

Complaint and Disciplinary Policy

1. Purpose of this Policy

The purpose of this policy is to describe how the Institute of Internal Auditors–Australia will handle complaints of alleged breaches of the Institute of Internal Auditors (IIA) Code of Ethics or the IIA-Australia Constitution and By-laws.

The IIA-Australia is committed to ensuring the highest standards of professional conduct and performance of its members, and takes seriously any complaint made about the behaviour and actions of its members.

The Complaint and Disciplinary Policy details the processes for receiving and investigating complaints, and disciplining members.

The complaint and disciplinary process involves investigating complaints against members or other issues concerning their conduct, which come to IIA-Australia’s attention.

Where an investigation concludes there was a breach by a member of the Constitution or the By-laws or the Code of Ethics for the profession, a disciplinary hearing by the IIA-Australia’s Professional Responsibility & Ethics Committee will hear the complaint and make a determination.

The conduct of disciplinary proceedings is not a judicial process and the rules of evidence do not apply. However, the proceedings will be conducted in accordance with the rules of natural justice and procedural fairness.

The disciplinary process cannot provide any form of compensation or restitution to a complainant.

A member may be subject to disciplinary action under this policy.

2. IIA Code of Ethics

The IIA Code of Ethics is available at:

<https://global.theiia.org/standards-guidance/mandatory-guidance/Pages/Code-of-Ethics.aspx>

3. IIA-Australia Constitution and By-laws

The IIA-Australia Constitution and By-laws are available at:

<http://www.iaa.org.au/aboutIIA/ourConstitution.aspx>

4. Responsibility

The IIA–Australia Board of Directors has responsibility for ensuring complaints of alleged breach of the IIA Code of Ethics or the IIA-Australia Constitution and By-laws are dealt with in a transparent, fair and timely manner.

The first point of contact for an alleged breach of the IIA Code of Ethics or the IIA-Australia Constitution and By-laws is the IIA–Australia Chief Executive Officer.

5. “Actionable Conduct”

A member may be subject to disciplinary action under this policy if they have breached 7 (a) (b) and (c) of the IIA-Australia constitution.

For the purposes of this policy “actionable conduct” means conduct (where by act or omission) that constitutes:

- (a) Professional misconduct,
- (b) Unsatisfactory professional conduct,
- (c) Conduct likely to bring discredit upon the Institute of Internal Auditors.

And includes a member that has:

- (1) become bankrupt or insolvent
- (2) been convicted of an offence which might bring discredit on the IIA or the profession;
- (3) failed to uphold the code of professional conduct and ethics of IIA;
- (4) behaved, or failed to behave, in a manner considered to bring the company or profession into disrepute;
- (5) disobeyed any decisions of the IIA (including in relation to disciplinary matters) or not complied with the Constitution; or
- (6) Failed to comply or co-operate with a disciplinary investigation;
- (7) Or any other behaviour deemed by the Professional Responsibility & Ethics Committee to be a breach of IIA Code of Ethics or the IIA-Australia Constitution and By-laws.

6. Complaint Process

The process to be followed for a complaint of an alleged breach of the IIA Code of Ethics or the IIA-Australia Constitution and By-laws is as follows:

6.1 Making a Complaint

A member of the IIA–Australia (the Complainant) may make a complaint against another member of the IIA–Australia (the Respondent) where they believe there has been a breach by the Respondent of the IIA Code of Ethics or the IIA-Australia Constitution and By-laws. A non–member of the IIA–Australia may also make a complaint.

Complaints must be made in writing by the Complainant, and be submitted to the IIA–Australia.

Verbal complaints will not be accepted or considered by the IIA–Australia.

A Complainant must provide their name and contact details. Anonymous complaints will not be accepted or considered by the IIA–Australia.

A Complainant should be aware the Respondent against whom the complaint is alleged may be provided with a copy of the complaint form and supporting documents in order to prepare a response.

If requested by the Complainant and deemed to be appropriate by the IIA–Australia, the IIA–Australia will make reasonable accommodations to protect the

identity of a Complainant. However, the IIA–Australia cannot guarantee anonymity of a Complainant.

6.2 Complaint Form

A Complainant must first complete the IIA–Australia Complaint Form detailing:

- Details of the Complainant.
- Details of the Respondent.
- Nature of the complaint.
- List of supporting documents to support the complaint.
- Where possible, list of names and contact details of corroborating people and/or witnesses to support the complaint.
- Information on reports of the same matter made to other organisations.

A Complainant must attach to the IIA–Australia Complaint Form the following:

- Documents to support the complaint.
- Reports made to other organisations.

6.3 Lodging a Complaint

A copy of the Complaint Form and supporting documents are to be sent in confidence to the IIA–Australia Chief Executive Officer:

By mail to:

Mr Peter Jones
Chief Executive Officer
The Institute of Internal Auditors–Australia
Post Office Box A2311
Sydney South NSW 1235

Or

By hand to:

Mr Peter Jones
Chief Executive Officer
The Institute of Internal Auditors–Australia
Level 7, 133 Castlereagh Street
Sydney NSW 2000

With a notation on the envelope stating the envelope is only to be opened by the IIA–Australia Chief Executive Officer.

OR by e-mail to:

peter.jones@iia.org.au

With a notation in the e-mail subject header stating the e-mail is only to be opened by the Chief Executive Officer of the IIA–Australia.

6.4 Action by IIA–Australia Chief Executive Officer

The IIA–Australia Chief Executive Officer will:

- Maintain confidentiality of complaints made.
- Enter the details in a confidential Complaints Register.
- Refer the complaint to the Chair, Professional Responsibility & Ethics Committee.
- Monitor progress of complaints to ensure they are actioned in a timely way.

6.5 Action by Chair, Professional Responsibility & Ethics Committee

The Chair, Professional Responsibility & Ethics Committee will:

- Review the initial assessment of the complaint.
- Convene a special meeting of the Professional Responsibility & Ethics Committee if it is decided the complaint should proceed.
- Advise the Respondent in writing of the complaint and request a written response within 25 days.

6.6 Action by IIA–Australia Professional Responsibility & Ethics Committee

The Professional Responsibility & Ethics Committee will:

- Review the complaint and supporting evidence.
- Review the response from the Respondent.
- Interview the Complainant and request additional information if necessary.
- If available, interview corroborating people and/or witnesses to support the complaint.
- Interview the Respondent and request further information if necessary.
- Evaluate the complaint and supporting evidence, including the Respondent's response, and decide if the complaint is substantiated.
- If the complaint is substantiated, the committee will make a recommendation to the IIA–Australia Executive Committee on penalties or sanctions to be taken by the IIA–Australia.
- Advise the Complainant and Respondent in writing of the outcome of the complaint, the reasons for the decision, any penalties or sanctions to be imposed on the Respondent, and details of the appeal process.

6.7 Penalties and Sanctions

Penalties or sanctions that can be imposed if a complaint is substantiated are:

- Issue a reprimand to the Respondent.
- Prescribe ethics training for the Respondent.
- Suspend the Respondent's IIA-Australia membership for a period of time.
- Expel the Respondent from the IIA-Australia and cancel their IIA-Australia membership.
- Invoke other disciplinary action deemed appropriate.

6.8 Right of Appeal

If the Respondent is not satisfied with the outcome of the complaint process, there is a right of appeal.

An appeal must be lodged with the Company Secretary within 30 days of the date of the letter sent to the Respondent advising the outcome of the complaint.

6.9 Action by IIA–Australia Company Secretary

The IIA–Australia Company Secretary will notify the President of an appeal to a finding of the IIA–Australia Professional Responsibility & Ethics Committee:

- The President will then appoint a Chair and convene a Disciplinary Appeals Committee (three members of the Board in total).
- The Company Secretary will supply the appeal documentation to the Disciplinary Appeals Committee Chair.
- The Company Secretary will notify the member if an appeal is to be heard, and invite the member to attend a meeting with the Disciplinary Appeals Committee.
- A written response will be provided to the member on the results of the appeal.

The decision on the appeal will be final. Decisions are not public records.

6.10 Role of IIA–Global

At the conclusion of the complaint process against a member holding a Global Certification, or who is a candidate for an IIA certification, the Office of General Counsel at the IIA-Global is to be informed so as to determine if additional sanctions will be levied related to the certification.

At the conclusion of the complaint process against a non-certified member, the IIA–Australia Chief Executive Officer shall advise the Ethics Investigation Manager at IIA–Global of the complaint and its outcome.

IIA-Global shall then take necessary action according to the circumstances eg the sanction to be reflected on the Respondent's membership record.

7. Review

This policy is reviewed biennially and updated as required.