to support his Complaint; and
- (h) disclose the names, addresses, and other contact details of persons whose evidence will be relied on by the Complainant.

#### 1.3.2 Review of Complaint by

- (a) The Director of Product and QA will receive Complaints submitted via the EXEMPLAR GLOBAL website and acknowledge receipt of the Complaint to the Complainant within 14 days of receiving the Complaint.
- (b) The Director of Product and QA will exercise their discretion reasonably and determine on the basis of evidence before them if the Complaint discloses a prima facie breach of the Code of Conduct [or Criteria, Procedures, Advisories or other terms of the EXEMPLAR GLOBAL programs] by the person who is the subject of the Complaint.
- (c) The Director of Product and QA may request further information from the Complainant if they consider it necessary to determine if the Complaint discloses a prima facie breach of the Code of Conduct [or Criteria, Procedures, Advisories or other terms of EXEMPLAR GLOBAL programs].

- (d) The Director of Product and QA may apply the “de minimis” principle to Complaints whose nature and subject matter are minor or trifling and may determine such Complaints summarily and without further investigation.
- (e) If the Complaint discloses a prima facie breach of the Code of Conduct, [or Criteria, Procedures, Advisories or other terms of EXEMPLAR GLOBAL programs], the Director of Product and QA will:
  - (i) appoint an Investigator to investigate the Complaint; and
  - (ii) inform the person who is the subject of the Complaint in writing of the Complaint against them, within 28 days of receiving the Complaint, or of receiving the further information, whichever is later.
- (f) If the Complaint does not disclose a prima facie breach of the Code of Conduct [or Criteria, Procedures, Advisories or other terms of EXEMPLAR GLOBAL programs] the Director of Product and QA will dismiss the Complaint and so inform the Complainant in writing.

Note: The Director of Product and QA may delegate the review/management of a Complaint to an appropriate member of the executive team if required.

## 1.4 Investigation

### 1.4.1 Appointment of Investigator

The Director of Product and QA will appoint an Investigator.

### 1.4.2 Investigation Process

- (a) The Investigator may conduct his own investigation of the Complaint and may consider any evidence and submissions provided by the Parties.
- (b) The Investigator will complete the Investigation and report his findings to the Director of Product and QA

### 1.4.3 Timetable for provision of evidence and submissions

If the Investigator seeks or a Party wishes to provide (further) evidence or submissions or both:

- (a) The Investigator will provide copies of such evidence and submissions provided in support of the Complaint to the Party that is the subject of the Complaint;
- (b) That Party shall provide its evidence and submissions to the Investigator within 28 days from the date they are forwarded to him by the investigator: and
- (c) The Investigator will provide copies of any material received from the Party that is the subject of the Complaint to the Complainant; and
- (d) The Complainant shall provide evidence and submissions in reply within 14 days from the date the material referred to clause 1.3.1(c) is forwarded to them by the Investigator.

## 1.5 Result of Investigation

### 1.5.1 The Director of Product and QA Notification

The Investigator shall report the findings of his investigation to the Director of Product and QA

### 1.5.2 Determination

The Director of Product and QA, having received the result of the Investigation, will make a Determination and, if appropriate, impose a Sanction in accordance with the Disciplinary Procedure.

## 1.6 Notification of Parties

- (a) The Director of Product and QA will notify the Parties in writing of his Determination and the Sanction imposed, if any.
- (b) The Director of Product and QA will notify the Parties of their rights to Appeal the Determination in accordance with the EXEMPLAR GLOBAL Appeals Procedure.
- (c) A person upon whom a Sanction is imposed following a Determination of a Complaint has a right of Appeal in accordance with the Disciplinary Procedure.
- (d) The Parties will have 14 days from the date of notification of the Determination to lodge an Appeal against the Determination, the Complaint, or the Sanction.

# COMPLAINT FORM

Submitted via EXEMPLAR GLOBAL website: <https://exemplarglobal.org/contact/>

Allegation of a breach of the Code of Conduct [or Criteria, Procedures, Advisories, or other terms of EXEMPLAR GLOBAL programs]

Details of the EXEMPLAR GLOBAL Certified person or Training Provider who is the subject of the Complaint

Name:

Address:

Email:

Phone:

EXEMPLAR GLOBAL

ID No:

Nature of the Complaint

Identify sections of the Code of Conduct, Criteria, Procedures, Advisories, and other terms of the EXEMPLAR GLOBAL programs that you allege have been breached by the person who is the subject of the Complaint. Please attach any evidence or submissions that support your Complaint.

Date of the conduct that is the subject of the complaint:

For assistance, please email [support@exemplarglobal.org](mailto:support@exemplarglobal.org)

## COMPLAINT FORM (Continued)

Allegation of a breach of the Code of Conduct [or Criteria, Procedures, Advisories, or other terms of EXEMPLAR

GLOBAL programs] Details of the Complainant Name:

Address:

Email:

Phone:

Are you an EXEMPLAR GLOBAL certified person?  Yes  No

If yes, what is your EXEMPLAR GLOBAL ID or Customer Number?

I authorise the copying of the Complaint and any supporting evidence and submissions, and its distribution to the person who is the subject of the Complaint and such members, lay persons, and support staff as may be involved in processing the Complaint.

\_\_\_\_\_ Date: \_\_\_\_\_

Please submit complaints via the website <https://exemplarglobal.org/contact-us/>

For support, please email [support@exemplarglobal.org](mailto:support@exemplarglobal.org)

## 2. Appeals Procedure

This section provides a process for certified individuals and organizations to appeal the outcome of a complaint investigation.

### 2.1 Scope of Appeals Procedure

Appeals against the outcome of a complaint investigation (Certified individuals / Organizations) following this section:

#### 2.1.1 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.

#### 2.1.2 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 the Director of Product and QA to follow the Complaints Procedure;
- (c) a material error or omission of fact by the Director of Product and QA in determining a Complaint; and
- (d) The severity of the sanction imposed;

### 2.2 Fees

#### 2.2.1 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.

### 2.3 Submission of Appeals

#### 2.3.1 Appeal Shall Be Submitted Via Website. An Appeal

shall:

- (a) be in writing;
- (b) be submitted via the EXEMPLAR GLOBAL website <https://exemplarglobal.org/contact-us/>
- (c) (if the Appeal is received otherwise than via the website), the Appellant shall be referred by the proper officer of EXEMPLAR GLOBAL to EXEMPLAR GLOBAL's website for formal submission of the Appeal by the Appellant.
- (d) be submitted within 14 days after the Parties are notified of the Determination by the proper officer;
- (e) clearly identify the Determination or Sanction which is the subject of the Appeal;

- (f) clearly state the grounds on which the Appeal is made;
- (g) have attached to it the evidence and submissions that the Appellant relies on in support of his Appeal.

## **2.4 Referral of Appeal to the Appeal Committee**

### **2.4.1 Review of Appeal by the Director of Product and QA**

The Director of Product and QA will receive an Appeal submitted via the website and, if the Appeal complies with clause 2.1, refer the Appeal to an Appeal Committee.

## **2.5 Appeal Committee**

### **2.5.1 Composition of the Appeal Committee**

The Appeal Committee is appointed by the Director of Product and QA and consists of three (3) members, none of whom were involved in the Investigation of the Complaint or the Determination.

The Appeal Committee will act independently, impartially, and objectively.

## **2.6 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.

## **2.7 Determination of Appeal**

### **2.7.1 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.

### **2.7.2 Notification of Determination**

- (a) The Appeal Committee will report the Appeal Determination to the Director of Product and QA  
  
The Director of Product and QA will notify the Parties of the Appeal Determination.
- (b) The Appeal Determination is final.

## 3. Appeals of a decision to decline Personnel Certification

This section provides a process for individuals to request a review of a decision made by EXEMPLAR GLOBAL. The process ensures fairness and transparency while maintaining the integrity and efficiency of the certification system.

### 2.1 Scope of Appeals Procedure

Appeals against a decision made by EXEMPLAR GLOBAL regarding:

- (a) to decline an application for Personnel Certification
- (b) to decline to renew Personnel Certification
- (c) to withdraw or suspend Personnel Certification on grounds other than those covered in section 2 of this document.

An appeal may only be submitted where the individual believes that:

- (d) The decision was based on incorrect or incomplete consideration of the evidence submitted at the time of application.
- (e) EXEMPLAR GLOBAL policies, procedures, or criteria were not correctly applied; or
- (f) procedural fairness was not observed.

Appeals will not be accepted where the individual wishes to introduce new or additional evidence that was not included in the original submission. Where an individual wishes to provide new or additional evidence, this must be submitted as a new application and only after the stand-down period described in **section 3.6**.

The Director of Product and QA may apply the de minimis principle to appeals whose nature or subject matter is minor or trifling and may determine such appeals summarily and without further investigation.

### 3.2 Lodging an Appeal

An appeal must:

- (a) be submitted in writing within thirty days of receiving notice of the decision;
- (b) be submitted using the Appeals Form available on the EXEMPLAR GLOBAL website
- (c) clearly identify the decision being appealed and the specific grounds for the appeal;
- (d) include only the evidence originally provided with the application; and
- (e) be accompanied by the prescribed appeal fee.

The appeal will not be considered until the fee has been received.

### 3.3 Appeal Fee

The prescribed appeal fee is intended to cover the administrative and operational costs of reviewing the appeal. The fee amount is published on the EXEMPLAR GLOBAL website and may be updated from time to time. The fee is non-refundable unless the appeal is upheld, in which case the fee will be refunded in full. Payment of the fee does not guarantee a successful outcome. Any appeal submitted without payment of the prescribed fee will be returned to the appellant and considered incomplete until payment is made.

### 3.4 Review of Appeal

- (a) The Director of Product and QA, or a delegate who was not involved in the original decision, will acknowledge receipt of the appeal within fourteen days of receiving both the appeal and the fee
- (b) The reviewer or review panel will examine whether the decision was made in accordance with EXEMPLAR GLOBAL procedures, based solely on the evidence and information that were before the original decision-maker.
- (c) The reviewer will assess whether the decision was fair, free from conflict of interest, and made without any threat to impartiality.
- (d) The reviewer may request clarification from the appellant, but no new or revised evidence will be considered.
- (e) The Director of Product and QA may recommend that the appeal be referred to the Chief Executive Officer where the matter warrants final review.
- (f) The Chief Executive Officer, or their delegate, may make the final determination. This decision will be full and final within the EXEMPLAR GLOBAL system.
- (g) A written determination will be provided to the appellant, normally within sixty days of receipt, stating the outcome and reasons for the decision.

### 3.5 Possible Outcomes

The reviewer or panel may:

- (a) confirm the original decision;
- (b) amend the decision; or
- (c) Overturn the decision and direct corrective action.

If the appeal is upheld, the prescribed appeal fee will be refunded in full.

### 3.6 Stand-Down Period

If the appeal is not upheld, the individual must observe a twelve-month stand-down period from the date of the final appeal decision before submitting a new application for certification or recertification. This period allows sufficient time for the individual to undertake additional professional development, gain further experience, or obtain new supporting evidence.

Any attempt to resubmit or supplement the original application within this period will not be considered. Any new or additional evidence will only be accepted after the twelve-month period has elapsed.

EXEMPLAR GLOBAL may decline applications where it determines that an applicant has been provided with a fair and reasonable opportunity to supply the required evidence but has failed to do so. Repeated or successive submissions of incomplete or inconsistent information, or attempts to amend evidence across multiple submissions in order to achieve a favourable outcome, will be considered an abuse of process and will result in a twelve-month stand-down period.

Where evidence is found to be contradictory, inconsistent, or unreliable—such as discrepancies in dates, duties, or employment information—EXEMPLAR GLOBAL may determine that the application cannot be approved. In such cases, EXEMPLAR GLOBAL may also determine that the inconsistencies demonstrate a lack of understanding of instructions or requirements relevant to certification.

### 3.7 Finality of Decision

The decision made under this appeals process is final within the EXEMPLAR GLOBAL system.

## Schedule of Fees

Type of Appeal	Fee (USD)
CERTIFIED INDIVIDUALS AND ORGANISATIONS: 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

NON-CERTIFIED INDIVIDUALS: Appeal against decision relating to Personnel Certification  <i>NOTE: This fee is charged to cover administrative costs. It will be refunded if the appeal is successful.</i>	\$250.00
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## EXEMPLAR GLOBAL

### NOTICE OF APPEAL

Note: Fields marked with an asterisk (\*) are mandatory.

Failure to complete mandatory fields will result in the rejection of the Appeal.

Failure to provide sufficient information or evidence about the Appeal may result in the dismissal of the Appeal.

Name of Appellant:

Contact Details of Appellant for correspondence:

Name of other party to Complaint:

Grounds of Appeal:

Particulars of Ground(s) of Appeal:

Evidence in Support of Appeal:

Sanction to which the Appellant will Consent (if any):

I authorise the copying of the Appeal and any supporting evidence and submissions, and its distribution to the person who is the Respondent to the Appeal and such members, lay persons, and support staff as may be involved in processing the Appeal.

\_\_\_\_\_ Date: \_\_\_\_\_

Please complete this form via the Exemplar [support@exemplarglobal.org](mailto:support@exemplarglobal.org) Global website:

<https://exemplarglobal.org/contact-us/>

For assistance, please email [support@exemplarglobal.org](mailto:support@exemplarglobal.org)