

COMPLAINTS AND DISCIPLINARY PROCEDURE

Global Version

1. INTRODUCTION AND SCOPE

In relation to the Global Code of Ethics (GCoE v2), the purpose of the Global Complaints and Disciplinary Process is to uphold appropriate standards of professional conduct amongst the communities of coaching, mentoring, supervision professionals, as guided by the Code. In other words, to protect the general public using the services of professionals, to ensure that members and non-members are best served by EMCC Global and all volunteers who work on EMCC Global's behalf, to build and maintain confidence in the industry, and to improve the quality of service delivered by professionals who are members of EMCC and non-members holding an EMCC accreditation. This document sets out a global version of the complaints procedure, and it is intended to serve as a blueprint for local country procedures.

1.1. Revision of EMCC Global's Complaints Process

- 1.1.1. The new Complaints and Disciplinary Procedure, which is revised in 2020, has been in place since 2002 and updated in 2012. The revision aims to cover a broader range of possible complaints in an improved manner.
- 1.1.2. The new complaints procedure addresses complaints from, and about, EMCC members and in line with the Global Code of Ethics (GCoE) v2 launched in May 2018 it reflects a more holistic approach to all professionals active in various capacities in the areas of coaching, mentoring, supervision, and related training.

1.2. Global Complaints Procedure

- 1.2.1. In some situations handling a complaint at country level will not be possible or not advisable. In those circumstances a complaint must be handled at the level of EMCC Global.

1.3. Global Complaints Committee and Model Complaints Procedure for Affiliated Countries/Regions

When establishing this Complaints Procedure **EMCC Global is asked to decide to:**

- 1.3.1. Set up and appoint the members of a **Global Complaints Committee (GCC)** as mentioned in this procedure. The remit of the GCC is to investigate, rule and oversee the handling of complaints from clients or sponsors against professionals, who are members of EMCC.

- 1.3.2. A **'model procedure'** to be used by Affiliated Countries/Regions that mirrors the principles and procedures of the Global Complaints and Disciplinary Procedure.

Although in principle each Affiliated Country/Region organisation is free to establish its own complaints and disciplinary procedure it is strongly advised to remain as close as possible to the 'model procedure' to guarantee as much alignment between EMCC's global procedures as possible as well as coverage at global level should a complaint be 'upscaled' to GCC level.

- 1.3.3. Enhance the Ethics WorkGroup resource wise in order to set up and put into action an EMCC wide programme to **create the necessary publicity and awareness** for this Complaints Procedure as well as overseeing the creating of country level complaints committees with the necessary publicity in all Affiliated Countries/Regions.

1.4. Publication of Rulings

EMCC Global considers the sharing of all rulings of a Complaints Committee (whether at Country or Global level) as an important contribution to the development and improvement of our members' work. For this reason, all decisions by complaints boards (country or Global) should be communicated, anonymously, to the EMCC membership. This supports the purpose of the complaints process to help with quality improvement and 'upholding proper standards of conduct in the industry'.

2. PURPOSE, SCOPE, AND APPLICATION

2.1. PURPOSE STATEMENT

The Global Code of Ethics (GCoE) sets the expectation of best practice promoting the development of professional excellence in coaching, mentoring, and supervision.

In relation to this, the EMCC Global Complaints and Disciplinary Process has the purpose of:

- 2.1.1. Upholding appropriate standards of professional conduct amongst the communities of our professions as overseen by the GCoE
- 2.1.2. Protecting the general public that uses the services of professionals (practitioners and training providers) through providing a way to bring forward and assess possible breaches of the GCoE (e.g. behaviour which falls below stated standards of professional conduct)
- 2.1.3. Ensuring that members and non-members are best served by EMCC and all the volunteers who work on EMCC's behalf
- 2.1.4. Building and maintaining confidence in the profession and in EMCC as the 'go to' body for coaching, mentoring, and supervision
- 2.1.5. Improving the quality of service by professionals who are members of EMCC through managing and analysing all complaints.

This is all based upon carefully following of the GCoE by all professionals who are members of EMCC as well as all Accredited Providers, even if they are not EMCC members, since it is a required when their programmes are awarded by EMCC that they agree to abide by and apply the Code.

2.2. DISPUTE RESOLUTION

Notwithstanding this purpose, the starting point of any complaints procedure must first and foremost be to restore relationships between the complainant and the professional (individual or organisation) against whom the complaint is directed. Thereby ensuring any remedial action to ensure responsibility has been met.

2.3. COMPLAINT HANDLING PRINCIPLE

2.3.1. Local Complaints Procedure Preferred

Although EMCC is a global organisation, EMCC's view is that dealing with a complaint should in principle always start at the local (Affiliated Country/Region) or Accredited Provider level. This way the threshold to file a complaint remains as low and as close to the complainant as possible. It also means that the onus is on the parties concerned to resolve the complaint. Filing complaints at Affiliated Country/Region or Accredited Provider level also minimises language and communication issues. A complaints process at country level is also better positioned to take particular note of that country's legislative framework and situation. Finally it allows for a direct appeals and escalation route.

2.3.2. Complaint Handling at National Level

Only when, and if, this proves to be impossible without intervention by a formal committee, a careful formal complaints and enforcement procedure is called for starting where possible at the national level. This way the threshold to file a complaint remains as low and as close to the complainant as possible. It also means that the onus is on the parties concerned to resolve the complaint. Filing complaints at Affiliated Country/Region or Accredited Provider level also minimises language and communication issues. A complaints process at country level is also better positioned to take particular note of that country's legislative framework and situation. Finally it allows for a direct appeals and escalation route.

2.3.3. Complainee Country Of Residence Principle for Complaint Handling

To ensure the above the EMCC advocates the following principle is applied to complaints that **the country of residence of the person/organisation a complaint is against** is the primary determinant in deciding in which country that particular complaint should be handled. The country of residence of the complainant is not to be the deciding factor although in most cases both countries will be one and the same.

2.3.4. Complaint Handling at Global Level

In some situations, handling a complaint at country level will not be possible or advisable. In those circumstances a complaint and enforcement must be thus handled at the level of EMCC Global. This will be the case if:

- 2.3.4.1. A complaint is directed against a direct member of EMCC Global (a direct member is not a member of an Affiliated Country/Region)
- 2.3.4.2. The individual or organisation the complaint is against does not reside in a country where an EMCC Affiliated Country/Region exists
- 2.3.4.3. The complaint is against an EMCC Accredited Provider (as their conferring of their programmes' accreditation is by EMCC Global even within a licensed country)
- 2.3.4.4. The complaint is not limited to just one country (as may be the case in a training programme that covers more than one country)
- 2.3.4.5. The appropriate (country) Complaints Committee does not assess itself competent or qualified to handle the complaint and decides to upscale to Global level. (Such upscaling should be an exception and, in any case, be followed by a clear justification with related evidence from the country complaints committee and must be notified to the EMCC Affiliated Country/Region's board. It is expected that the EMCC Affiliated Country/Region's board and complaints' committee will assist in the understanding of key documentation concerning the complaint and the communication with the complainant and other parties involved where required to do so)
- 2.3.4.6. No EMCC complaints process exists (yet) at the level of the country of residence of the complainee i.e the person or organisation against whom the complaint. (A lack of EMCC complaints process can be accepted in cases of newly established Affiliated Countries/Regions and for a period of not more than 12 months from the sign off of the EMCC affiliation agreement).

2.3.4.7. It is expected that in such circumstances, the EMCC Affiliated Country/Region member will assist in the understanding of key documentation concerning the complaint and the communication with the complainant and other parties involved where required to do so.

3. TERMS AND DEFINITIONS

For reasons of brevity and where appropriate in this document the following terms and definitions are used throughout this document:

Accredited Training Provider

A training organisation whose program(s) are accredited by EMCC Global (EQA, ESQA, TCQA, PMQA). The list of accredited providers is published in EMCC website.

Affiliated Country/Region

An organisation/professional body at country or regional level that is affiliated with EMCC Global and represents the EMCC in that country.

Appeal

An application based on new evidence or evidence of a procedural error which involves the reconsideration of a complaint ruling.

Board

The EMCC Global Executive Board (GEB).

Client

The individual or sponsor using the services of a member or an EMCC accredited non-member.

Code

The Global Code of Ethics v2.

Complaint

An alleged problem, experienced by the complainant, regarding the actions by, or negligence of the member or an EMCC accredited non-member, in respect to the relationship or an alleged financial dispute which could be viewed as a breach of the Code.

Complaints Committee (Global)

The Global Complaints Committee (GCC) set up by the board of EMCC Global with the remit to investigate, rule, and oversee the handling of all complaints.

Complainant

The client or a named representative of submits to the Global Complaints Committee (GCC) a complaint regarding a member or an EMCC accredited non-member.

Contract

The, oral or written, agreement that the member or an EMCC accredited non-member and the client have agreed on before commencing any coaching, mentoring, supervision, or coach training engagement.

EMCC Direct member

A member of EMCC that is not a member of an Affiliated Country/Region organisation because in their country of residence no such Affiliated Country/Region organisation exists (or another exceptional circumstance exists that prevents them from being a member in their country of residence/work) at the time the complaint is made.

EMCC Accredited member

A professional coach, mentor, supervisor¹, trainer, teacher, tutor, academic, sponsor, school, or organisation that is a member or direct member of EMCC. A non-member holding an EMCC accreditation not residing in a country where an Affiliated Country/Region organisation exists.

EMCC accredited non-member

A professional coach, mentor, supervisor, trainer, teacher, tutor academic, sponsor, school, or organisation that is not a member of EMCC but holds an accreditation awarded by EMCC (the full list of accreditation schemes can be found on the EMCC official webpage www.emccglobal.org).

EMCC Global

Previously known as the European Coaching and Mentoring Council.

Profession, Professional, Practitioner²

The activities and functions of an individual or organisation regarding coaching, mentoring, or supervision. The three terms are used in this procedure interchangeably.

Professional Charter

The Professional Charter for Coaching and Mentoring that is registered on the dedicated European Union database, which lists self-regulation initiatives in Europe.

Ruling

The final decision of the complaints or appeals committee which may include recommended action or advice that can be addressed to the member or EMCC accredited non-member against whom the complaint is directed, to the board or to both.

Relationship

The relationship that exists between the member or the EMCC accredited non-member and client when, whether on the basis of a written or oral contract, they meet within the boundary of a professional assignment of coaching, mentoring, or supervision.

Secretariat

The administration of EMCC Global or, if present, the secretariat of the Global Complaints Committee. None of the administration/GCC secretariat members can hold an active position at the Global or any local EMCC board.

Sponsor

The third party who has agreed to a contract with the member or the EMCC accredited non-member for the purpose of providing a professional service to a client

Status

The level of accreditation, certification, or registration that EMCC has awarded to a member an EMCC accredited non-member

¹ EMCC acknowledges that the titles 'coach', 'mentor' and 'supervisor' are not protected and may be used by anyone in the field of practice, member, or not member of a professional body such as EMCC.

² EMCC acknowledges that the terms 'profession' and 'professional' are being used for activities that are not under statutory regulation but are being increasingly professionalised and self-regulated.

4. GLOBAL COMPLAINTS COMMITTEE: COMPOSITION, APPOINTMENT, AND RESIGNATION

To ensure a fair and fully independent complaints process the Global Complaints Committee (GCC) is created as follows:

- 4.1. The members of the GCC will be appointed, suspended, and dismissed only by the board.
- 4.2. The members of the GCC are appointed in a personal capacity for a term of two years and may be reappointed once, consecutively, for the same period of time.
- 4.3. For a quorum of the GCC to be met it must consist of at least the President and two other members making a committee of three in total. Except the president all members have to be members of EMCC. Members of the GCC cannot at the same time be members of the board.
- 4.4. The president of the GCC shall be independent of the EMCC and cannot be a member of EMCC. A vice-president will also be appointed to serve if the president is unavailable. If possible, the president needs to be experienced in the handling of (complaints) procedures, chairing arbitration processes/ethics committees, and familiar with the professional fields of EMCC. If the president has insufficient legal expertise the board can supply the committee with the services of a legal advisor, preferably an active mediator, lawyer, or judge. This however is always subject to the nature of each complaint and therefore the need for legal expertise/advice should be decided on a case by case basis.
- 4.5. If the president is unable to chair the meeting, the GCC will ask the vice-president to chair or appoint another independent person to do so. In all cases, the chair of the GCC meeting should be independent of EMCC and its board.
- 4.6. A committee member's membership of the GCC, including GCC's President position, ceases upon:
 - 4.6.1. The two year term coming to an end, and the committee member is not reappointed
 - 4.6.2. The death of the committee member
 - 4.6.3. The resignation of the committee member
 - 4.6.4. The dismissal of the committee member by the board on grounds of negligence of their tasks
 - 4.6.5. The dismissal of the committee member by the board on the grounds that the member cannot reasonably fulfil their role, including being incapacitated.

5. SUBMISSION OF A COMPLAINT: ELIGIBILITY, ADMISSIBLE, AND NON-ADMISSIBLE COMPLAINTS

Only complaints meeting the conditions outlined in articles 5.1 through to 5.6 are admissible under this Global Complaints Procedure.

5.1. OBJECT OF THE COMPLAINTS

- 5.1.1. A complaint should be about either:
 - 5.1.1.1. Professional behaviour of a mentoring, coaching, supervision professional towards their client (and/or sponsor)
 - 5.1.1.2. Unethical or professionally unacceptable behaviour of a professional brought forward by another professional.

5.1.2. Complaints and appeals thereon should primarily relate to the conduct in a professional relationship, as set out in the Global Code of Ethics (GCoE v2 2018), between a client and a provider of a professional service (either mentor, coach, supervisor training or mentoring, coaching, supervision) or between the practitioners.

5.1.3. But they may also refer to, in the view of the complainant, failure to deliver on expectations stated within the Code and/or the Professional Charter or be about behaviour that the complainant considers being below appropriate standards of professional conduct. These situations relate more to the professional practice ethos rather than specific strictly formulated articles stated within the Code or Charter.

5.2. OTHER PREREQUISITES FOR A COMPLAINT TO BE ADMISSIBLE ARE

5.2.1. The complainant should first approach the professional/organisation about whom the complaint is being made (following the organisation's complaints and appeals procedure if available). The best practice of EMCC with respect to its members and accredited organisations in this regard is set out (see article 2.2) and sought to resolve the issue or bring about the necessary change(s) in behaviour without success. Complainants will be required during the complaint filing process to provide evidence of contact to this effect.

5.3. COMPLAINANTS SHOULD PROVIDE THE FOLLOWING INFORMATION

5.3.1. Name, address, e-mail address, and/or telephone number of the complainant

5.3.2. Name, address, e-mail address, and/or telephone number of the professional or organisation against whom the complaint is directed

5.3.3. Generic data of the professional assignment involved (e.g. coaching, mentoring, supervision, or training contract)

5.3.4. A clear description of the complaint

5.3.5. Relevant information about the complaint (facts, circumstances, or events regarding the origin of the complaint including possible correspondence about the complaint)

5.3.6. Information regarding actions taken to resolve the complaint as referred to in Article 5.2

5.3.7. Date and signature of the complaint by the complainant. A standard Complaints Form with a brief explanation of the complaints procedure is available on the EMCC website and links to it are also on EMCC accredited organisations' websites. Complainants are asked to use this form to file a complaint.

5.4. THE COMPLAINANT

5.4.1. Complaints should be filed by one of the following or a nominated representative:

5.4.1.1. A client/potential client (coachee, mentee, or supervisee), sponsor, or student who is a buyer of the professional services of a professional who is an EMCC member or an EMCC accredited non-member

5.4.1.2. A practitioner (coach, mentor, or supervisor) who is an EMCC member or an EMCC accredited non-member.

5.4.2. The complainant needs to have a vested interest in the situation the complaint is about. The nominated representative should be in possession of the necessary information and facts to make the complaint.

5.5. THE SUBJECT OF COMPLAINTS

5.5.1. Complaints should be about the following individuals or organisations:

- 5.5.1.1. A practitioner (coach, mentor, or supervisor) who is a direct member of EMCC and not a member of an Affiliated Country/Region organisation
- 5.5.1.2. A school or organisation, trainer, teacher, tutor, or supervisor providing coaching, mentoring, supervision, or mentoring, coaching, supervision training services that is a direct member of EMCC and not a member of an Affiliated Country/Region organisation
- 5.5.1.3. A non-member holding an EMCC accreditation (a full list of EMCC accreditation offers can be found on the official EMCC website www.emccglobal.org) not residing in a country where an Affiliated Country/Region organisation exists.

5.6. A COMPLAINT CAN ALSO BE HANDLED BY THE GLOBAL COMPLAINTS COMMITTEE

- 5.6.1. No EMCC complaints process exists (yet) at the level of the country of residence of the person/organisation the complaint is directed against because the EMCC affiliation is not more than 12 months old
- 5.6.2. The complaint cannot be limited to just one country
- 5.6.3. The appropriate (country) Complaints Committee does not consider itself competent or qualified enough to handle the complaint and decides to upscale the handling of the complaint to the Global Complaints Committee. Such upscaling must have a clear justification with related evidence from the country/regional complaints committee, with notification given to the Affiliated Country/Region's EMCC board and acceptance of the upscaling by them. It is expected that the EMCC Affiliated Country/Region's board and complaints' committee will assist in the understanding of key documentation concerning the complaint and the communication with the complainant and other parties involved where required to do so.

5.7. COMPLAINTS WILL NOT BE ACTED UPON OR NO LONGER BE ACTED UPON

- 5.7.1. The complaint is submitted anonymously
- 5.7.2. The facts, circumstances, or events concerning the complaint have taken place more than 12 months before submission.
- 5.7.3. The complainant has not submitted the required information outlined in part, even after being requested to do so
- 5.7.4. The complaint is not related to conduct in a professional relationship and/or to a breach of the Code
- 5.7.5. The complainant withdraws the complaint
- 5.7.6. The complaint relates to a matter that is or has become the subject of a court proceeding while the EMCC investigation is still in progress.
- 5.7.7. The complaint relates to a matter that has previously been the subject of a court proceeding where the complaint was not upheld
- 5.7.8. The complaint relates to a matter that has previously been the subject of a complaint to another professional body where the complaint was not upheld.
- 5.7.9. If a complaint is non-admissible the complainant will be informed of this as soon as possible. The complaints procedure is then terminated.

6. PRELIMINARY PROCEDURE

- 6.1. A complaint should be addressed to complaints@emccglobal.org of EMCC Global Complaint Committee Secretariat using the complaints form provided on EMCC website www.emccglobal.org
- 6.2. Within a period of seven working days after the complaint is received by the secretariat, the complainant will receive a written acknowledgement of receipt from the GCC and whether all the preliminary elements have been provided or additional info is sought.
- 6.3. In case some of the required information to pursue the complaint with regard to part is missing the secretariat will inform and request the complainant to supply the remaining required information within a period of 15 working days from sending the acknowledgement receipt of the complaint otherwise the complaint cannot be pursued. If the missing information is still not supplied the complaint cannot be handled and is deemed to be inadmissible. The complainant will be informed of this.

7. HANDLING OF A COMPLAINT

- 7.1. If the information is complete and a clear indication has been given as to the nature of the complaint or appeal, the committee will send a copy of the complaint to the person or organisation against whom the complaint or appeal is made for their response.
- 7.2. The person or organisation involved will be requested to submit a written response to the complaint with the necessary supporting documentation within 10 working days. At the request of the professional or organisation this period may be extended by an additional 10 working days. After this period of time the complaints committee will handle the complaint, even if the person or organisation subject of the complaint has not responded and advised them of this act.
- 7.3. The president (or, in the president's absence, the vice-president) and two other members of the GCC will consider the complaint.
- 7.4. The person or representative of an organisation against whom the complaint is directed and any other person who, whether directly or indirectly (e.g. holding advisory role, member of family, personal network etc), is involved in the complaint, is not allowed to take part in the handling of the complaint. If this results in a deficiency of the number of committee members required the board must appoint a temporary new member of the committee.
- 7.5. The Complaints Committee decides whether there is sufficient material available to them to be able to draw from in order to handle the complaint. If this is not the case it may ask parties to provide extra information, further expand upon their viewpoints or decide to carry out more investigation in other ways.
- 7.6. The complaints committee is at liberty to ask for information from, or hear from, other parties involved in the complaint.
- 7.7. The GCC may decide to invite parties to be heard in person in a hearing session of the committee. This however is expected to happen in rare cases which remain inconclusive despite the diligent process of requesting sufficient information and supportive documentation of the parties involved.
- 7.8. If a hearing session is held then those involved will as a rule be heard in the presence of the other party. If a complainant or the person/organisation against whom the complaint is directed, requests the hearing to take place in the absence of the other party, the complaints committee may in exceptional cases grant this request. An equal opportunity should also be provided for the other party to be heard in a separate hearing session.
- 7.9. If one of the parties involved wishes to be assisted in a hearing session, the name and role of that person has to be submitted to the GCC at least three days before the session. The complainant or the person/organisation against whom the complaint directed must be present in person in the hearing session and cannot normally authorise another person to replace them unless there are unforeseen circumstances which render that person unable to attend at the last minute.

- 7.10. The complaints committee will ensure that both parties are equally kept informed and updated at all times during the procedure.
- 7.11. The meetings and hearing sessions for complaints are closed. Minutes of meetings and sessions may only be used for internal use by the members of the committee.
- 7.12. The Complaints Procedure is free of charge for individuals. Parties are responsible for their own costs incurred due to any assistance including legal, travel expenses and other costs. For organisations there is a charge (see EMCC Global website for details) for filing a complaint which is returned if a complaint is upheld.
- 7.13. In case there is need for the complaints committee to invite its own experts to attend and be heard at the hearing session, the parties concerned will be notified beforehand.

The complaints committee decides on the basis of the code and the evidence received to make a ruling to uphold or not uphold the complaint (see section 9). All parties concerned will have the opportunity within seven working days to lodge an appeal (see section 8 below).

8. HANDLING OF APPEALS

8.1. LODGING AN APPEAL AND ELIGIBILITY

- 8.1.1. An appeal may be lodged within seven working days of a complaint committee ruling if there is new evidence that can be submitted which has not been considered before or proof of a procedural error regarding the complaint adjudication.
- 8.1.2. If the information is complete and a clear indication has been given as to the nature of the appeal, the committee will send a copy of the appeal to the person or organisation against whom the appeal is made.
- 8.1.3. The person or organisation involved will be requested to submit a written response to the appeal with the necessary supporting documentation within 10 working days. At the request of the professional or organisation this period may be extended by an additional 10 working days. After this period of time the appeal committee will handle the appeal, even if the person or organisation subject of the appeal has not responded and advised them of this act.
- 8.1.4. Similar to the procedure for complaints, appeals will not be acted upon or no longer be acted upon if:
 - 8.1.4.1. Submitted anonymously
 - 8.1.4.2. The person or organisation making the appeal has not submitted the required information outlined above in 5.3, even after being requested to do so
 - 8.1.4.3. The appeal is not related to conduct in a professional relationship and/or to a breach of the Code
 - 8.1.4.4. The person or organisation making the appeal and/or the original complaint withdraws the complaint
 - 8.1.4.5. The complaint and thus the appeal thereon relates to a matter that is or has become the subject of a court proceeding while the EMCC investigation is still in progress.
- 8.1.5. All such appeals should be acknowledged by the EMCC secretariat within seven working days of receipt.
- 8.1.6. A charge will be made for the appeal as set out on the EMCC website which must be paid once the appeal has been deemed to fulfil the above conditions. The charge will be given back to the appellant should their appeal be upheld
- 8.1.7. An appeal setting out the motive with supporting documentation for the circumstances described above and the cost of which has been settled will be examined by the appeals committee.

8.2. APPEALS COMMITTEE COMPOSITION AND PROCEDURE

- 8.2.1. The appeals committee will be composed of an independent chairperson and two other representatives who will be drawn from the pool of possible members. The president of the appeal committee shall be independent of the EMCC and cannot be a member of EMCC. A vice-president will also be appointed to serve when the president is unavailable.
- 8.2.2. The appeals committee should be composed preferably of experts which
 - 8.2.2.1. Were not involved in the complaint committee upon whose ruling the appeal is based
 - 8.2.2.2. Are not parties who were the complainant or the subject of complaint.
- 8.2.3. The person/or representative of an organisation against whom the complaint and appeal is directed and any other person who, whether directly or indirectly (e.g. holding advisory role, member of family, personal network etc), is involved in the original complaint and appeal, is not allowed to take part in the handling of the appeal. If this results in a deficiency of the number of committee members required the board must appoint a temporary new member of the committee.
- 8.2.4. The appeals committee should consider the appeal within 30 working days of its acknowledgement by the EMCC secretariat to be submitted to the appeals committee.
- 8.2.5. The Appeals Committee decides whether there is sufficient material available to them to be able to draw from in order to handle the appeal. If this is not the case it may ask parties to provide extra information, further expand upon their viewpoints or decide to carry out more investigation in other ways. In addition to this the appeals committee may also decide to invite parties to be heard in person in a hearing session of the committee. This however is expected to happen in rare cases which remain inconclusive despite the diligent process of requesting sufficient information and supportive documentation of the parties involved.
- 8.2.6. The appeals committee is at liberty to ask for information from, or hear from, other parties involved in the complaint.
- 8.2.7. The appeals committee will ensure that both parties are equally kept informed and updated at all times during the procedure.
- 8.2.8. If a hearing session is held then those involved will as a rule be heard in the presence of the other party. If a complainant or the person/organisation against whom the complaint is directed, requests the hearing to take place in the absence of the other party, the appeals committee may in exceptional cases grant this request.
- 8.2.9. If one of the parties involved wishes to be assisted in a hearing session, the name and role of that person has to be submitted to the appeals committee at least 3 days before the session. The complainant or the person/organisation against whom the complaint directed must be present in person in the hearing session and cannot normally authorise another person to replace them unless there are unforeseen circumstances which render that person unable to attend at the last minute.
- 8.2.10. The meetings and hearing sessions of the appeals committee are closed. Minutes of meetings and sessions may only be used for internal use by the members of the committee
- 8.2.11. Parties are responsible for their own costs incurred due to any assistance including legal, travel expenses and other costs. For organisations, as with filing complaints, there is a charge (see EMCC website for details) for filing an appeal which is returned if a appeal is upheld.
- 8.2.12. In case there is need for the appeals committee to invite its own experts to attend and/or be heard at the hearing session, the parties concerned will be notified beforehand.

- 8.2.13. As with complaints, should the appeals committee need expert advice it will request this with the agreement of the EMCC secretariat as to the financial consequences involved.
- 8.2.14. The rulings to uphold or not uphold the appeal, communication and publication of decisions of the appeals committee is as set out in section 9 below.
- 8.2.15. The outcome of an appeal is final.

9. RULINGS OF THE COMPLAINTS AND APPEAL COMMITTEES

- 9.1. The GCC and appeals committee will be convened as soon as possible no later than 40 working days from the acknowledgement by the EMCC secretariat to the person or organisation making the complaint or appeal as being complete to ensure a ruling is delivered within a reasonable period of time. Once the complaint ruling has been communicated to the parties as set out in 9.3, these will be informed that they may make an appeal within 7 working days if there is new evidence that can be submitted which has not been considered before or proof of a procedural error. The procedure for handling appeals is set out in 8 above.
- 9.2. If the complaint or appeal committee is exceptionally not able to give a ruling within the period of time mentioned in 9.1, this will be communicated by the EMCC secretariat immediately in writing to the complainant/ the person making the appeal and to the person/organisation the complaint/appeal is directed against, explaining the reason for the delay and the expected length of time needed to give a ruling. Any such exceptional circumstances should not exceed a reasonable time period to ensure the ruling and no more than 10 days.
- 9.3. The GCC and appeals committees will base their rulings on the content of the reports and information provided, as well as on any proceedings of the hearing session if one is held and all that is considered to be common knowledge. The committees will via the EMCC secretariat communicate their rulings in writing no later than 5 working days following the ruling and will provide both parties with a copy of the ruling at the same time as sending a copy to the Board. The ruling should include both information about the complaint/appeal, the response (or lack of) of the person/organisation being complained about, the decision of the GCC and if applicable the appeals committee together with any recommended action and deadlines for such.
- 9.4. Rulings of the GCC and appeals committee will be that a complaint/appeal is:
 - 9.4.1. Not upheld
 - 9.4.2. Partially upheld
 - 9.4.3. Upheld.
- 9.5. In the wording of the ruling the GCC and Appeal committee may include a recommendation addressed to the member or EMCC accredited non-member, to the board (where actions are severely reproachable and requiring further disciplinary action as set out in 9.8) or to both.
- 9.6. In principle the GCC and appeals committees make their decisions unanimously. If that is not possible the committee decides by a majority of votes. In case of equal votes, the president has the casting vote.
- 9.7. If the GCC/appeal committee rules that a complaint is upheld or partially upheld, the member or the EMCC accredited non-member will be expected to take the necessary action to remedy the situation and inform as set out in 9.9 the EMCC vis a vis the complaint or appeal within 20 working days. The EMCC secretariat will check action has been taken by that date. Should the necessary action not be undertaken by that time then a formal notice will be issued that the action should be undertaken within 5 working days otherwise the case will be automatically escalated up for Board decision as set out in 12.1. A time extension can be requested to implement the ruling of the complaint/appeal committee but it must be made in writing to the EMCC before the deadline for the action to be taken or escalated to the board. This must be based on a valid reason (administrative, financial or technical) and may not normally exceed an additional 10 working days.

- 9.8. If the complaints or appeal committee considers the member or the EMCC accredited non-member to be severely reproachable due to the nature of the complaint i.e. sexual harassment, intimidation, bullying, and fraud or serial breaches of the code, it will advise the board to consider further action (s) as set out under art 12.2.
- 9.9. If the recommendation referred to in art. 9.5 applies to the member or the EMCC accredited non-member, the person/organisation must inform the complainant, the EMCC whether and, if so, which actions it will take in accordance with the ruling and recommendations.
- 9.10. If the recommendation referred to in art. 9.5 applies to the board the board will inform the complainant, member/EMCC accredited non-member about which actions, it will take in accordance with the ruling and recommendations.
- 9.11. The ruling of the appeals committee is final in relation to the case concerned.
- 9.12. The GCC and appeals committees will supply an anonymised version of the ruling for the board to communicate to all those who are members or EMCC accredited non-members. It will as under 13.3 on Transparency and Reporting publish the same on EMCCs website. This supports the purpose of the complaints process to help with quality improvement and 'upholding proper standards of conduct in the profession' as mentioned in the Purpose Statement.

10. CONFIDENTIALITY AND PRIVACY

- 10.1. Members of the complaints and appeals committees, the Board, and others who in their role or expertise are involved in the handling of a complaint have an obligation of confidentiality as to the information about the complaint and/or appeal, that has come to their knowledge and they will be required to sign a confidentiality agreement with EMCC.
- 10.2. This obligation of confidentiality will remain in force after the termination of the work for the Complaints or Appeals Committees or for EMCC. The obligation of confidentiality ceases only if a legal ruling obliges the person involved to disclose information or if disclosure is part of the obligations following up the execution of the Complaints and Disciplinary Procedure.
- 10.3. The EMCC secretariat, its administrative and compliance bodies (board, complaint and appeals committees) are bound by the EU General Data Protection Regulations (GDPR) that came into force in May 2018.

11. COMPENSATION

- 11.1 The Board will arrange the payment of any expenses (attendance, travel, and other) of the members of the GCC and appeals committees, a legal advisor, and consulted experts. It remains however strongly preferred to run virtual meetings, unless there is absolute need for an in person meeting, so as to ensure inclusion of all EMCC regions and keep the costs controlled.

12. DISCIPLINARY ACTIONS / SANCTIONS

- 12.1. If as referred to in art. 9.8 the GCC or appeals Committee has advised the Board to issue a formal warning to take corrective action or take further disciplinary action resulting from lack of corrective action, occurring/ serial breaches of the code or severely reproachable behaviour the board will decide to take further disciplinary actions against the member or the EMCC accredited non-member involved.
- 12.2. Disciplinary actions which may be taken by the Board can be:
 - 12.2.1. Issuing a formal warning to the member or the EMCC accredited non-member
 - 12.2.2. Restricting rights granted to the member or the EMCC accredited non-member
 - 12.2.3. Lowering the status of the member or the EMCC accredited non-member
 - 12.2.4. Revoking the status of the member or the EMCC accredited non-member

12.2.5. Termination of the member's membership of EMCC.

Actions 12.2.2 through to 12.2.5 can either be temporary in duration or permanent. Those who are subject to such actions will be expected to rectify the situation which led to disciplinary action before reconsideration of their status by the EMCC.

12.3. Any such action taken by the board will be made public to the members and EMCC awarded non-members.

12.4. Appealing against any such decision of the Board is not possible.

13. TRANSPARENCY AND REPORTING

13.1. The EMCC will provide a brief description of the complaints procedure on the EMCC Global website in order to inform general public about its existence and key principles. This description must not be in conflict with the valid law, the Code and the procedure full text. A copy of the complaints and disciplinary procedures can be obtained on request.

13.2. The decisions of the Complaints and Appeals committees will be communicated in full to the parties concerned.

13.3. A summary of the decisions of the complaints and appeals committees will be published on a regular basis this will include the subject of the complaint and nature, the consideration of the response thereon and decision as well as any sanction and recommendations. The identity of an individual complainant should remain anonymous.

13.4. The EMCC secretariat will supply the Board with an annual report stating the number and nature of complaints and appeals the committees have handled and has received but not handled. The annual report will not include data or information, which can be linked to any specific individual persons or organisations. It will list the complaints which have been partially or fully upheld. The EMCC will produce annual statistics and reporting thereon in its website.

14. OTHER MATTERS AND OBLIGATIONS

14.1. The EMCC, GCC, and appeals committee is responsible for an accurate and confidential handling of all data about the complainant and the professional/organisation concerned.

14.2. The members of the GCC and its appeal committee cannot be held individually liable for rulings of the committees nor for any acts or negligence as a member of these.

14.3. The GCC and appeals Committee will not handle claims for damage nor rule on the liability of EMCC Global itself. Still fees will be paid back in full to complainant whose cases are ruled as not upheld.

14.4. The Board will decide or delegate the task to an appropriate internal body in all relevant cases, not covered by/in this procedure.

This procedure comes into effect on November 1st 2020 and replaces any previous ones.