

APPEAL PROCESS FOR MEMBERSHIP BY-LAW

Version 5

(By-law Made Pursuant to Clause 37 of the Constitution)

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APPEAL PROCESS FOR MEMBERSHIP BY-LAW

(By-law Made Pursuant to Clause 37 of the *Constitution of Exercise & Sports Science Australia Limited*)

1. Purpose

To establish the process an individual is able to undertake to appeal against the decision to deny or suspend their membership.

Appeals are heard by the Membership and Accreditation Appeals Panel (MAAP). MAAP is a panel of ESSA. The composition of MAAP will not include any members of staff, members of the National Board or members of the Accreditation or Standards Councils.

2. Appeal Process for Membership

2.1. General

- 2.1.1. A person who is subjected to any of the following decisions, may appeal against the decision to MAAP:
 - 2.1.1.1. A decision by an Assessor to deny ESSA membership to a person
 - 2.1.1.2. A decision by the National Board to deny or suspend the membership of a person.
- 2.1.2. If a membership application is unsuccessful, the person may lodge an appeal in writing within 30 calendar days to the Chief Executive Officer.
- 2.1.3. If no appeal is received within 30 calendar days, the decision will be deemed final.
- 2.1.4. If an appeal is received, the MAAP Secretariat will make an initial assessment to determine if the appeal will be considered.
 - 2.1.4.1. For an appeal to be considered, the appellant must have:
 - a. had their application officially rejected
 - b. lodged the Appeals Application Form, providing grounds for the appeal and
 - c. lodged an Appeals Fee.
- 2.1.5. The appellant is not permitted to provide new evidence that should have been provided in the original application.

2.2. Initial Membership Appeals

- 2.2.1. The MAAP Secretariat will request the documentation applicable to the appeal be provided by the Assessor(s) who conducted the assessment of the application.
- 2.2.2. The appeal and support material will be assessed by the MAAP.
- 2.2.3. Upon undertaking an independent review, the MAAP will make a decision.
- 2.2.4. This decision will be that the original decision is:
 - 2.2.4.1. Upheld or
 - 2.2.4.2. Rejected.
- 2.2.5. Any decision made by the MAAP is ESSA's final decision.
- 2.2.6. The appellant shall receive a written statement of the MAAP's decision, and reasons for the decision signed by the Chief Executive Officer or Member Services Manager.
- 2.2.7. Successful appeals that result in the original decision being overturned will have lodgement fees refunded in full.

2.3. Re-membership Appeals

- 2.3.1. The Membership Services Officer will provide MAAP with the evidence used to deny or suspend re-membership of a person.
- 2.3.2. Upon undertaking an independent review, the MAAP will make a decision. This decision will be that the original decision is:
 - 2.3.2.1. Upheld or
 - 2.3.2.2. Amended or
 - 2.3.2.3. Rejected.
- 2.3.3. In substituting another decision for the appealable decision, MAAP has the same powers as the entity that made the appealable decision.
- 2.3.4. Any decision made by the MAAP is ESSA's final decision.
- 2.3.5. The appellant shall receive a written statement of the MAAP's decision, and reasons for the decision signed by the Chief Executive Officer or Member Services Manager.
- 2.3.6. Successful appeals that result in the original decision being overturned will have the fees for lodging the appeal refunded.

Modification History

Date	Version	Details
Oct 13	1	Approval date
Oct 15	2	Update based on Constitution change in May 2015 and legal comments
Nov 15	4	-
April 22	4.1	Operations Manager removed from process, Member Services Manager added. Minor edits for readability and clarity. Approved by Board in April 2022
June 22	4.2	Administrative edits as noted by the Board on 17 June 2022. Removed by-law numbering and minor reformatting for consistency with other by-laws.
8 Dec 2023	5	Exception relating to outcomes from ethics and disciplinary processes removed.