

14. HANDLING APPEALS

PURPOSE

To outline a Procedure for the handling of appeals:

- Right of Appeal: The CAB or applicant CAB may appeal the decision of the Board pertaining to the granting of accreditation, a change in accreditation status or the refusal to reduce or extend the scope of accreditation (see Procedure 12: Modification of Accreditation Status).
- The appeal shall be submitted in writing and shall state the reasons for the Board to change or modify its decision.
- The appeal shall be submitted by the CAB or applicant CAB to the Board through the Administrative Manager within 90 days of receipt of the Board's adverse decision.

PROCEDURE

Response to Appeal

- The Vice President shall acknowledge the appeal.

Evaluation of Appeal

- The President shall appoint an Appeal Process Committee (APC) of at least three Directors, to include the Vice President and two other Directors.
- The Chair, with the concurrence of the Committee, may solicit assistance from non-Board members (lawyers, investigators, CAB members, etc.) in the event such individuals may provide additional benefit.
- Those providing outside assistance must sign the *Code of Ethics and Conduct*, and an *Annual Agreement and Disclosure Concerning Impartiality, Conflict of Interest, and Confidentiality for Persons Involved in FSAB Accreditation Activities*.

The APC shall make its recommendation to the full Board.

Board Review

- The Board shall act following a consideration of the APC recommendation(s) and the CAB's written submissions.
- The Board may invite a representative of the appellant CAB to make a presentation before the Board as to why the Board's decision should be modified.
- A 2/3 vote of the Board in the affirmative shall sustain an appeal.
- Board decisions shall be documented, and notice made to the pertinent CAB or applicant CAB with acknowledgement requested from the recipient.
- If possible, the full appeals process shall be completed within 60 days following the filing of the appeal.

Appeal Record Maintenance

- All appeal records shall be archived and held in confidence.

- These records shall include a list of APC members, dates/times of meetings, and recommendations made, as well as full Board actions taken.

Mediation

- Purpose of mediation – Should an appeals process fail to resolve the appeal to the satisfaction of the CAB and/or the FSAB, the parties shall have the right to have the appeal resolved through mediation.
- The mediator shall be chosen by agreement of the parties.
- Decision – The resolution reached through mediation shall be final.
- Costs – The party requesting mediation shall bear the costs of the mediation except for the following circumstances:
 - a. The party producing a witness shall pay witness expenses.
 - b. Each party shall bear the costs of its own travel expenses.