

# Ethics & Disciplinary Policy and Procedure

## 1.0 Purpose and scope

1. Exercise & Sports Science Australia Ltd (ESSA) Members and Accredited Professionals are required to uphold the ESSA Code of Professional Conduct and Ethical Practice (the Code). They may also be subject to other national, state and regulatory system Codes of Conduct or regulation requirements.
2. This Policy provides the specific details regarding ESSA's Code.
3. This Policy is applicable to all ESSA Members and Accredited Professionals.

## 2.0 Principles and key requirements

### 2.1 Guiding principles

1. ESSA is committed to be guided by the principles of:
  - a. natural justice;
  - b. procedural fairness;
  - c. conflict of interest;
  - d. reasonableness;
  - e. privacy; and
  - f. confidentiality.

### 2.2 Scope and limitations

1. ESSA does:
  - a. accept complaints against a Member and/or Accredited Professional;
  - b. accept complaints concerning conduct that is alleged to constitute breaches of the Code;
  - c. accept complaints from Members, Accredited Professionals, ESSA staff members, healthcare professionals, the general public and regulatory bodies authorised to investigate complaints;
  - d. pass complaints on or lodge the complaint with other regulatory bodies authorised to investigate complaints;
  - e. counsel and educate exercise and sports science professionals in respect of standards, ethics and appropriate behaviour;
  - f. discipline Members and Accredited Professionals by revoking their membership or imposing sanctions on their membership;
  - g. take appropriate action to ensure that non-members and non-accredited professionals cannot hold themselves out as being Members or Accredited Professionals;

- h. conduct its complaint review in line with this Policy and Procedures and independently of investigations by other regulatory bodies;
  - i. where required under law, cooperate with complaint investigations by regulatory bodies authorised to investigate complaints;
  - j. where required, recognise the sanctions of complaint investigations and prohibition orders issued by regulatory bodies authorised to investigate complaints and apply these sanctions across all categories of accreditation held by the Accredited Professional.;
  - k. where applicable, refer consideration of membership status to the Board when another regulatory body's sanctions have been applied against an Accredited Professional; and
  - l. in accordance with established agreements, periodically report ethics data to authorised bodies as a quality assurance measure.
2. ESSA does not:
- a. deal with complaints against individuals who are not Members or Accredited Professionals, unless 2.2.1 (g) is applicable;
  - b. assist in the resolution of disputes between Members or Accredited Professionals arising from commercial or contractual obligations such as employment relationships, principal–contractor disputes, or business matters;
  - c. assist in the resolution of disputes involving Members or Accredited Professionals arising from university matters (which may be referred to the university for investigation);
  - d. deal with complaints involving criminal activity (which may be referred to the police or appropriate investigating authority);
  - e. deal with any complaint relating to a civil dispute until any civil proceedings are finally resolved;
  - f. deal with any statutory or regulatory compliance issues unrelated to professional conduct and standards unless required to by legislation.
3. ESSA may:
- a. suspend the complaint review process, for the duration, where the complaint (or similar matters which have been raised in the complaint) is subject to investigation by another organisation or regulatory body authorised to investigate such complaint;
  - b. suspend the complaint review process, for the duration, where the complaint is subject to criminal or civil proceedings.

## 3.0 ESSA complaints process

### 3.1 Structure of the complaints process

1. The Policy is designed to ensure that all complaints regarding Members and Accredited Professionals are handled:
  - a. promptly;
  - b. with due regard to the complaints process;
  - c. with transparency and procedural fairness; and

- d. in such a way as to recognise the rights and responsibilities of both the Complainant and the Respondent.

### 3.2 General requirements

1. Any person may make a complaint against an exercise and sports science professional.
2. The CEO and/or delegate shall keep and maintain the ESSA Complaints Register in which shall be recorded details of all written complaints received and the outcome of consideration of such complaints.

### 2.3 Formal documentation of the complaint

1. A formal complaint must:
  - a. be made to the CEO or delegate in writing;
  - b. be completed via the ESSA Complaints form (emails sent directly to the Complaints team are also acceptable);
  - c. be made by the Complainant who has first-hand knowledge of the alleged breach of the Code, or alternatively, made on behalf of the Complainant with the Complainant's consent;
  - d. set out the factual circumstances giving rise to the complaint; and
  - e. be accompanied by any available statements or other materials relating to the allegations or circumstances giving rise to the complaint.

### 3.4 Initial consideration preliminary management of a complaint

1. Upon initial receipt of a formal complaint the CEO or delegate shall, within 14 days:
  - a. confirm that the Respondent is a Member and/or Accredited Professional;
  - b. consider whether the complaint can be accepted pursuant to the terms of the Policy and Procedures;
  - c. in writing, formally acknowledge to the Complainant receipt of the complaint;
  - d. whether the complaint is accepted or not, notify the Respondent that a complaint has been made against them and whether the complaint has or has not been accepted by ESSA; and
  - e. inform ESSA's Member Services team so that they may make contact with the Respondent to provide advice on support services available to them.
    - i. Support services will be made available to the Respondent regardless of whether they are both an Accredited Professional and Member, or an Accredited Professional only.
    - ii. Support provided to the Respondent will remain independent of the complaints process and at no time will information be shared between the Member Services team and the Complaints team, to maintain impartiality.
2. Upon initial assessment of the complaint, the CEO or delegate may determine that:
  - a. If the complaint arises from matters that could be resolved on an informal basis, may take steps to seek to resolve the complaint between the Complainant and Respondent on an informal basis.

- b. If the complaint cannot proceed because the conduct complained of is by an individual who is not a Member or Accredited Professional, the CEO or delegate shall then inform the Complainant in writing that ESSA cannot assist them and, if relevant, refer them to another relevant complaints body. The CEO or delegate may finalise the complaint by including a case record for the complaint on the ESSA Complaints Register.
- c. If the complaint, or issues arising from the complaint, are of a potential legal nature then the CEO may refer them to the relevant state or territory police.
- d. If the complaint is of a serious nature or outside ESSA's jurisdiction, it may be referred to the relevant state or territory health ombudsman.
- e. The CEO has sole discretion to determine whether the complaint appears to be frivolous or vexatious, having regard to, but not being limited to, the following:
  - i. whether the complaint appears trivial;
  - ii. whether a reasonable person would not consider the complaint on the face of it to have any merit;
  - iii. or if the purpose of the complaint appears to be a form of harassment.

### 3.5 Opportunity for reply from Respondent

1. If the complaint is accepted by the CEO, the CEO or delegate shall send the Respondent in writing within 14 days of collection of evidence being completed:
  - a. notification that a complaint has been accepted against them;
  - b. a copy of the complaint and documentation, and the Policy and Procedures;
  - c. notification that they are invited to submit a written response to ESSA in relation to the complaint in the form of a Statutory Declaration with any supporting information or documentation;
  - d. notification that, if they wish to provide a written response, they are required to submit their written response to ESSA within 14 days from the date of the notification letter; and
  - e. notification that any written response they provide to the complaint will be provided to the Complainant.

### 3.6 Investigation – opportunity for reply from Complainant

1. On receipt of the Respondent's submission in response, the CEO or delegate shall:
  - a. send the Respondent's response to the Complainant;
  - b. advise the Complainant that:
    - i. they are invited to provide a written response to the Respondent's response within 14 days, and
    - ii. their response may be provided as a Statutory Declaration or via email with any supporting information or documentation.

If the Complainant does not wish to proceed further, the CEO or delegate may still present the material received by the Respondent to the Ethics and Disciplinary Committee ('the Committee') for consideration if they determine there is sufficient evidence to proceed with the case.

- c. If the Complainant is satisfied with the response from the Respondent, the complaint will continue to the Committee only if the alleged conduct in the complaint would constitute a breach of the Code.
- e. If the Complainant is not satisfied with the response from the Respondent they will be invited to provide a final written response to the Respondent's response within 14 days.

### 3.7 Investigation – Second opportunity for reply from Respondent

1. On receipt of the Complainant's final submission, the CEO or delegate shall progress the complaint by:
  - a. sending a copy of the Complainant's final submission to the Respondent; and
  - b. advising the Respondent:
    - i. they are invited to provide a written response to the Complainant's response within 14 days, and
    - ii. that their response can be received as a Statutory Declaration with any supporting information or documentation.

### 3.8 Hearing by the Committee

1. Where the case is deemed appropriate for referral, upon receipt of all the documentation from the Complainant and Respondent, the CEO or delegate shall:
  - a. inform the Chair of the Committee of the complaint and the nature of the complaint, and
  - b. table the complaint with the Committee at their next meeting.
2. The CEO or delegate may attend the Committee meeting in an ex officio capacity.
3. The Committee:
  - a. will consider the tabled complaint;
  - b. will consider any relevant precedence
  - c. will determine if there has been a breach of the Code (by majority of the Committee);
  - d. may recommend sanction(s) appropriate to the level, nature and implications of the breach of the Code;
  - e. will recognise sanctions proposed or implemented by a relevant authorising body and
  - f. will recommend any sanction(s) for accreditation and membership as separate matters.

### 3.9 Determination of Committee Outcome

1. The Committee shall have the power to:
  - a. dismiss the complaint; or
  - b. if it determines the complaint is upheld, exercise one or more of the following disciplinary recommendations to the Board or Accreditation Council (AC) in accordance with section 3.11.1 of this Policy, in combination or alternatives as defined in this Policy:
    - i. warning or reprimand;

- ii. a written undertaking as to future conduct and performance; to receive guidance from a senior professional; specific training; an arrangement for regular reporting; and/or any other measure deemed appropriate.
  - iii. suspension of membership and/or accreditation for a period of time;
  - iv. call for the resignation of the member;
  - v. expulsion as a member of ESSA;
  - vi. permanent removal an individual's accreditation; and/or
  - vii. referral of the matter to relevant authorities where action is deemed to be required outside ESSA.
2. Where a Respondent is both an Accredited Professional and ESSA Member, any recommended sanction(s) relating to their accreditation will be automatically applied to their membership. Recommended sanctions relating to membership, however, do not automatically apply to accreditation.
3. If the Committee makes a finding that the complaint is not upheld (dismissal of complaint), the Committee must:
  - a. be satisfied that the Respondent has not breached the Code;
  - b. determine that the risk posed to the reputation of ESSA, its membership and its accredited professions from the conduct complained of is not of financial, professional and/or reputational significance to ESSA;
  - c. request the CEO or delegate to make a corresponding notation in the ESSA Complaints Register; and
  - d. establish ESSA AC or Board approval of the outcome in accordance with section 3.11.1 of this Policy.
4. If the Committee makes a finding of a breach of the Code, the Committee must:
  - a. be satisfied that there has been a breach of the Code;
  - b. recommend sanctions to the Board or AC in accordance with section 3.11.1 of this Policy;
  - c. request the CEO to make a corresponding notation in the ESSA Complaints Register;
  - d. advise the Respondent, in writing, of the outcome of the Committee and invite the Respondent to appear before the Committee Sanction Hearing to discuss the complaint, advising the Respondent that they must confirm within seven (7) days whether they intend to appear before the Committee Sanction Hearing; and
  - e. establish ESSA AC or Board approval of the outcome.

### 3.10 Committee Sanction Hearing

1. All Committee Sanction Hearings are held using a medium or media determined by ESSA, including electronic media such as teleconference or video conference facilities.
2. The Committee Sanction Hearing will endeavour to be convened within four (4) weeks of the Respondent being advised in writing of the outcome of the Committee.
3. The Respondent is permitted to have legal representation at the Committee Sanction Hearing.
4. The Committee Sanction Hearing shall consider the following:

- a. the Respondent's written submission(s) as to the Respondent's suitability to continue to hold ESSA membership and/or accreditation or any other sanctions.
  - b. the Respondent's oral submission(s) given during the Committee Sanction Hearing;
  - c. Any submissions by the Respondent regarding the proposed future conduct of the Respondent; and
  - d. Any submissions by the Respondent regarding the steps they intend to take to avoid similar complaints in the future.
5. Upon conclusion of the Committee Sanction Hearing:
- a. The Committee shall consider the submissions and determine a recommended sanction.
  - b. Sanction recommendations can include any combination of the following:
    - i. warning, or reprimand;
    - ii. call for written undertaking as to future conduct and performance, to receive guidance from senior professionals, specific training; an arrangement for regular reporting; and/or any other measure deemed appropriate;
    - iii. suspension of an individual's membership and/or accreditation for a period of time;
    - iv. call for the resignation of the Respondent;
    - v. expulsion of the Respondent from the organisation;
    - vi. permanent removal of the Respondent's accreditation;
    - vii. referral of the matter to relevant authorities where action is deemed to be required outside ESSA; and/or
    - viii. any other sanctions the Committee deems appropriate.
  - c. The Chair shall advise the CEO or delegate of the Committee Sanction Hearing outcome(s).
  - d. The CEO or delegate shall facilitate approval of the Committee Sanction Hearing outcome(s) by the ESSA AC or the Board at their next scheduled meeting.

### 3.11 Approval of recommended sanctions

1. The sanctions recommended by the Committee must be:
  - a. approved by the AC before being put in place if the complaint relates to an Accredited Professional who may or may not also be a Member; or
  - b. approved by the Board before being put in place if the complaint relates to a Member who is not also an Accredited Professional.
2. Following final approval of the recommendation/s of the Committee by the AC or Board, the CEO or delegate shall:
  - a. advise the Respondent, in writing, of the outcome, and
  - b. advise the Complainant, in writing, of the outcome.
3. If the AC determines that the Accredited Individual's accreditation (and where applicable, membership) is to be withdrawn, either by suspension or expulsion, they shall direct the CEO to:

- a. publish the outcome on the ESSA website as soon as practicable, and
  - b. release the decision to any individual, corporation, organisation or other body as they see fit.
4. If the Board determines that the membership of a Member is to be withdrawn, either by suspension or expulsion, they shall direct the CEO to:
- a. publish the outcome on the ESSA website as soon as practicable, and
  - b. release the decision to any individual, corporation, organisation or other body as they see fit.

## 4.0 Appeals

1. The Respondent may appeal against the Committee's finding/s
2. An appeal must be lodged by the Respondent in writing and submitted to the CEO within seven (7) days of receipt of the written notice of the outcome from the Committee, or within seven (7) days of receipt of the written notice of the decision of the AC or Board.
3. An appeal can only be made if the Respondent can demonstrate an error of law, error in decision making or failure of due process in the decision or the Committee has not followed process.
4. An appeal against the CEO's decision to not process the complaint may be submitted to the Board.
5. The Membership and Accreditation Appeals Panel will consider the appeal in accordance with the Appeal Process for Membership By-Law and the Terms of Reference.

## 5.0 Compliance with ethics standards

1. If the Committee finds the Respondent has breached the Code, the Respondent shall:
  - a. engage in any sanctioned actions and activities within any time frames as directed by the Committee, and
  - b. make appropriate conduct and procedure changes to their Practice to ensure no similar complaints are made in future.
2. If the Respondent does not, without reasonable cause, engage in the remedial actions and activities recommended by the Committee, the Respondent may face additional sanctions.

## 6.0 Reinstatement

1. The individual:
  - a. whose membership and/or accreditation has been suspended may, after the allotted period, make an application for reinstatement to ESSA if they believe they can demonstrate genuine change to the circumstances that caused the initial sanction, completion of required sanctions, and provide a declaration that they are fit and proper, as per the Fit and Proper Person Policy, to be a Member/Accredited Professional.
  - b. who has been expelled from ESSA membership and/or accreditation because of a serious criminal offence, or who has been permanently sanctioned for a breach of the



Code, a jurisdictional Code of Conduct, or other legislation, will be ineligible to an apply for reinstatement with ESSA.

## 7.0 Publications of decisions

1. Decisions of the Committee will be communicated to the Board and/or AC
2. Decision of the Committee will be communicated to the Respondent.
3. Individuals who are suspended will be listed on the ESSA website.
4. A summary of the decision will be communicated to the membership of ESSA. Any personal information will be de-identified.

## 8.0 Conflicts of interest

1. For the purposes of this Policy, a conflict of interest applies to individuals of the governing bodies involved in the complaints resolution process. These are the:
  - a. Committee;
  - b. AC; and
  - c. Board.
2. No member of an ESSA governing body who is personally concerned in any complaint or disciplinary process under this Policy shall take part in any aspect of the deliberations or decision-making process.
3. Any member of an ESSA governing body who has any actual or potential personal concern must withdraw from any such process and notify the respective Chair and/or CEO as soon as possible and, if possible before any process commences.
4. For the purposes of this Policy, an individual is personally concerned where they have a relationship or by reason of any contractual arrangement or agreement with any party to any complaint under consideration.

## 9.0 Confidentiality

1. The ESSA Ethics and Disciplinary Procedure may deal with information that is deemed personal information and/or sensitive information under Schedule 1 of the Privacy Act 1988 (Cth).
2. Confidentiality of the complaints review process applies to all:
  - a. actions, activities and outcomes of the complaints review process;
  - b. parties involved in a complaints review process;
  - c. actions and activities of any mediation process.
3. All activities surrounding the processing of a complaint will be held in confidence. This includes, but is not limited to:
  - a. communication between ESSA, the Complainant and the Respondent;
  - b. proceedings of the Committee;

- c. proceedings of the AC; and
  - d. proceedings of the Board.
4. Members of the Committee, AC and the Board shall not disclose information relating to a complaint.
5. The Respondent must not:
  - a. contact the Complainant(s) directly or indirectly regarding the complaint;
  - b. approach any member of the Committee, AC or Board in relation to the complaint, until the complaint process is finalised.
6. Should the Respondent attempt to make any contact as described above, then that behaviour may be included in the complaint, or dealt with as a new complaint under this Policy.
7. ESSA will not share personal or sensitive information when managing complaints unless required by legislation and permitted to do so under the Privacy Act 1988 (Cth).
8. ESSA cooperates with and recognises complaint review sanctions made by regulatory bodies authorised to investigate and make determinations on complaints to the extent that is required by legislation and permitted under the Privacy Act 1988 (Cth).
9. Sanctions that result in suspension or expulsion of professional accreditation(s) are:
  - a. reported to the relevant regulatory bodies;
  - b. published on the ESSA website where they are available to the public; and
  - c. otherwise released or published as required by law or directed by the Board.
10. Sanctions that result in suspension or expulsion of ESSA membership are:
  - a. published on the ESSA website where they are available to the public; and
  - b. otherwise released or published as required by law or directed by the Board.

## 10.0 Failure to Engage

1. If the Respondent does not comply with any requests made by the CEO or delegate, or the Committee under this Policy, then the CEO may serve the Respondent with a written notice which:
  - a. particularises the request to which the Respondent has not complied;
  - b. advises the Respondent that their failure to comply is a breach of their undertakings as an exercise and sports science professional and/or Member;
  - c. advises the Respondent that they have 14 days from the date the notice was served to rectify the breach; and
  - d. advises the Respondent that to not rectify the breach within the time allowed, may result in a new breach of the Code or further disciplinary review or sanctions that may include suspension of their exercise and sports science accreditations and/or ESSA membership until the breach is rectified or the complaint outcome is finalised.
2. If the Respondent does not rectify the breach within the time provided, their:
  - a. accreditation(s) may be suspended indefinitely or suspended at the discretion of the AC; and

- b. membership may be suspended indefinitely or revoked at the discretion of:
  - i. the AC, if they are also an Accredited Professional; or
  - ii. the Board, if they hold membership only.
3. If the Respondent allows their association with ESSA to lapse while the subject of a complaint under this Policy, the complaint made while associated with ESSA will remain active and will be pursued should the Respondent wish to re-associate with ESSA as a Member and/or Accredited Professional.

## 11.0 Costs

1. The Complainant shall pay all their own costs of and incidentals to any complaint process.
2. The Respondent is responsible for all their own costs associated with the complaint and any procedure under this Policy.

## 12.0 Roles, responsibilities and accountabilities

### 12.1 Members and Accredited Professionals

1. Have a responsibility to ensure they are familiar with the Code as amended from time to time.
2. Have a responsibility to ensure they adhere to the Code.

### 12.2 The Board

1. Appoints the Committee to deal with matters arising under this Policy;
2. Appoints the AC to deal with matters related to exercise and sports science accreditation arising under this Policy; and
3. Deals with matters related to ESSA membership arising under this Policy.

### 12.3 The Committee is a standing committee of ESSA

1. The Committee and Chair is appointed by the Board;
2. The Committee is composed in accordance to its terms of reference;
3. The Committee shall consider complaints and matters related to the ethical and professional practice of exercise and sports science. This includes:
  - a. alleged breaches of the Code;
  - b. alleged breaches of the Scope(s) of Practice;
  - c. alleged breaches of the Professional Standards;
  - d. alleged breaches of ESSA policies related to membership, accreditation and professional practice; and
  - e. other matters related to the ethical and professional practices of exercise and sports science.
4. The Committee acting in strict compliance with this Policy and Procedures:

- a. will review all evidence presented by the CEO or delegate, Complainant and Respondent;
- b. is delegated its power from the Board to make a finding about the complaint and any breach to the Code;
- c. shall make a recommendation to the AC (for an Accredited Professional who may or may not also be an ESSA Member) relating to the accreditation status of the individual regarding sanctions against the Respondent.
- d. shall make a recommendation to the Board (for a Member who is not also an Accredited Professional) relating to the membership status of the individual regarding sanctions against the Respondent;

#### **12.4 The Accreditation Council shall:**

1. Be appointed by the Board;
2. Make decisions relating to ESSA accreditation and professional practice arising under this Policy, and as set out in the Code.

#### **12.5 The Standards Council shall:**

1. Be appointed by the Board;
2. Set the standards for ESSA accreditation and professional practice arising under this Policy, as set out in the Code.

#### **12.6 The CEO:**

1. Shall receive complaints against Member(s) and/or Accredited Professional(s);
2. Shall ensure a thorough investigation of a complaint is conducted by the Committee;
3. Has the power to exclude complaints that are vexatious in nature.

#### **12.7 The CEO or delegate shall:**

1. Act as secretariat to the complaints process;
2. Respond to complaints;
3. Where appropriate, attempt to resolve any minor dispute between the parties which does not involve any breach of the Code.

### **17.0 Monitoring, review and assurance**

1. The Board is responsible for ensuring the relevance, veracity and consistency of content in this Policy.
2. This Policy is subject to triennial review.

### **18.0 Recording and reporting**

1. The CEO or delegate shall keep and maintain the ESSA Complaints Register in which shall be recorded details of all written complaints received and the outcome of consideration of such complaints.

## 19.0 Appendix

### 19.1 Definitions

**Accreditation Council** means the Council designated by the Board to oversee accreditations offered by ESSA.

**Accredited Professional** means and includes all individuals who hold an accreditation from ESSA.

**Board** means the Board of Directors of ESSA.

**CEO** means the Chief Executive Officer of ESSA.

**Code** means the ESSA Code of Professional Conduct and Ethical Practice as amended from time to time.

**Committee** means the Ethics & Disciplinary Committee established by the Board to adjudicate on matters when there is an alleged breach of the by-laws and standards defined for professional practice. The Committee operates in accordance with the Terms of Reference.

**Complainant** means the individual(s) with firsthand knowledge of a potential breach of the Code who is making the complaint.

**Conflict of interest** means a situation:

- a. at a particular time and circumstance that makes an individual not capable of exercising objective and impartial judgement in relation to the situation; or
- b. where a reasonable person with full knowledge of all relevant facts and circumstances would conclude that the individual is not capable of exercising objective and impartial judgement in relation to the situation due to any relationship that exists, has existed, or is likely to exist between the individual and any relevant party.

**ESSA** means Exercise and Sports Science Australia Ltd.

**ESSA Complaints Register** means ESSA's database of complaints received.

**ESSA professional** means an ESSA-accredited exercise and sports science professional and/or a member of ESSA.

**Jurisdictional Codes of Conduct and other legislation** means the National Code of Conduct for Health Care Workers as it applies in each Australian state or territory; the World Anti-Doping Code; the National Policy On Match-fixing; the Privacy Act 1988 (Cth), and any other relevant legislation and/or regulation.

**Member** means a financial member of Exercise & Sports Science Australia Ltd whether admitted as a student member, full member, fellow, associate member, academic member or honorary member.

**Profession** means an occupation that requires specialised tertiary training, knowledge and skills, and which intrinsically carries with it implied obligations to community, society and individuals including a set of standards and ethics to regulate the professional practitioner's duties and activities.

**Professional Standards** means the professional standards ESSA have developed for our accredited professionals.

**Reasonable** means a fair, proper and due degree of care and ability as might be expected from an ordinarily prudent person with the same knowledge and experience engaging in the particular service in similar circumstances.

**Regulatory body** means any organisation and/or government body with which exercise and sports science professionals may engage. Examples include: Australian Sports Anti-Doping Authority, Medicare Australia, Department of Veterans’ Affairs (DVA), Workers Compensation Authorities, health insurance agencies, Health Ombudsman, and Complaints Commission.

**Regulatory body authorised to investigate complaints** means ESSA and/or a state, national or international judicial system, or health care or sports industry regulatory bodies with legislated complaint investigation and sanctioning powers.

**Respondent** means the Member or Accredited Individual against whom the complaint is made.

**Sanction** means a penalty imposed for the breach of a rule, code, regulation or legislation.

**Scope of Practice** means the minimum knowledge, skills and competencies of accredited professionals.

## 20.0 Metadata for document management

Owner	Board
Custodian	Governance and Nominations Committee
Last Approval Date	8 December 2023
Next Review Date	8 December 2026
Audience / Users	Members
Notes	Related instruments: Ethics & Discipline By-Law Ethics & Disciplinary Committee Terms of Reference Appeals Process for Membership By-law Membership & Accreditation Appeals Panel Terms of Reference

## 21.0 Modification History

Date	Version	Details
December 2020	1	
8 December 2023	2	Material updates: <ul style="list-style-type: none"> <li>• Accreditation sanctions applied by the AC to automatically be applied also to membership.</li> <li>• Increased clarification that sanctions imposed by other regulatory bodies will apply across all categories of ESSA accreditation.</li> <li>• Addition of clause clarifying the ESSA does not become involved in university matters.</li> <li>• Extension of support services to Respondents who are Accredited Professionals but not Members.</li> </ul>