



**ENGINEERS
AUSTRALIA**

OPERATING PROCEDURES FOR CHARTERED ASSESSMENT APPEALS

Issued by the Chief Executive 22 July 2008

1. APPLICATION AND ROLES

- 1.1 The Director Education and Assessment is to appoint a Membership Appeals Officer to:
 - (a) administer appeals against decisions not to award chartered membership;
 - (b) arrange for suitable monitoring of compliance with these procedures; and
 - (c) provide administrative support to the Appeal Panel.
- 1.2 These Operating Procedures are to be followed by the Membership Appeals Officer, national assessors and other staff members involved in the assessment for chartered membership. These Operating Procedures also provide guidance to office bearers in the implementation of the Membership Regulations.
- 1.3 An applicant's appeal rights must be included in the written notification of the decision of an Assessment Panel that the applicant has failed to attain chartered membership.

2. INFORMATION TO GUIDE APPELLANTS

- 2.1 The Director Education and Assessment is to make sure information concerning the lodgement of an appeal is readily accessible through the Engineers Australia web site.

3. GROUNDS FOR APPEAL

- 3.1 An appeal may be made on one or more of the following grounds:
 - (a) that the assessment has not considered all relevant material
 - (b) that irrelevant information was taken into account

- (c) that due process has not been followed
- (d) that the conduct of the assessment has demonstrated bias that has disadvantaged the applicant.

4. REQUIREMENTS TO LODGE APPEAL

- 4.1 The appeal by the applicant must:
 - (a) be in writing
 - (b) set out the grounds for appeal
 - (c) be lodged with the Chief Executive of Engineers Australia within 12 months of the date of notification of the Assessment Panel's decision.

5. RECEIPT OF APPEAL BY CHIEF EXECUTIVE

- 5.1 When an appeal has been received, the Membership Appeals Officer must:
 - (a) give written notice to the appellant that the appeal has been received
 - (b) forward the notice of appeal to the Chief Executive to grant or not grant leave to appeal
 - (c) facilitate the appointment of an Appeal Panel by the Chief Executive
 - (d) notify the Appeal Panel members in writing of their appointment
 - (e) if leave to appeal is granted, inform the appellant of the date on which the appeal is to be considered and invite the appellant to make a submission to the Appeal Panel either in writing, or in person at a face-to-face meeting, if arranged
 - (f) if leave to appeal is granted, inform the appellant that they may be accompanied by a support person at a face-to-face hearing, if arranged
 - (g) inform the appellant of the procedures of the Appeal Panel.

6. ESTABLISHMENT OF APPEAL PANEL

- 6.1 In considering an appeal, the Chief Executive will establish an appropriately constituted Appeal Panel.
- 6.2 The Appeal Panel must include at least three chartered members of Engineers Australia, preferably in the same discipline/area of practice as the appellant, one of whom will be appointed by the Chief Executive as Chair.

- 6.3 The original decision maker(s), assessor(s) or Assessment Panel are not to be included on the Appeal Panel.
- 6.4 Proposed Appeal Panel members must declare any prior knowledge of or association with the appellant before being appointed to the Panel. If a conflict of interest arises that might unfairly influence the outcome of appeal, that person must stand down.

7. CONDUCT OF APPEAL

- 7.1 An Appeal Panel:
 - (a) is not bound by the rules of evidence
 - (b) must conduct its proceedings as promptly as proper consideration of the matter(s) permits
 - (c) must declare and take action to remove any conflict of interest
 - (d) must conduct its assessment in private
 - (e) may meet face-to-face or by means of telephone, video links or any other telecommunications system

- 7.2 The Appeal Panel may nominate an observer to be present at a face-to-face hearing.

8. MATTERS TO BE CONSIDERED BY APPEAL PANEL

- 8.1 An Appeal Panel:
 - (a) must take into consideration the grounds of the appellant's appeal
 - (b) must review all material provided by the appellant in support of an application for chartered membership, including correspondence between the applicant and Engineers Australia
 - (c) must take into consideration any matters raised at interview by the Assessment Panel
 - (d) must take into consideration the statement of reasons of the Assessment Panel
 - (e) may interview the responsible national assessor(s)

- (f) must take into consideration any relevant submissions, including new information made orally or in writing to the Appeal Panel
- (g) may request specific information from the appellant.

9. DETERMINATION OF APPEAL

- 9.1 A decision supported by the majority of the votes cast is the decision of an Appeal Panel.
- 9.2 When determining an appeal, an Appeal Panel:
 - (a) may confirm the decision of the Assessment Panel; or
 - (b) refer the application to a different Engineers Australia national assessor;
or
 - (c) require the formation of a new Assessment Panel.
- 9.3 The decision of an Appeal Panel is final.

10. NOTIFICATION OF DECISION OF APPEAL PANEL

- 10.1 An Appeal Panel must prepare a statement of reasons for its decision.
- 10.2 An Appeal Panel must notify the Chief Executive of its decision.
- 10.3 The Chief Executive will provide the appellant with a written statement of the decision of an Appeal Panel, including the statement of reasons.

Peter Taylor
Chief Executive
22 July 2008