

## **Review and Appeals Process Policy**

### **Page 1 of 3**

The purpose of this policy is to outline the process the IBSC must complete when a certificant and or candidate requests an appeal of any decision related to their request for testing, examination application, account data, examination scores, certification disciplinary action, etc. This policy will include any and all processes completed by the IBSC.

Those individuals who have had their request for testing, examination application, and or account data access denied may request to have the decision reviewed. In these situations, an Appeals Panel will be convened as outlined below. The role of the Appeals Panel is to ensure all processes were properly completed, required documents provided, candidate meets all eligibility requirements, etc.

Under certain circumstances, certification status may be denied, suspended, or active certification status may be revoked, as outlined in the **Denial, Suspension, or Revocation of Certification Policy**.

Any candidate who has been denied access to certification – or any anyone holding an IBSC certification that has been revoked or suspended – has the right to appeal the Board’s decision. The IBSC has an established review and appeals process for individuals seeking an amendment of any decision. This process offers any individual the opportunity to have their concerns heard in a fair and objective forum. Under no circumstances shall any individual be entitled to a copy of either the certification exam or the answers to any questions on the exam.

Any individual whose certification has been withdrawn as a result of the failure to pay any required dues or fees, or an individual whose professional license has been denied, revoked, or suspended by a state licensure agency, shall have no right to pursue an appeal. Such individuals may, however, present written evidence that the factual predicate for the denial, revocation or suspension of certification is incorrect: such evidence shall be reviewed, and appropriate action taken.

To ensure an impartial appeals process, an Appeals Panel consisting of three (3) IBSC Board members will be formed – consisting of the IBSC Board Chairman and two voting members from the existing IBSC Board. Appeal Panel members are required to disclose any conflict of interest. Should the Chairperson or any member of the Appeal’s Panel have a personal or financial conflict of interest, the Chairman and or that Appeal Panel member will be immediately withdrawn from the Appeal Panel and replaced by another voting member. Should all IBSC voting members be determined to have a conflict, three Member Organization Representatives will be appointed to oversee the appeal process. If an impartial Appeals Panel cannot be seated, the matter will be forwarded to outside independent legal counsel for resolution.

The Appeals Panel shall review each case individually and processes review results directly with the individual requesting the appeal. The IBSC Board grants to the Appeals Panel full and final authority to deny, suspend, revoke, or reinstate any IBSC certification.

## **Review and Appeals Process Policy**

### **Page 2 of 3**

The Chairperson of the Appeals Panel will chair all meetings of the Panel, which will be held, as needed, by conference call unless an in-person review is requested and paid for by the appellant. Dates and times for review will be determined by the Chairperson. Panel members and the appellant will be informed of the date at least one (1) month prior to the conference call. All materials available for the review will be provided in writing to the members ten (10) days in advance of the review.

### **PROCEDURE**

An individual must submit a written request for an appeal – signed and notarized – to the IBSC Board Chairman.

This request must include the following:

Step 1 – A statement of the appellant’s reasons for believing the decision was erroneous

Step 2 – Five (5) copies of any supporting materials/documentation

Step 3 – Statement of the desired outcome

The appeal request must be sent to the IBSC office via certified mail – attention IBSC Chairman – and postmarked within 30 days of the date of mailing of notification of denial suspension, or revocation. Any materials postmarked greater than 30-days will not be considered in the review and appeals process.

Following the receipt of the appellant’s request, an Appeals Panel consisting of three (3) IBSC Board members will be formed – consisting of the IBSC Board Chairman and two voting members from the existing IBSC Board. Appeal Panel members are required to disclose any conflict of interest and should the Chairman or any member of the Appeal Panel have a personal or financial conflict of interest, the Chairman and or that Appeal Panel member will be immediately withdrawn and replaced by another voting member. Should all IBSC voting members be determined to have a conflict, the Chairman will appoint three Member Organization Representatives to oversee the appeal process. If an impartial Appeal Panel cannot be seated, the matter will be forwarded to independent outside legal counsel for resolution. Once an Appeal Panel is convened, the Appeal Panel members will select a Chairperson for this specific Appeal Panel process.

In advance of the review, all supporting materials for the case will be sent to the Appeal Panel members by the Chairperson of the Appeal Panel.

At the request of individual members of the Appeal Panel, the Chairperson of the Appeal Panel may, but need not, submit additional questions in writing to the appellant. The appellant will be able to respond in writing.

Appeal Panel members and the appellant will be informed of the date for the review at least one (1) month prior to the conference call.

## **Review and Appeals Process Policy**

### **Page 3 of 3**

If the appellant desires an opportunity to address the Appeal Panel in person or by conference call, the appellant may do so – though the appellant must bear the cost of any in-person review. The appellant can contact the IBSC office for an estimate of these costs. If the appellant desires an in-person review, the request must be included with the statement of the appellant described in Step 1 above.

An appellant may be represented by legal counsel at any meeting at which the appellant addresses the Panel, whether in person or by conference call. The voting members of the Panel will review each case and reach a majority decision. A unanimous vote is required to overturn the decision to deny, suspend, or revoke certification. The Appeal Panel decision will be final.

The Chairperson of the Appeal Panel will send the appellant the Panel's decision – in writing – via by certified mail, as soon as practical after the review. Written materials considered in the Appeal Process and written decisions of the Appeals Panel will be securely stored and retained in the IBSC office outlined in the **Record Security, Retention, and Destruction Policy**.

Please address all questions regarding this policy to the Chairman and or the Chief Operating Officer.