

## CHALLENGES AND APPEALS

### 1. Scope

The ABC will strive to have all requests for reconsideration, challenges, protests, appeals and certification status issues resolved in an accurate, fair, and timely manner. Due process, including notice and opportunity to be heard, shall be accorded all applicants, candidates and certificants. Notice of the ability to request re-scoring or reconsideration, challenge, protest and appeal examination scores, examination procedures, proficiency test evaluations and certification status issues shall be provided to candidates and certificants. Filing an appeal will not result in discriminatory actions against the appellant. A report of discriminatory actions would result in an ethics investigation.

### 2. General Considerations

- 2.1 Employer policies, such as financial gains, termination, promotion, etc., cannot be used as grounds to appeal ABC policies and procedures.
- 2.2 At times certificants or applicants will contact the Registrar's Office with questions regarding application status, certification status, recertification points allocation, etc. If the Registrar's Office is not able to answer the questions of the certificant or applicant or if the initial answers do not resolve the concerns of the individual, the Registrar's Office will direct the individual to the *Challenges and Appeals procedure (09-09)*, which is available on the ABC website.
- 2.3 Any inquiry by an applicant or certificant that would result in an application status change or recertification points allocation will be discussed with the relevant committee chair or Board liaison prior to implementing any change.
- 2.4 A description of the appeals process will be available on the ABC website.
- 2.5 The ABC will maintain an Appeals Committee. The composition of the committee is at the discretion of the Chair, however a minimum number of three members is suggested.
  - 2.5.1 Committee members should be current Directors; non-Director subject matter experts may be added if necessary.
  - 2.5.2 Committee members shall not have been involved in the activity that resulted in the appeal.
  - 2.5.3 Care will be taken to ensure that the Chair and any committee members are not assigned to an appeal review of a co-worker.
  - 2.5.4 Some appeals can be addressed directly by the Appeals Chair, without the use of the committee.
- 2.6 The Appeals Chair is responsible for ensuring that appeals are processed in a timely manner. All time frames listed in this document may be extended, if necessary, by the ABC President.

- 2.7 The Appeals Chair will maintain tracking of all appeals and challenges, including resolutions, to ensure consistent resolutions over time. Previous resolutions will be taken into consideration when processing appeals.
- 2.8 The Appeals Chair will initiate a Quality Report if, through the course of the appeals investigation, the Appeals Chair believes that corrective or preventive measure may be necessary.
- 2.9 E-mail communications between the Registrar's Office, Appellant, and Appeals Committee Chair will be conducted via e-mail with both a delivered and read receipt requested. If the sender does not receive notification that the recipient has received and read the e-mail within 14 days, the sender will contact the recipient via phone to ensure that they have received the notification. If they have not received notification, the sender will re-send the notification to an alternate e-mail address or via Certified Mail. The date of the second notification will be the date that determines the deadlines.

### **3. Appeal of Examination Procedure**

- 3.1 Any candidate who takes an ABC certification examination may challenge the examination procedure.
- 3.2 All appeals of the examination procedure must be addressed in writing. The appeal must be postmarked within 60 days of the postmark date on the envelope bearing the notice of examination results.
  - 3.2.1 The postmark of an electronic communication is the date/time stamp of the communication.
- 3.3 If the candidate is challenging the examination procedures, the candidate must clearly articulate the point of challenge so that the Appeals Committee can fully investigate the claim.
- 3.4 The appeal or challenge will be acknowledged using the Appeal Acknowledgement Letter (09-0901T) within 14 days of receipt of the appeal.
- 3.5 The Appeals Chair may notify the President and/or Examination Committee Chair of appeals and challenges to examinations, other than simple re-scoring requests, if the Appeals Chair deems notification is necessary.
- 3.6 The Appeal Evaluation Form (09-0902F) will be initiated and will be placed in the Appeals folder in Google Drive.
- 3.7 The Appeals Committee Chair will document the appeal or challenge, using the Appeal Evaluation Form (09-0902F), as to:
  - Appropriateness of the challenge for consideration by Appeals Committee
  - Merit of the challenge
  - Correctness of the scoring (where applicable)
  - Pass or Fail

- 3.8 The Appeals Committee Chair may request clarification or additional information from the appellant, using the Request for Additional Information Letter (09-0903T) via e-mail to the appellant, who has 45 days from date/time stamp of the communication to provide the information to the Appeals Committee Chair.
- 3.8.1 If the requested information is not received within the required timeframe, the appeal or challenge will be denied.
- 3.9 The Appeals Committee Chair may request additional information or guidance from the Examination Coordinator, Examinations Committee Chair, or Registrar.
- 3.10 A finding of erroneous or problematic scoring, examination questions or examination procedure may result in re-scoring of the examination. See Section 4.
- 3.11 The Appeals Committee Chair is responsible for resolving the appeal and notifying the appellant within 60 days of receipt of all of the pertinent information, to include requests for additional information from the appellant.
- 3.12 The Appeals Committee Chair is responsible for notifying the candidate of the decision using the Appeal Decision Notification Letter (09-0904T) via e-mail.
- 4. Re-scoring of an Examination**
- 4.1 If the appeal is a re-scoring request, the Appeals Committee Chair may make the determination and resolution without the use of the Appeals Committee.
- 4.2 Notice of the right to re-score will be given to all candidates who fail an examination. The notice will be included in the letter from the Registrar's Office when the candidate is notified of examination results (09-0504T).
- 4.3 All requests for re-scoring must be postmarked within 60 days of the postmark date on the envelope bearing the notice of examination results.
- 4.4 The appeal or challenge will be acknowledged using the Appeal Acknowledgement Letter (09-0901T) within 14 days of receipt of the appeal.
- 4.5 If the candidate wishes to be present at the re-scoring, the candidate must notify the Registrar's Office at the time of the re-scoring request. The security of the test questions shall be preserved and not compromised to the maximal extent possible.
- 4.5.1 The candidate may be present at the time of the rescoring of the examination, at his or her own expense.
- 4.5.2 The re-scoring will occur at a location determined by the Appeals Chair. The Appeals Chair will work with the candidate to determine a mutually agreeable time.
- 4.5.3 The candidate will be allowed to confirm that the answer sheet and answer key are the correct documents.

- 4.5.4 The candidate will be allowed to witness the rescoring but will not be allowed to review the questions to see what is graded as correct or incorrect.
- 4.5.5 The results of the re-score will not be available to the candidate at the time of the re-score.
- 4.5.6 The candidate will be notified of these conditions prior to scheduling the re-score.
- 4.6 If an examination is to be re-scored, the Registrar's Office will review the examination booklet used by the candidate to ensure that the booklet is complete and without printing errors.
- 4.7 For re-score requests, the Registrar will provide the Appeals Chair with a copy of the candidate's answer sheet, a printed copy of the overall scores from the Student Statistics Report performed during the scoring process, the Examination Offering Report, the Site Registration Form, a copy of the examination key, and any relevant entries from the log of manual modifications. The rescoring packet will either be sent via common carrier with a signature required or uploaded into Sync. The Registrar's Office will redact all names other than the appellant.
- 4.7.1 If a manual override of the scoring software has occurred, a copy of the log entry of the manual override and the Student Statistics Report for the individual requesting the re-score will be provided to the Appeals Chair.
- 4.8 The Appeals Chair will re-score the candidate's answer sheet. Re-scoring will include:
- Ensuring that the name on the answer sheet, Student Statistics Report and Appellant's Request are the same
  - Ensuring that the version of the examination noted on the answer sheet is the same as the version on the provided answer key
  - Ensuring that the Identification Number on the answer sheet and the candidate's number provided by the Registrar's Office agree
  - Hand-scoring all the candidate responses to the correct answers on the answer key
  - Ensuring that pilot questions are not considered in the score
  - Ensuring that manual overrides of the scoring software were appropriately applied, if applicable
- 4.9 Once the Appeals Chair completes the re-scoring of the examination, the Appeals Chair will communicate with the Examination Committee Chair to determine if the score is considered a pass or a fail. The Examination Committee Chair will not divulge the cut score to the Appeals Chair.
- 4.10 The Appeals Chair will notify the Registrar's Office of the hand score results and the pass or fail as determined by the Examination Committee Chair. If the rescoring packet was sent via common carrier, the packet will be returned to the Registrar's Office via common carrier with a signature required within 14 days.

- 4.11 The Appeals Committee Chair is responsible for resolving the appeal and notifying the appellant within 60 days of receipt of all of the pertinent information, to include requests for additional information from the appellant.
- 4.12 The Appeals Committee Chair is responsible for notifying the candidate of the decision using the Appeal Decision Notification Letter (09-0904T) via e-mail.
- 4.13 If the candidate has been found to have passed the examination because the score is found to be in error or the application of the cut-off score for passage has been misapplied, the correction will be made and documented. The candidate shall be treated as others who have passed the examination.
- 4.13.1 If the score is found to be in error, but the results of the examination do not change, the candidate shall be treated as others who have not passed the examination.
- 4.14 If the rescoring reveals that an examination has been erroneously scored, the Registrar's Office will generate a Quality Report. The initial investigation of the Quality Report will determine what additional examinations are affected, if any. Any affected examinations will be re-scored.
- 4.14.1 Candidates who have previously been notified of passage but are found to have received a failing score on re-scoring, shall not be penalized and shall be deemed to have passed.
- 4.14.2 Candidates who have previously received a failing score and who are now found to have received a passing score shall be notified of the correction.
- 4.14.2.1 Candidates will be presented to the Board for a vote on certification per *Examination Scoring, Review and Notification (09-05)*.
- 4.14.2.2 The President of ABC will notify the candidate via a phone conversation or in person. The President will then follow up with written notification.
- 5. Challenges to Recertification Credit**
- 5.1 Certificate holders and affiliates who feel that recertification points have not been credited may file an appeal in writing.
- 5.1.1 All challenges to recertification points must be postmarked within 60 days of the notification by the Recertification Committee of the decision on awarding points.
- 5.1.2 The certificant must clearly articulate the basis of challenge so that the Appeals Committee can fully investigate the claim.
- 5.2 The Appeal Evaluation Form (09-0902F) will be initiated and will be placed in the Appeals folder in Google Drive.
- 5.3 The appeal or challenge will be acknowledged using the Appeals Acknowledgement Form (09-0901T), to the appellant within 14 days of receipt.

- 5.4 The Appeals Chair may notify the President of appeals and challenges to recertification credit, if the Appeals Chair deems notification is necessary.
- 5.5 If the appeal is for points where no supporting documentation was originally submitted, the Appeals Committee Chair may review and decide the appeal without the use of the full committee.
- 5.6 The Appeals Committee Chair will document the challenge, using the Appeal Evaluation Form (09-0902F), as to:
- Appropriateness of the challenge for consideration by Appeals Committee
  - Merit of the challenge
- 5.7 The Appeals Committee Chair may request clarification or additional information from the appellant, using the Request for Additional Information Letter (09-0903T) via e-mail to the appellant, who has 45 days from the date/time stamp of the communication to provide the information to the Appeals Committee Chair.
- 5.7.1 If the requested information is not received within the required timeframe, the appeal or challenge will be denied.
- 5.8 The Appeals Committee Chair may request additional information or guidance from the Recertification Committee Chair(s), Registrar, or members of the Board of Directors.
- 5.9 The Appeals Committee Chair is responsible for resolving the appeal and notifying the appellant within 60 days of receipt of all of the pertinent information, to include requests for additional information from the appellant.
- 5.10 The Appeals Committee Chair is responsible for notifying the candidate of the decision using the Appeal Decision Notification Letter (09-0904T) e-mail.
- 6. Challenges to Credentialing**
- 6.1 Certificants, Affiliates and applicants may inquire, challenge or provide additional reasoning as it pertains to their certification status, denial of promotion or denial of approval to sit for an examination.
- 6.2 All appeals must be addressed in writing.
- 6.2.1 Appeals must be postmarked within 60 days of the postmark date on the envelope bearing the notice of the membership status.
- 6.2.2 The Affiliate or certificant must clearly articulate the basis of challenge so that the Appeals Committee can fully investigate the claim.
- 6.3 The Appeal Evaluation Form (09-0902F) will be initiated and will be placed in the Appeals folder in Google drive.
- 6.4 The appeal or challenge will be acknowledged using the Appeal Acknowledgement Letter (09-0901T) within 14 days of receipt of the appeal.

- 6.5 The Appeals Chair may notify the President of appeals and challenges membership status, if the Appeals Chair deems notification is necessary.
- 6.6 The Appeals Committee Chair will document the challenge, using the Appeal Evaluation Form (09-0902F), as to:
- Appropriateness of the challenge for consideration by Appeals Committee
  - Merit of the challenge
- 6.7 The Appeals Committee Chair may request clarification or additional information from the appellant, using the Request for Additional Information Letter (09-0903T) via e-mail to the appellant, who has 45 days from the date/time stamp of the communication to provide the information to the Appeals Committee Chair.
- 6.7.1 If the requested information is not received within the required timeframe, the appeal or challenge will be denied.
- 6.8 The Appeals Committee Chair may request additional information or guidance from the Credentials Committee Chair(s), Registrar, or members of the Board of Directors.
- 6.9 The Appeals Committee Chair is responsible for resolving the appeal and notifying the appellant within 60 days of receipt of all of the pertinent information, to include requests for additional information from the appellant.
- 6.10 The Appeals Committee Chair is responsible for notifying the applicant of the decision using the Appeal Decision Notification Letter (09-0904T) via e-mail.
- 7. Challenges to Probation, Suspension, or Revocation**
- 7.1 Certificants and Affiliates may challenge probation, suspension, or revocation of certification.
- 7.1.1 During the appeals process, the probation, suspension, or revocation will remain in place. If the appeal is successful, the certification status will be reinstated to the level determined by the Appeals Committee.
- 7.2 All appeals must be addressed in writing.
- 7.2.1 Appeals must be postmarked within 60 days of the postmark date on the envelope bearing the notice of the probation, suspension, or revocation.
- 7.2.2 The Affiliate or certificant must clearly articulate the basis of challenge so that the Appeals Committee can fully investigate the claim.
- 7.3 The Appeal Evaluation Form (09-0902F) will be initiated and will be placed in the Appeals folder in Google drive.
- 7.4 The appeal or challenge will be acknowledged using the Appeal Acknowledgement letter (09-0901T) within 14 days of receipt of the appeal.

- 7.5 The Appeals Chair may notify the President of appeals and challenges probation, suspension, or revocation, if the Appeals Chair deems notification is necessary.
- 7.6 The Appeals Committee Chair will document the challenge, using the Appeal Evaluation Form (09-0902F), as to:
- Appropriateness of the challenge for consideration by Appeals Committee
  - Merit of the challenge
- 7.7 The Appeals Committee Chair may request clarification or additional information from the appellant, using the Request for Additional Information Letter (09-0903T) via e-mail to the appellant, who has 45 days from the date/time stamp on the communication to provide the information to the Appeals Committee Chair.
- 7.7.1 If the requested information is not received within the required timeframe, the appeal or challenge will be denied.
- 7.8 The Appeals Committee Chair may request additional information or guidance from relevant committee chairs or members, the Registrar, or members of the Board of Directors.
- 7.9 The Appeals Committee Chair is responsible for resolving the appeal and notifying the appellant within 60 days of receipt of all of the pertinent information, to include requests for additional information from the appellant.
- 7.10 The Appeals Committee Chair is responsible for notifying the candidate of the decision using the Appeal Decision Notification Letter (09-0904T) via e-mail.
- 8. Other Appeals or Challenges**
- 8.1 Other appeal requests will be brought to the Board of Directors for consideration, unless they can be expeditiously resolved by the Registrar, President, or Appeals Committee Chair.
- 8.2 All matters submitted by institutions and organizations shall follow the procedures outlined for individuals.
- 9. Appeal to the Board of Directors**
- 9.1 Appellants may appeal the decision of the Appeals Committee in writing to the Board of Directors postmarked within 60 days of the date/time stamp of the Appeal Decision Notification Letter (09-0904T).
- 9.2 The Registrar's Office will acknowledge the receipt of the challenge, using the Appeals Acknowledgement letter (09-0901T), via e-mail within 14 days of receipt.
- 9.3 The appellant may furnish the Board of Directors with any information or materials that the appellant deems pertinent to his or her case.
- 9.4 The appellant may request an in-person hearing with the Board of Directors at a regularly scheduled or specially scheduled meeting, but the appellant must bear the cost of the expenses



involved. The in-person hearing may also take the form of a conference call or web conferencing.

- 9.5 The Board of Directors shall come to a decision or resolution regarding the appeal at its next regularly scheduled meeting, at a special meeting, or by electronic communication.
- 9.6 Directors that are part of the original appeal or challenge decision-making process, including in an advisory capacity, will not vote in any appeal or challenge that rises to the level of a Board of Director vote.
- 9.7 The determination of the Board of Directors is final.
- 9.8 The appellant will be notified via e-mail of the final Board of Directors' determination or resolution by the Secretary using the Appeals Decision Notification Letter (09-0904T) within 14 days.
- 9.9 A copy of the 09-0904T will be sent to the Registrar by electronic mail, to be placed in the appellant's file.

#### **10. Records Retention**

- 10.1 The Appeals Chair will include copies of communications with the appellant in the appellant's file, as defined in the record retention schedule below.
- 10.2 If rescore materials were sent to the Appeals Chair, the materials will be returned, within 14 days, to the Registrar's Office via common carrier, signature required. The Registrar's Office will securely destroy the information upon completion of the appeal.
- 10.3 The Appeals Chair will not retain any personal copies of information related to appeals. Any personal copies that remain after the originals have been returned to the Registrar's Office will be securely destroyed unless otherwise noted in the procedure.
- 10.4 The official records are retained according to the following schedule. Records may be either paper or electronic. All records are confidential and shall be securely destroyed on a schedule amenable to the Registrar, but no earlier than the defined schedule.

<b>Record</b>	<b>Retention</b>	<b>Location</b>
09-0902F	5 years after a certificant's file becomes inactive	Records for individuals whose applications were received January 1, 2021, or later will be retained in Google Drive  Records for individuals whose applications were received prior to January 1, 2021, will be held in the Registrar's Office  Paper copies could be retained as needed by Registrar.

09-0903T, if applicable (copy)	Retained only if the request is not honored; 5 years after a certificant's file becomes inactive	<p>Records for individuals whose applications were received January 1, 2021, or later will be retained in Google Drive</p> <p>Records for individuals whose applications were received prior to January 1, 2021, will be held in the Registrar's Office</p> <p>Paper copies could be retained as needed by Registrar.</p>
09-0904T (copy)	5 years after a certificant's file becomes inactive	<p>Records for individuals whose applications were received January 1, 2021, or later will be retained in Google Drive</p> <p>Records for individuals whose applications were received prior to January 1, 2021, will be held in the Registrar's Office</p> <p>Paper copies could be retained as needed by Registrar.</p>
Other communications or records as deemed necessary by the Appeals Chair (original or copy)	5 years after a certificant's file becomes inactive	<p>Records for individuals whose applications were received January 1, 2021, or later will be retained in Google Drive</p> <p>Records for individuals whose applications were received prior to January 1, 2021, will be held in the Registrar's Office</p> <p>Paper copies could be retained as needed by Registrar.</p>