

Auditor Investigation and Governance Appeal Process

Purpose

To provide a fair and structured process for auditors to appeal disciplinary decisions through independent arbitration.

Scope

This policy applies to all AMHSA-certified auditors seeking to appeal disciplinary actions, including suspension or revocation of certification

Appeals

AMHSA offers an appeal process based on arbitration to hear auditor appeals of decisions. The following outlines the requirements of this process.

Requests for Arbitration

The auditor must provide a formal, written request for arbitration to AMHSA withing 14 days of being informed of a disciplinary decision. The request must include:

- the reason for the request for arbitration,
- the desired remedy,
- copies of any documentation that will be used to support the auditor's position at the arbitration, and
- the names and contact information for any witnesses that will be called by the auditor.

Appointment of an Arbitrator

Partnerships roster of arbitrators will be provided to AMHSA by email within 7 calendar days of AMHSA requesting it. Once AMHSA receives the roster they will provide the roster to the auditor by email within 4 calendar days.

The arbitrator is to be appointed by mutual agreement of the parties within 7 calendar days after the roster has been provided to the auditor. If the parties fail to agree on the selection of the arbitrator, either party may apply to the Director of Partnerships to appoint an arbitrator, whose selection will be final.

Arbitration Hearings

- The matter will be heard by a single arbitrator.
- Under the Arbitration Act (Arbitration Act, RSA 200, c A-43), prior to an arbitrator accepting appointment, they shall disclose any circumstances that may give rise to a reasonable apprehension of bias. If an arbitrator accepts an appointment and becomes aware of circumstances that may give rise to a reasonable apprehension of bias, they shall promptly disclose the circumstances to all the parties. Should either of these circumstances occur, the matter will be heard by an alternate arbitrator.
- The arbitration hearing must be conducted either in person or virtually, and a written decision and rationale issued to the parties within 90 calendar days of receipt of the appeal request.

- Should the decision be delayed beyond the required time limits due to extenuating circumstances the arbitrator must request an extension from AMHSA and provide the rationale for the delay. AMHSA will review the rationale and forward meritorious extension requests to Partnerships for approval.
- The parties are to determine the date, time and place for the arbitration by mutual agreement. If the parties cannot agree, the arbitrator will set the date, time and place (and format) for the arbitration.
- The arbitrator will estimate the cost of the arbitration hearing and decision writing and will require the appellant to pay ½ of the estimate in trust for payment of the arbitrator's fees. Should the costs be less than the initial estimate the amount in excess will be returned to the appellant.
- The arbitration hearing shall be conducted in accordance with the rules established for arbitrations by the Alberta Arbitration Act except as stated below:
 - The direct costs of the arbitration (arbitrator's fees, hearing costs, and administrative expenses) must be shared equally between the parties and must not be allocated as part of the decision.
 - Each party will be responsible for the costs of their own presentation related to the arbitration including any legal costs, witness costs etc.
 - The arbitrator shall issue one invoice for time and case management leading to the hearing, a second invoice at the end of the hearing, and a third invoice when the decision is issued.
 - For arbitrations that concern auditor suspension or revocation of certification, the arbitrator's decision is limited to cancellation of the suspension or reinstatement of the auditor's certification status, and monetary damages must not be awarded.
 - The conduct of the hearings will be formal, and the rules of evidence will apply as stated in the Alberta Evidence Act, RSA 2000, c A-18, unless the parties mutually agree that they will not be in force.
 - Each party will be allowed to present relevant documentation, evidence, witnesses and arguments to support their position.
 - Questions may be asked by the arbitrator, to whom the answers will be addressed.
 - The order of the presentations will be as follows:
 - AMHSA will present its evidence.
 - The appellant will present his or her evidence.
 - AMHSA will present its arguments and final comments.
 - The appellant will present his or her arguments and final comments.
 - The parties will not be permitted to cross-examine each other unless this is specifically permitted by the arbitrator, who will also determine the extent to which it may be used.
 - The parties to the appeal process are not bound by confidentiality with respect to the decision (including the details of the auditor's certification status and any penalties imposed, if applicable).
 - Recording of the hearing sessions is permitted and will be made available to the involved parties for a period of 2 years should a written or electronic record be required by one of the parties.
 - The arbitrator may uphold, modify or set aside the original decisions made by AMHSA, and may uphold, reduce, increase, add or substitute penalties.
 - During the appeal process, the disciplinary measure(s) affecting the auditor shall continue, and the arbitrator shall not issue a stay of disciplinary measures.
 - The decision of the arbitrator will be final and binding on the parties.

Roles & Responsibilities

AMSHA

- Administers the appeal process and coordinates arbitration logistics.
- Reviews extension requests and forwards meritorious cases to Partnerships.
- Presents evidence and arguments during arbitration.

Auditors

- Submit formal appeal requests with supporting documentation.
- Select arbitrators in coordination with AMHSA.
- Present evidence, witnesses, and arguments during hearings.
- Share arbitration costs and comply with decisions.

Related Documents

- Auditor Investigation and Governance Process
- Auditor Code of Ethics
- List of Arbitrators