

# Complaints Procedure

## 1 Nature of Complaints

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### 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.

### 1.2 Rights

- (a) The Complaints Procedure neither replaces nor overrides any rights available to a person at law, subject to clause 2.2.(b).
  - (b) The Parties acknowledge that they have:
    - (i) no right of action in any court or jurisdiction; and
    - (ii) no right to damages or any form of compensation or indemnity.
- As against EXEMPLAR GLOBAL or any EXEMPLAR GLOBAL certified person or Party because of:
- (iii) any costs of any nature which a Party may incur in dealing with a Complaint: or
  - (iv) any losses or damages of any nature which a Party may incur directly or indirectly due to any actions or omission by EXEMPLAR GLOBAL or the Operations Director or any other employee of EXEMPLAR GLOBAL.

## 2 Scope of Complaints Procedure

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### 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.

## **2.2 Anonymous complaint**

A complaint made anonymously is not a Complaint.

## **3 Form and Preliminary Assessment of Complaint**

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### **3.1 Lodging a Complaint**

A Complaint shall:

- (a) be submitted in writing via 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 support of his Complaint; and
- (h) disclose the names, addresses and other contact details of persons whose evidence will be relied on by the Complainant.

### **3.2 Review of Complaint by**

- (a) The Operations Director 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 Operations Director 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 Operations Director 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 Operations Director 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 Operations Director 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 the 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 Operations Director will dismiss the Complaint and so inform the Complainant in writing.

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

## **4 Investigation**

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### **4.1 Appointment of Investigator**

The Operations Director will appoint an Investigator.

### **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 Operations Director.

### **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 who is the subject of the Complaint;
- (b) that Party shall provide his 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 who 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 5.3(c) is forwarded to him by the Investigator.

## **5 Result of Investigation**

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### **5.1 Operations Director Notification**

The Investigator shall report the findings of his investigation to the Operations Director.

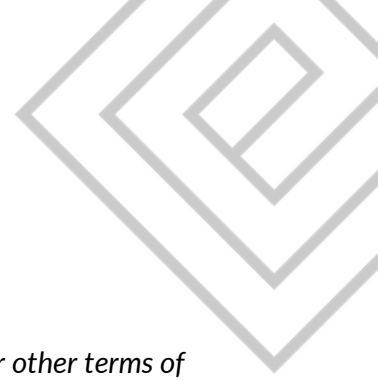
### **5.2 Determination**

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

## **6 Notification of Parties**

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- (a) The Operations Director will notify the Parties in writing of his Determination and the Sanction imposed, if any.
- (b) The Operations Director 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 Website**

*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 been breached by the person who is the subject of the Complaint. Please attach any evidence or submissions which support your Complaint.*

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

For support, 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

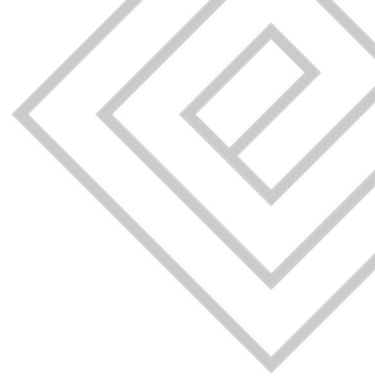
If yes, what is your EXEMPLAR GLOBAL ID or Customer Number?

*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)



# Appeals Procedure

## 1 Scope of Appeals Procedure

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### 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.

### 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 Operations Director to follow the Complaints Procedure;
- (c) a material error or omission of fact by the Operations Director in determining a Complaint; and
- (d) the severity of Sanction imposed;

## 2 Fees

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### 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.

## 3 Submission of Appeals

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### 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.

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

### **4.1 Review of Appeal by Operations Director**

The Operations Director will receive an Appeal submitted via the website and, if the Appeal complies with clause 4.1, refer the Appeal to an Appeal Committee.

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## **5 Appeal Committee**

### **5.1 Composition of the Appeal Committee**

The Appeal Committee is appointed by the Operations Director and consists of three (3) members, at least one (1) of whom shall be an EXEMPLAR GLOBAL board member, none of whom were involved in the Investigation of the Complaint or the Determination.

The Appeal Committee will act independently, impartially and objectively.

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## **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.

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## **7 Determination of Appeal**

### **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.

### **7.2 Notification of Determination**

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



### Schedule of Fees

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Type of Appeal	Fee
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

**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 Global website: <https://exemplarglobal.org/contact-us/>

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