

IIA DISCIPLINARY PROCEDURES

The Institute of Internal Auditors, Inc. (“**The IIA**”) develops and promotes high ethical standards that it requires its members, certification holders, and certification candidates to meet. The IIA has established these Disciplinary Procedures (“**Procedures**”) to address suspected violations of The IIA Code of Ethics and Professionalism (“**Code**”), which is comprised of [Domain II of the Global Internal Audit Standards™](#) (“**Standards**”).

Any person may be subject to disciplinary procedures, including censure, suspension, or expulsion, for violation of the Code of Ethics. Responsibility for establishing and administering a disciplinary policy and framework is vested in the General Counsel.

These Procedures contain the rules that govern the review and resolution of possible violations of the Code and other applicable ethics policies and apply to:

- 1) All North American and at-large members of The IIA;
- 2) All individuals who hold a certification issued by The IIA;
- 3) All candidates for a certification issued by The IIA (including exam takers); and
- 4) All individuals whose Ethics case has been referred to The IIA by a National Institute in the first instance or on appeal.

Cases pertaining to allegations of exam fraud or misconduct will be addressed by the Director, Certification Operations. The Director may impose a temporary ban on retaking the examination that may not exceed a year. Where the Director determines that a temporary ban from retaking the exam is appropriate, their decision will be final. If the Director believes a permanent ban on retaking the exam is appropriate, they will refer the case to the General Counsel for adjudication pursuant to these Procedures.

These Procedures are not a formal legal process, and some formal legal rules and practices are not observed. They are designed to operate without requiring the assistance of attorneys. However, any individual may be represented by an attorney of their choice. If an individual has retained an attorney, the attorney will be directed to communicate with The IIA through The IIA’s legal counsel.

The language of review and adjudication is English.

Ethics cases will be examined and adjudicated by The IIA’s Ethics Panel. The panel’s decisions may be appealed to the Ethics Board.

In these Procedures, the subject of an ethics complaint or review is the “**Respondent**,” and the person(s) initiating the Complaint is the “**Complainant**.”

1. To Submit a Complaint.

To initiate an ethics review, a Complainant must complete and submit an Ethics Complaint Form, which provides The IIA with a detailed explanation of the facts and ethics conduct issues related to the identified Respondent, and that includes, at a minimum, the information listed below. Documents such as government agency complaints or orders/decisions, court complaints or judgments/decisions, and other public records or materials may be submitted to support a complaint.

The Complaint must include:

- (i) Each Principle and Standard that has allegedly been violated;
- (ii) A detailed written description of the factual allegations supporting, including a timeline;
- (iii) The name of the Respondent;

- (iv) The current contact details of the Respondent (if known);
- (v) The name and contact details of the Complainant;
- (vi) An attestation that the Complainant believes in good faith the allegations in (i) (ii) to be true; and
- (vii) A list of witnesses with knowledge of the facts supporting the Complaint (if known).

The Complaint must be emailed to ethics@theia.org.

2. Initial Review by General Counsel.

The General Counsel of The IIA will review the Complaint and allegation(s) asserted by the Complainant to determine whether the Complaint is presented with sufficient detail and support to permit The IIA to conduct a formal review of the allegation(s). The General Counsel may reject the Complaint and determine that it should not be the subject of a formal ethics review by The IIA.

3. Notice to Respondent.

If an Ethics Complaint Form has been accepted, the General Counsel will issue a formal opening letter (“**Opening Letter**”) to the Respondent with a copy to the Complainant at their address of record, by email and/or other verifiable delivery service, with the following information:

- 1) A copy of the completed Ethics Complaint Form;
- 2) A statement that the Complaint has been referred to The IIA’s Ethics Panel for further review and adjudication;
- 3) An invitation to the Respondent to submit a written Answer to the Complaint within 30 days of the date of the Opening Letter, in accordance with the instructions contained in the Opening Letter;
- 4) An explanation of the potential disciplinary actions to which the Respondent may be subject;
- 5) A copy of these Procedures; and
- 6) A hearing date — The Respondent may request a change in the hearing date once as a matter of course. Any further extensions will be at the discretion of the General Counsel.

4. Answer.

The Respondent’s Answer must include a full response to each allegation and a copy of each document relevant to the resolution of the Complaint. The IIA’s Ethics Panel, through the General Counsel, may request additional information from the Respondent, the Complainant, or a witness to supplement the Complaint or the Answer. If no Answer is filed within the prescribed time limits, The IIA’s Ethics Panel may proceed with the uncontested information in the Complaint.

5. Hearing Procedure.

The IIA Ethics Panel is presided by the General Counsel. At the Hearing, the Hearing Secretary will summarize the Complaint against the Respondent and present the supporting factual basis for the Complaint. The Respondent will have an opportunity to speak in their defense. The IIA’s Ethics Panel may ask the Respondent questions or request additional information from the Respondent. The Hearing will be documented in writing.

6. Determination.

Following the conclusion of the Hearing, The IIA’s Ethics Panel shall review the evidence and determine whether the Respondent violated The IIA Code of Ethics.

- The IIA’s Ethics Panel will apply a *preponderance of the evidence* standard (i.e., whether it is more likely than not that Respondent violated one or more provisions) to adjudicate violations not entailing debarment or revocation of an IIA certification.

- The IIA’s Ethics Panel will apply a *beyond-a-reasonable-doubt* standard to adjudicate violations potentially entailing debarment, revocation of an IIA certification, or referral to law enforcement.

The General Counsel will prepare a written determination, including the following:

- 1) A summary of the case, including the positions of the Complainant and Respondent;
- 2) A summary of relevant factual findings based on the record;
- 3) A final ruling on the Code, rule, or policy violations charged;
- 4) A statement of corrective or disciplinary action(s), if any; and
- 5) Other directives issued by The IIA’s Ethics Panel.

The IIA’s Ethics Panel may issue one or more of the following sanctions:

- 1) Inability to apply for an IIA certification for a period of time or permanently (including inability from taking a certification exam for a period of time or permanently);
- 2) Letter of reprimand or censure, including any appropriate conditions or directives;
- 3) Membership, certification, and/or volunteer probation for a period up to five (5) years, including any appropriate restrictions or conditions concerning membership, certification, and/or volunteer rights and any other conditions or directives;
- 4) Suspension of membership or certification for a specified period of time, including any appropriate conditions or directives;
- 5) Termination of membership and/or revocation of certification status (debarment).

7. Appeal.

The Respondent may submit a written appeal of the Determination within thirty (30) calendar days of the date of an adverse Determination. The Appeal must be submitted via email to ethics@theiia.org and directed to the attention of the General Counsel. The appeal will be heard and adjudicated by the Appeals Board.

8. Process for Appeal.

An adverse Determination may be affirmed or reversed by the Appeals Board. The Appeals Board will be presided by the General Counsel. The Appeals Board will consider only evidence that was presented to The IIA’s Ethics Panel prior to the conclusion of the Hearing (if a Hearing was conducted) — no new evidence may be considered unless it is patently exculpatory.

The grounds for appeal of an adverse Determination are strictly limited to the following:

- 1) Procedural Error. The IIA’s Ethics Panel committed a clear and substantial error in the application of a provision contained in these Procedures that prejudiced the Respondent.
- 2) Arbitrary and Capricious. The adverse Determination was arbitrary and capricious — The IIA’s Ethics Panel had no reasonable basis for arriving at the conclusion it reached.

9. Contents of Appeal.

The Appeal must contain the following information and material:

- 1) Ethics case number and date of the Determination;
- 2) A statement and complete explanation and basis for any request concerning reversal of the Determination; and
- 3) Copies of any material supporting the Appeal.

Where the Appeal is for Procedural Error, the Respondent must provide a specific reference to the procedure(s) involved and to the section(s) of the case documentation which supports the Respondent's position. In the case of an appeal for Arbitrariness and Capriciousness, the Respondent must provide a written explanation of why The IIA's Ethics Panel had no reasonable basis for arriving at its conclusion, citing specific parts of the record which support the Respondent's position. Any appeal under either section will not be accepted without proper written documentation.

10. Appeal Process.

After considering the Appeal, Determination, and the evidence in the file, the Appeals Board may:

- 1) Determine that the record is sufficient to support a decision on appeal and affirm the findings and sanction imposed by The IIA's Ethics Panel; or
- 2) Determine that an appeal hearing ("**Appeal Hearing**") is necessary before the Appeals Board can conclude the appeal. The Appeal Hearing shall be conducted via video conference.

When the Decision pertains to denial, suspension or revocation of an individual's membership or certification, the Appeals Board shall issue a recommendation to the Chair of the Global Board of Directors or the North America Board of Directors as applicable. The General Counsel will present the recommendation to the appropriate Chair, who may affirm the Decision, vacate the Decision, or remand the case to the Appeals Board or the Appeals Panel for reconsideration with instructions.

11. Appeal Decision.

Following the conclusion of an Appeal Hearing or the conclusion of an Appeal without a hearing, the Appeals Board will issue an Appeal Decision stating the final decision affirming or reversing the Determination.

12. Final Decision.

A Determination issued by The IIA's Ethics Panel that is not appealed within the prescribed time limits will be considered final. A decision issued by the Appeals Board will be considered final, subject to Section 10.

ETHICS COMPLAINT FORM

This Ethics Complaint Form must include a detailed written description of the factual allegations supporting the ethics complaint and an explanation of how the allegations may constitute a violation of The IIA Code of Ethics and Professionalism.

The complaint must be signed and emailed to ethics@theiia.org.

A copy of this complaint form and any attachments may be provided to the individual against whom the complaint is filed. Anonymous complaints will be rejected.

DATE:

COMPLAINANT (Individual or organization filing the complaint. For organization, please include a personal contact.)

Name:

Address:

Telephone:

Email:

RESPONDENT (Individual against whom this complaint is directed.)

Name:

Address:

Telephone:

Email:

COMPLAINT DOCUMENTATION: Summarize the facts on which this complaint is based in a written attachment and enclose copies of all materials and other evidence that corroborate and support the allegations.

REPORTS TO OTHER ENTITIES: If you have filed a complaint about this same matter with another agency, add an attachment showing to whom it was submitted, the approximate date(s), and whether/how the matter was resolved.

COMPLAINANT'S SIGNATURE: By submitting this form, I affirm that the statements/information within this document are true and correct to the best of my knowledge and belief, reasonably formed.