Appeals Policy

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Intent

The intent of this policy is to define the appeals process for candidates and certificants in cases of Adverse Decisions.

Scope

The policy applies to all Adverse Decisions, excluding decisions with respect to the timeliness of applications, scoring, or reporting of the examinations.

Definitions

Adverse Decision – an unfavorable ruling regarding an individual's application for certification or recertification, request for an accommodation in the administration of an examination, cancellation or revocation of examination results, or any disciplinary action, including, but not limited to, revocation or suspension of certification.

Policy

Notice of Adverse Decision

When the National Registry makes an Adverse Decision, the Executive Director or designee shall send the individual a statement that includes:

a. The action taken.

b. The reason(s) for the action or ineligibility.

c. If applicable, a statement explaining the alleged violation of any of the National Registry's rules, policies, or standards.

d. The time period in which the individual may appeal.

e. Any additional information deemed appropriate.

Appeal Process

An applicant or certificant who is subject to an Adverse Decision may appeal the decision by mailing or electronically submitting a Notice of Appeal to the National Registry within forty-five (45) days of the date that such decision was emailed. The Notice of Appeal must contain the individual's statement of the basis of the appeal, as well as any documents in support of the appeal.

The procedure for the Appeal is as follows:

a. Upon the National Registry's receipt of a Notice of Appeal, the Executive Director or designee shall consider any additional information submitted by the individual in support of the appeal and conduct any further investigation as appropriate.

b. If the Executive Director or designee grants the appeal, the individual shall be notified in writing via email.

c. If the Executive Director or designee denies the appeal, the affected individual shall be notified in writing via email and informed that:

    i. they have forty-five (45) days from the date the denial was emailed to appeal the denial to the Appeals Panel via mail or electronic submission and

    ii. that they must provide any supporting statement or documentation for the appeal.

d. Upon receipt of a notice of appeal, the Appeals Panel shall consider any additional information submitted by the individual in support of his or her appeal and make such further investigation it deems appropriate.

e. If the Appeals Panel grants the appeal, the Executive Director or designee shall notify the individual in writing via email.

f. If the Appeals Panel denies the appeal, the Executive Director or designee shall notify the individual by certified mail (return receipt requested), and inform the individual that:

    i. The individual has forty-five (45) days from the date the decision was mailed (based on postmark) to appeal the decision and provide any supporting statement or documentation for the appeal. The request for appeal must have postmark or electronic equivalent within 45 days of the postmark of the decision.

    ii. If an appeal is made, a hearing will be held before a Hearing Panel.

    iii. The individual may appear at the hearing remotely by electronic means (at their own expense) and produce evidence on their behalf, including submission of written supporting statement and/or documents.

    iv. The individual may be represented by legal counsel at their own expense.

Hearing Process

If there is an appeal for a hearing, the Chairman of the Board of Directors shall designate a Hearing Panel consisting of three (3) members of the Board of Directors who are not on the Appeals Panel. The Chairman of the Board of Directors shall designate one of the members of the Hearing Panel to chair the hearing.

a. The Hearing Panel shall convene on a virtual or remote platform with secure link and phone number provided by the National Registry.

b. The legal team shall send the individual by certified mail, return receipt requested, a Notice of Hearing.

c. The Notice of Hearing shall include a statement of the date and place of the hearing.

d. The individual making the appeal must confirm in writing via email their attendance at the virtual hearing no later than 14 days upon receiving the notice of hearing letter.

e. The Hearing Panel shall determine all matters relating to the hearing by majority vote. A written record shall be made of the proceedings and shall be available to the individual at a reasonable cost following the hearing.

Evidence

Formal rules of evidence shall not apply.

All information related to the allegations shall be admissible at the hearing, notwithstanding the admissibility of the evidence in a court of law. The purpose of the hearing is to assemble as much information as practical regarding all material aspects of the situation, and the Hearing Panel shall be entitled to consider any information of the type normally relied upon by reasonable individuals in the conduct of important personal matters.

Disputed questions shall be determined by majority vote of the Hearing Panel.

Decisions

The decision of the Hearing Panel shall be made by a majority vote and rendered in writing following the hearing. The decision shall contain the basis for the determination to uphold, modify, or overrule the decision of the Appeals Panel. It shall be transmitted to the individual by certified mail, return receipt requested. The decision of the Hearing Panel shall be final and binding.

Release of Information

The appeals policy authorizes the National Registry and its agents to communicate all information relating to National Registry application, registration and review, including outcome of disciplinary proceedings, to appropriate state and federal authorities.

Certification Status During Appeal Process

A certificant's status with the National Registry will be promptly updated to "suspended" or "ineligible," as appropriate, throughout the appeal process. During this interval, the certificant's details will be withdrawn from the National Registry's credential lookup.

After all appeals have been exhausted or the allotted appeal period has expired, the certification status will be updated in accordance with the final decision.

Rationale

A fair and expeditious appeals process is an essential part of due process requirements to protect certificants from arbitrary decisions. Per NCCA accreditation standards on appeals, the appeal or reconsideration process for adverse decisions should be appropriate and promote fairness to the applicant, candidate, or certificant.

Related Policy and Procedures

Disciplinary Actions
Terms of Certification

References

Institute for Credentialing Excellence (I.C.E). (2021). *NCCA accreditation standards*.

Standard 6: Information for Candidates
Standard 7: Program Policies
Standard 22: Quality Assurance

International Organization for Standardization. (2012). *ISO/IEC 17024:2012: Conformity assessment - General requirements for bodies operating certification of persons*.

Standard 9 : Certification Process Requirements
Standard 10 : Management System Requirements
Annex A.5 : Responsiveness to complaints and appeals

Document History

2018-11-13	Approved by National Registry Appeals Panel
2018-11-14	Approved by the National Registry Board of Directors (v1)
2020-04-15	Approved by the National Registry Board of Directors (v2).

2021-06-09 Approved by National Registry Board of Directors (v3)
2021-09-21 Ratified by National Registry Board of Directors after Public Comment Period (v3)
2023-09-27 Updated for notification by appellant for attendance from 7 days to 14 days (v4).
2023-10-06 Approved by Executive Director after 5-day Board review (v4).
2024-08-28 Updated for Criminal Convictions Fitness to Practice Resolution 21-08 (v5)
2024-09-25 Approved by the Executive Director after Board Review (v5).
2025-01-24 Updated for Motion 24-12 for removal of in-person attendance and email (v6).
2025-02-19 Approved by Executive Director after 5-day Board review (v6).
2026-05-20 Approved by the Assessment Committee(v7)
2026-07-15 Ratified by the Assessment Committee after a 30 day Board review complete(v7)