

## AIRAH's Procedures for the Management of Complaints

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### Introduction

AIRAH staff, members, and office holders may, from time-to-time, be the subject of a complaint. The processing of complaints will follow the procedures specified below in an expeditious manner to ensure that natural justice principles are upheld.

This policy should be read in conjunction with AIRAH's Whistleblower Policy.

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### Procedures

#### 1. Initiation of complaints

Complaints may be raised by AIRAH members, employees, or external stakeholder. The party who raises the complaint is henceforth referred to as the complainant.

Complaints may be raised against AIRAH members, office holders, or employees. The party against whom the complaint is raised is henceforth referred to as the respondent.

Initially complaints shall be reported in writing with evidence or documentation in support. All communications marked PRIVATE & CONFIDENTIAL must be addressed to the CEO, or, in the event the complaint is raised against the CEO, to the National President.

#### 2. Referral of matter

Following receipt of a complaint, the matter is to be referred to the Disciplinary Committee. The CEO will request a signed Waiver of Confidentiality from the complainant indicating that the complainant will allow the Complaints Committee to disclose his/her name should this become necessary during investigation.

- a) The Complaints Committee may, under special circumstances, act in the absence of a signed Waiver of Confidentiality.
- b) The Chair may communicate with others for the purposes of seeking additional information as may be required for review at any time during the deliberation.

#### 3. Convening of Complaints Committee

The Complaints Committee will convene to review the merit of the complaint as it relates to the Code of Professional and Ethical Conduct.

- a) The Complaints Committee shall be convened by the Board and shall comprise an independent and non-interested Board member (Director), senior staff member, and an Institute member who is a member of either a state committee or Special Technical Group.
- b) The Complaints Committee shall meet to discuss the case, either in person, by electronic means, or by teleconference. The meeting will occur within 30 days of receipt of the waiver of confidentiality, or of notification by the complainant of refusal to sign the waiver. In cases where another form of notification brings the complaint to the attention of the Complaints Committee, the Committee will convene within 30 days of notification.
- c) If the alleged violation has a high probability of being legally actionable, the case may be referred to the appropriate agency. The Complaints Committee may postpone member notification and further deliberation until the legal process has been completed.

#### 4. Committee recommendation

If there is sufficient evidence that indicates a violation of the Code of Professional and Ethical Conduct has occurred, upon majority vote, the respondent will be forwarded a notification of the Committee's recommendation to the Board. This notification will include:

- a) The circumstances of the complaint;
- b) The specific Code of Professional and Ethical Conduct rule that may be in conflict;
- c) Supporting documents, as appropriate;
- d) A request to respond fully to the complaint and submit all supporting evidence within 30 calendar days.

#### 5. Complaints Committee meeting

The Complaints Committee will meet either in person or by teleconference:

- a) Within thirty (30) calendar days of receiving a response from the respondent to the notification to review the response and all information pertaining to the complaint, or
- b) Within thirty (30) calendar days of notification to respondent if no response is received from the respondent to review the information received from the complainant.

## 6. Complaints Committee notice

If the Complaints Committee determines that the evidence supports the complaint, and has recommended the adoption of the Board of their finding, then the respondent will be provided written notice containing the following information:

- a) The right to provide any additional relevant information. As this is the final opportunity for a respondent to provide new information, the respondent should carefully prepare all documentation that is being presented to the Board;
- b) The date, time, and place of the hearing; and
- c) The ethical violation being complained of and the potential sanction of termination or suspension of membership, demotion of office position, or employee disciplinary action.

## 7. Potential rulings

- a) When the Board determines there is insufficient evidence of an ethical violation, the parties to the complaint will be notified of the outcome.
- b) If the evidence supports the allegation of a Code violation, the rules(s) of the Code violated will be cited and sanction(s) will be specified.

## 8. Board sanctions against members

In the event the respondent is a member, the Board shall sanction the member based on the severity of the violation and history of prior ethical violations. A simple majority of voting members of the Board is required to institute a sanction unless otherwise noted. Sanctions may include one or more of the following:

### ► **Suspension of membership**

Suspension is considered serious but allows a clear message to be communicated without a more permanent outcome placed on the member.

- 1. The duration of suspension will be determined by the Board.
- 2. The member may not receive membership benefits during the period of suspension.
- 3. Members suspended are not entitled to a refund of dues or fees.

### ► **Termination of membership**

Termination of membership is considered the maximum punishment for a violation of the Code of Professional and Ethical Conduct.

- 1. Termination requires a two-thirds majority of the voting members of the Board.
- 2. Individuals whose memberships are terminated are not entitled to a refund of dues or fees.
- 3. One year following the date of membership termination, the individual may reapply for, but is not guaranteed, membership through normal channels and must meet the membership qualifications in effect at the time of application.

## 9. Staff complaints actions

If the respondent is a staff member, disciplinary action will be taken in accordance with the relevant employee policy.

## 10. Respondent appeal

The respondent may appeal the Board's finding and decision. The Appeal is in writing to the National President of the Board of Directors.

### **Requests for Appeal must:**

- a) Be received by the National Director, within 30 days of the Board's written notification of the final finding and decision;
- b) State the basis for the appeal, and the reason(s) that the final finding and decision of the Board should be changed;
- c) Not offer new documentation.

The National Director will communicate with the CEO of the Institute to schedule the appeal at the earliest feasible Board of Director's meeting. The Board of Directors will review the documents and written summaries and deliberate the case.

The decision of the Board of Directors regarding the member's appeal shall be final.

## 11. Access to records restricted

No Board member shall give access to records, act, or speak independently, or on behalf of the Board, without the expressed permission of the Directors.

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## Complaints management process overview

To support transparency and clarity, the complaints management process is summarised in the flow chart below. This overview outlines the typical stages involved in the receipt, assessment, investigation, and resolution of complaints.

The flow chart should be read in conjunction with the procedures outlined in the following sections of this document.

| Step                                 | Process Description                                                                                                                                                                | Responsible Party        | Timeline                                                        |
|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-----------------------------------------------------------------|
| <b>1. Initiation of Complaint</b>    | Complaint submitted in writing with evidence; addressed to the CEO or National President if the complaint concerns the CEO.                                                        | Complainant              | No fixed time – may be submitted at any time.                   |
| <b>Committee Formation</b>           | The National President forms the Complaint Committee, unless the complaint concerns the President.                                                                                 | National President       | Within three business days, if applicable.                      |
| <b>2. Referral of Matter</b>         | The CEO (or the National President, if the complaint concerns the CEO) refers the matter to the Complaint Committee and requests a waiver of confidentiality from the complainant. | CEO / National President | Within three business days of receiving the complaint.          |
| <b>3. Committee Convening</b>        | The Complaint Committee meets to review complaints and may seek additional information or refer legally actionable matters.                                                        | Complaint Committee      | Within 10 business days of waiver/referral.                     |
| <b>4. Notification of Respondent</b> | If sufficient evidence exists, the respondent is notified with details and given time to respond.                                                                                  | Complaint Committee      | Respondent has 10 business days to reply.                       |
| <b>5. Committee Meeting</b>          | Complaint Committee reviews response (or lack thereof) and all relevant information.                                                                                               | Complaint Committee      | Within 10 business days of receiving a response.                |
| <b>6. Hearing</b>                    | If evidence supports the complaint, a hearing is scheduled; parties may provide further information, and potential sanctions are outlined.                                         | Complaint Committee      | Hearing date scheduled with notice                              |
| <b>7. Board Decision</b>             | Board determines outcome: insufficient evidence (case closed) or sufficient evidence (sanctions applied).                                                                          | Board                    | A decision is issued within 10 business days after the hearing. |
| <b>8. Appeal</b>                     | Either party may appeal the decision; it will be handled in accordance with AIRAH policy.                                                                                          | Board                    | Appeal lodged within policy timeframe.                          |
| <b>9. Record Keeping</b>             | All records of complaints, processes, and decisions are retained securely.                                                                                                         | Secretariat / CEO        | Ongoing – records kept securely.                                |

## Confidentiality and records

Confidentiality shall be maintained in all Complaints Committee discussion, correspondence, communication, deliberation, and records pertaining to members reviewed by the Complaints Committee.

1. Complaints and suspected violations are assigned a case number.
2. Identity of parties involved in complaints and suspected violations and access to Institute files is restricted to the following:
  - a) National Director and Board members;
  - b) Complaints Committee members;
  - c) Chief Executive Officer; Agent/s of the Chief Executive Officer; and
  - d) Other/s including professional advisors.
3. Original records shall be maintained at the Institute's national offices.
4. Communications shall be sent to the members involved in complaints by the office via certified or registered mail, after review by legal counsel.
5. When a case is closed:
  - a) All documentation is to be sent to the Institute's offices for safekeeping and Directors shall destroy all material pertaining to the case.
6. Complete records shall be maintained at the Institute offices for a period of seven (7) years
  - a) Records will be destroyed seven (7) years after a member receives a sanction, or after membership is reinstated.
  - b) Records of membership revocations for persons who have not returned to membership status will be maintained indefinitely.