

- 9.2 The member may object to the inclusion of any individual on the Disciplinary Panel on the grounds of a conflict of interest, by providing the objection, with reasons, to the Executive Director Corporate Services in writing. The Chair of the Disciplinary Panel will consider the member's objection and will either reject the objection (giving reasons) or will direct the Executive Director Corporate Services to replace the individual objected to. If the member objects to the Chair, Executive Director Corporate Services will consider the objection.
- 9.3 The Executive Director Corporate Services shall write to the complainant informing of them of the time(s) and date(s) on which the Disciplinary Panel will consider the matter and invite them to attend the hearing (accompanied if desired by another person) if the Disciplinary Panel wishes to interview them.
- 9.4 The Disciplinary Panel will have discretion over the conduct of the Formal Hearing and which witnesses shall be called for interview. Notes of the hearing will be taken.
- 9.5 The Disciplinary Panel will determine the facts on the balance of probability, whether the member has engaged in improper conduct and if so, whether a sanction should be imposed and which sanction, and if not that the complaint should be dismissed
- 9.6 The Disciplinary Panel may give informal guidance to any member of the CQI who has appeared before it.
- 9.7 The Disciplinary Panel may give its decision on the day of the hearing or may adjourn the hearing to consider the issues.
- 9.8 As soon as practicable following the hearing the Disciplinary Panel will give its decision and reasons which will be communicated to the member and the Executive Director Corporate Services in writing and inform the member of the right of appeal.

10.0 Sanctions

- 10.1 The Executive Director Membership & Commercial Services may propose minor sanctions in relation to 7.
- 10.1.1 Provide guidance to the member which the member is to follow.
 - 10.1.2 Issue a written warning to the member.
 - 10.1.3 Require the member to attend training on specified matters within a specified period of time.
 - 10.1.4 Admonish the member.
 - 10.1.5 Require the member to apologise to another person in connection with the allegation.
 - 10.1.6 Propose the suspension of any sanction upon condition of the member not engaging in further improper conduct for a specified period.
- 10.2 The Disciplinary Panel may impose one or more of the minor sanctions in 10.1 or the major sanctions below:
- 10.2.1 Downgrade the member.
 - 10.2.2 Impose a period of suspension on the member.
 - 10.2.3 Expel the member.
- 10.3 The Disciplinary Panel will define the action to be taken if, after the period for an appeal has expired, the member fails to comply with the sanction imposed by the Disciplinary Panel.
- 10.4 If a member is found guilty of improper conduct and the member is expelled or suspended from membership of the CQI or as an IRCA certificated auditor, the Disciplinary Panel shall (unless it determines there are reasons not to do so), arrange for the decision to be published after the

period for an appeal has expired. If a member is found guilty of improper conduct but is not expelled or suspended, the decision shall not be published.

- 10.5 If a complaint of improper conduct is dismissed, the Disciplinary Panel may, and at the request of the member shall, arrange for the decision to be published.
- 10.6 The complainant shall be informed that the matter has concluded.

11.0 Appeal by Complainant

- 11.1 Where a complainant is informed that either:
- 11.1.1 a complaint does not raise an issue of improper conduct worthy of further investigation; or
 - 11.1.2 no further action should be taken in relation to a complaint,
- the complainant may appeal against the relevant decision, however, the complainant has no right of appeal against the decisions of a Disciplinary Panel.
- 11.2 To make an appeal, the complainant must send written notice of appeal to the Executive Director Commercial Services within 20 working days of being informed of the decision, setting out:
- 11.2.1 The decision being appealed.
 - 11.2.2 The reason(s) for making the appeal; and
 - 11.2.3 Any facts or matters in support of the appeal.
- 11.3 Upon receiving an appeal from the complainant, the Executive Director Corporate Services will select three independent members of the Board of Trustees to review the appeal.
- 11.4 The Executive Director Corporate Services will provide the appeal panel with:
- 11.4.1 The information that was before the Executive Director Membership & Commercial Services in making the decision being appealed; and
 - 11.4.2 The written notice of appeal provided by the complainant.
- 11.5 The appeal panel will consider the material provided and decide whether, in the light of the information, the Executive Director Membership & Commercial Service's decision was reasonable.
- 11.6 If the appeal panel concludes that the original decision was reasonable, they will reject the appeal and will:
- 11.6.1 Inform the complainant of the decision and the reasons for that decision.
 - 11.6.2 Consider informing the member about the complaint, the appeal, their decision, and the reasons for their decision.
- 11.7 If the appeal panel concludes that the original decision was not reasonable, they will accept the appeal and:
- (i) Inform the complainant of the decision and the reasons for that decision.
 - (ii) Consider informing the member about the complaint, the appeal, their decision, and the reasons for their decision.
 - (iii) Direct the Executive Membership & Commercial Services to investigate under consideration under 5 or refer the complaint to a Disciplinary Panel.
- 11.8 There is no appeal from the decision of the appeal panel.

12.0 Appeal by Member Who is the Subject of the Complaint

- 12.1 The member who was the subject of the complaint may appeal against a decision of the Disciplinary Panel of Fellows.

- 12.2 Appeals to the CQI must be made by the member within 20 working days of the decision letter. The member may appeal either or both of the Disciplinary Panel's finding that the member engaged in improper conduct and the sanction imposed.
- 12.3 To make an appeal, the member must send written notice of appeal to the Executive Director Corporate Services setting out:
- 12.3.1 The ground(s) of appeal.
 - 12.3.2 The reasons for the appeal.
 - 12.3.3 The matters relied upon in support of the appeal; and
 - 12.3.4 Why the decision is considered unfair.
- 12.4 Appeals can only be made on one or more of the following grounds:
- 12.4.1 The decision is unjust (e.g., there was a serious procedural error or other irregularity that renders the decision unfair or unsafe).
 - 12.4.2 The decision is wrong (eg that it was not supported by the evidence or based on an error or misunderstanding); or
 - 12.4.3 Evidence, relevant to the case, has come to light which was not considered during the hearing, and which could not have been reasonably produced at the hearing.
 - 12.4.4 The sanction imposed is disproportionate to the gravity of the misconduct.
- 12.5 In the event of an appeal, the decision of the Disciplinary Panel of Fellows will not be carried out until the appeal procedure is concluded.

13.0 Consideration of an Appeal by the Member

- 13.1 Upon receiving written notice of an appeal, the Executive Director Corporate Services will convene an independent Appeal Panel of 3 individuals drawn from a the CQI Board of Trustees to review the appeal. The Appeal Panel will have discretion over the procedure to be followed and the Chair of the Appeal Panel may deal with any procedural issues that may arise. 1
- 13.2 The Executive Director Corporate Services will write to the member setting out:
- 13.2.1 The time and date on which the Appeal Panel will consider the matter.
 - 13.2.2 The date by which any additional information that the member wants the Appeal Panel to consider must be received.
 - 13.2.4 The identity the members of the Appeal Panel and a statement of how the member may object to the inclusion of a member of the Appeal Panel.
- 13.3 The member may object to the inclusion of any individual on the Appeal Panel by providing the objection, with reasons, to the Executive Director Corporate Services in writing. The Chair of the Appeal Panel will consider the member's objection and will either reject the objection (giving reasons) or will direct the Executive Director Corporate Services to replace the individual objected to. If the member objects to the Chair, the Chair of the Board of Trustees will consider the objection.
- 13.4 The Appeal Panel procedure will include the following:
- 13.4.1 The opportunity for the member or their representative to address the Appeal Panel.
 - 13.4.2 The opportunity for the Disciplinary Panel of Fellows Chair (or appointed presenter) to address the Appeal Panel; and
 - 13.4.3 The opportunity for the Appeal Panel to ask questions of the member and Disciplinary Panel of Fellows Chair (or appointed presenter)

13.5 The Appeal Panel's decision will be provided in writing and will include reasons. The decision and reasons will be conveyed to the member as soon as practicable following the decision being made.

13.6 In disposing of an appeal, the Appeal Panel may:

13.6.1 dismiss the appeal; or

13.6.2 allow the appeal in whole or in part.

13.7 If allowing any part of the appeal, the Appeal Panel must also quash that part of the decision appealed against and either:

13.7.1 dismiss the complaint; or

13.7.2 where allowing an appeal against a finding of improper conduct, refer the matter for fresh consideration by the Disciplinary Panel; or

13.7.3 where allowing an appeal against a sanction only, substitute for the sanction any other sanction that could have been imposed by the Disciplinary Panel.

13.8 There is no appeal to an Appeal Panel Decision

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