


ASNT CERTIFICATION SERVICES LLC.		NUMBER: CMC 15.3.1.7
PROGRAM MAINTENANCE DIVISION STANDARD OPERATING POLICY		Revision: 05
TITLE: APPEALS, COMPLAINTS AND DISPUTE POLICY		Date: 02-22-2022

1.0 Purpose

- 1.1 This procedure provides guidance for fair notice and hearings when a complaint, dispute, appeal, or request for information, is filed against ASNT Certification Services, LLC Certification Management Committee (CMC) related to any activity involving the certification or application/testing for certification of any individual in accordance with ASNT Certification Services, LLC offered Certification programs. Complaints pertaining to the ASNT Certification Services, LLC IRRSP Certification program are not covered by this document and are handled per reference 4.1.

2.0 Scope

- 2.1 This procedure shall be applied and used under the direct supervision of the (CMC) Chair when addressing complaints, disputes, or appeals of findings or sanctions against ASNT Certification Services, LLC certificate holders or certificate holder applicants.

3.0 Responsibilities

- 3.1 The Chair of the CMC is responsible for the implementation of this procedure, and coordination with the CMC Ethics Subcommittee.
- 3.2 ASNT’s International Service Center Certification Department Staff (ISC) is responsible for communication between the individual(s) of the complaint and the CMC.

4.0 References

- 4.1 ASNT –CP-IRRSP-1A, latest edition
- 4.2 CMC 15.3.1.2, Ethics Violations, latest revision

5.0 Definitions

- 5.1 The term "Ethics Subcommittee" refers to the CMC Ethics Subcommittee.
- 5.2 “Sanction” means a revocation or suspension of a certificate or a written reprimand of the holder of a certificate, or denial of the ability to obtain a certificate.

- 5.3 “Certificate” means the document issued by ASNT Certification Services, LLC pursuant to the actions of the CMC in accordance with the rules and procedures heretofore published by ASNT Certification Services, LLC.
- 5.4 “Complainant” is the party filing the dispute.
- 5.5 "Respondent" is the certified individual.

6.0 General

- 6.1 This procedure shall be published and made available for public guidance. If requested, a copy of this procedure will be furnished at any time, free of charge.
- 6.2 Results of adjudication’s resulting in revocation of a certificate(s) or the result of lesser sanctions imposed may be published in Materials Evaluation if it is determined that such publication is necessary and appropriate for the protection of the public or the integrity of ASNT Certification Services, LLC’s Certification Programs.
- 6.3 Any publication or release of authorized information, on sanctions imposed shall include only the nature of the sanction, the sanction imposed, and a summary of the record as deemed appropriate. Responses to inquiries for current certification status shall only confirm or deny that the certification is current at the time of the inquiry.
- 6.4 ASNT Certifications Services, LLC will provide information regarding certification to authorized Audit Agencies during their in-house assessment. ASNT Certification Services, LLC however, will not provide specific copied personnel records to auditors.
- 6.5 During the appeals, complaints and disputes process, CMC and ASNT Certification Services, LLC personnel shall maintain confidentiality relating to the complainant and the subject of the complaint.

7.0 Appeals, Complaints, and Disputes

- 7.1 Any person who has reason to believe that an action taken by the Ethics Subcommittee will have an adverse or detrimental effect on their certification or their Nondestructive Testing (NDT) employment may submit a written appeal or complaint to the ISC. Such written appeals/complaint shall be in the form set out in Appendix A and shall contain the name(s) and address(es) of the person filing the appeal/complaint and a clear and concise description of the alleged complaint/violation and a statement indicating the interest of the person(s) filing the allegation/complaint.

- 7.1.1 Upon receipt of the allegation/complaint, the ISC shall acknowledge receipt of the appeal and provide the appellant with progress reports and the outcome.
- 7.1.2 The ISC shall notify the CMC Chair so that a joint preliminary determination of the merit of the stated complaint can be considered.
- 7.1.3 If the complaint is determined to be valid, the ISC, shall forward the allegation/complaint and other pertinent information to the CMC Chair within two (2) weeks of that determination.
- 7.1.4 If the appeal or complaint is determined to be a major program problem, the CMC Chair along with the ISC shall call for a meeting to discuss corrective action as necessary.
- 7.2 Upon receipt of an appeal, complaint, or dispute from a certified individual or a concerned regulatory body the ISC shall verify the status of the certification and identify the certification number and the expiration date on the report. The ISC shall then forward the report to the CMC Chair along with a completed allegation/complaint form, within two (2) weeks of the date of receipt. The Director of Certification shall advise the Respondent that an answer shall be provided within the time limit specified in Section 8.0.
- 7.3 After the Ethics Subcommittee members have reviewed the documents, they may, upon majority vote, dismiss the appeal/complaint in whole or in part for insufficiency. Such action may be taken at a meeting, electronic ballot, or by mailed letter ballot addressed to the ISC. Dismissal for insufficiency shall be subject to amendment or supplement the allegation/complaint with additional information from the complainant unless the Ethics Subcommittee expressly votes for final dismissal without right to amend or supplement. Following the Ethics Subcommittee action, the ISC shall give notice of the committee's action to the interested parties in writing.
- 7.4 The CMC shall assure that no members of the Ethics Subcommittee are involved in the subject of the complaint. Anyone having a conflict of interest shall be dismissed from the Ethics Subcommittee for that particular hearing.

8.0 Commencement Of Hearing Actions

- 8.1 Unless the Ethics Subcommittee has dismissed an allegation/complaint for insufficiency, pursuant to paragraph 7.3, within one (1) month of receipt of

the appeal/complaint, the ISC shall set a date for a hearing by the Ethics Subcommittee and shall notify the Complainant, Respondent, and the Ethics Subcommittee. The notice shall set forth the time and place of the hearing, with due regard for the convenience of the interested parties and their representatives; shall provide the Respondent with a date at least forty-five (45) days in advance of the date set for hearing. Transmittal of the notice of hearing shall be by certified mail, return receipt requested (restricted delivery) or traceable carrier (FedEx, UPS, etc.) and by e-mail if an e-mail address is available.

- 8.2 The ISC may postpone or change the time and/or date of a hearing at the request, for good cause, of either the interested parties or the Ethics Subcommittee. Notice of a change shall be promptly given to the Complainant, Respondent, and the Ethics Subcommittee. Notice must be given by certified mail, with return receipt requested or traceable carrier (FedEx, UPS, etc.) or by e-mail if an e-mail address is available and a read receipt is requested. Should notice not be received by the interested parties or the Ethics Subcommittee, within one (1) week prior to the originally scheduled hearing date, no such change may be made without consent of the interested parties and the Ethics Subcommittee, except for extraordinary cause.

9.0 Prehearing Procedure

- 9.1 The ISC or the CMC Chair may conduct a pre-hearing conference with the interested parties and record any agreements as to issues, admission of facts, or any stipulations. The pre-hearing conference may be conducted in person, by telephone or online meeting as deemed expedient and appropriate by the CMC Chair the ISC.
- 9.2 A written report of the pre-hearing conference will be provided to the interested parties and the Ethics Subcommittee at least two weeks prior to the hearing date. The pre-hearing conference may be waived at the request of, or with the consent of, the interested parties.
- 9.3 Should the pre-hearing conference result in a proposed ruling, with or without sanction, which would dispose of the appeal/complaint in a manner that is satisfactory to the interested parties, the ISC shall submit the proposed ruling, in writing, to the Ethics Subcommittee for its concurrence. Proposed rulings shall be signed by the interested parties and shall not constitute a waiver of any claim or defense or be binding on the interested parties until approved by the Ethics Subcommittee. The Ethics Subcommittee, by a majority vote, may approve or disapprove the proposed ruling. Approved proposed rulings constitute final adjudication. Disapproved proposed rulings shall result in a hearing before the Ethics Subcommittee.

- 9.4 Should all the interested parties agree to adjudication of the formal appeal/complaint based on written records (such as affidavits, admissions, stipulations, or other documents that they specify), the ISC shall submit documents to the Ethics Subcommittee for its consideration and ruling. Such documentation shall be accompanied with a request, signed by both parties, for adjudication without hearing. The Ethics Subcommittee may deny requests for adjudication without hearing if it determines that the public interest and/or rights of the interested parties require a hearing. Should the Ethics Subcommittee agree to the request, it shall adjudicate the formal complaint without a hearing and issue a ruling based on the agreed upon documentation.

10.0 Hearing Panel

- 10.1 The hearing panel shall consist of at least three (3) CMC members and One (1) ISC representative. Of the three CMC members, One (1) shall be a full member, One (1) shall be a CMC Administrative Board (AB) member and the third may be a CMC full member, associate member or member at large. The CMC Chair shall appoint a presiding officer. The presiding officer shall control the hearing and may establish any reasonable rules of conduct not provided in this procedure, which are necessary to ensure that a fair and impartial hearing is conducted.
- 10.2 Hearings shall be private unless the members of the panel unanimously agree that the public interest would best be served if the hearing were open to the public.
- 10.3 The ASNT Board of Directors and the ASNT Certification Services, LLC Board of Managers through its designated members, staff, or counsel, has the right to participate in any hearing. The CMC, through its designated members, staff, or counsel, has the right to participate in any hearing.
- 10.4 When a written appeal/complaint is filed by a member of the Ethics Subcommittee, that member shall not be a member of the hearing panel, or have a vote in any Ethics Subcommittee, action regarding the allegation/complaint and shall only act in the status of Complainant.
- 10.5 The Respondent shall be afforded reasonable opportunity to defend himself/herself on the merits of the allegation/complaint and shall act only in the status of Respondent.
- 10.6 A record of all testimony, documents, and other evidence submitted or offered at a hearing shall be recorded. ASNT Certification Services, LLC will maintain transcripts and exhibits for a period not to exceed three (3) years after the completion of the hearing. Any interested party shall have

access to the transcript and to all exhibits, and shall, upon paying the cost for duplication thereof, have the right to copies. Copies of transcripts and all exhibits shall be made available to interested regulatory authorities upon their written request.

- 10.7 The presiding officer may adjourn, continue, or order recesses in any hearing upon the request of any interested party or panel member.
- 10.8 The panel shall adhere to the following with respect to the admission of evidence at a hearing:
 - 10.8.1 It is intended that the panel will permit full development of all relevant issues and will permit evidence to be introduced if it is a type commonly relied upon by reasonably prudent people in the conduct of affairs. For those reasons, and except as otherwise stated in this procedure, the rules of evidence as applied in civil cases need not be strictly followed.
 - 10.8.2 Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.
 - 10.8.3 Generally recognized rights of privilege properly invoked by a witness shall be given effect.
 - 10.8.4 When the rights of the interested parties will not be prejudiced and the hearing will be expedited, all or part of the evidence may be received in written form.
 - 10.8.5 Documentary evidence may be introduced in the form of copies or excerpts if the original is not available or is voluminous, provided that upon request of an interested party, and when possible, the interested party shall be given the opportunity to compare the copy with the original or to examine the complete document from which the excerpts have been taken.
 - 10.8.6 Notice can be taken of judicially cognizable facts and of generally recognized technical or scientific facts within the panel's specialized knowledge, but the interested parties shall be given an opportunity to contest any fact.
 - 10.8.7 Objections to evidentiary offers may be made and shall be so noted in the record.
- 10.9 The presiding officer shall take all reasonable measures to obtain the testimony under oath from all interested parties and witnesses.

- 10.10 Witnesses shall be subject to cross examination.
- 10.11 The Ethics Subcommittee, at the request of the Respondent, shall issue a ruling dismissing the allegation/complaint, if a hearing is not held and completed within one (1) year from the date of the issuance of a formal complaint, unless the Respondent has requested or consented to the delay.
- 10.12 The presiding officer shall advise the Respondent of any substantive communications between the Ethics Subcommittee, the ISC, and the panel concerning this matter between the time a formal complaint is issued and ruling is entered, or the complaint is finally adjudicated. If the communication is in writing, a copy shall be provided. If oral, a written summary shall be provided.

11.0 Ruling

- 11.1 After the hearing, the panel shall adopt findings of fact and conclusions, and issue a written recommendation to the CMC Chair dismissing the appeal/complaint, imposing sanctions, or taking other action that the panel may determine to be appropriate. The concurrence of a majority of the panel is necessary for the issuance of a ruling. The presiding officer shall deliver the ruling, including findings and conclusions and any dissenting opinion on the part of panel member(s) so desiring, to the ISC. The ISC shall distribute copies thereof to the interested parties, including appropriate regulatory authorities, other than members of the panel within two (2) weeks of receipt of this information.

12.0 Appeals

- 12.1 When a ruling imposes sanctions, other than a sanction to which the Respondent has consented, the Respondent may appeal to the CMC Chair to vacate or reduce the sanction. The appeal shall be in writing. The right to appeal shall expire unless exercised within sixty (60) days after transmittal of the ruling to the Respondent. The CMC Chair shall consider the appeal on the basis of the allegation/complaint, the answer thereto, and the transcript of the hearing. It may, but shall not be required to, order a hearing on the appeal.
- 12.2 If, in the opinion of the CMC Chair, a hearing is required, a new panel not comprised of the original hearing panel shall be appointed and a hearing shall be conducted in accordance with section 10.0 of this document. The decision on the appeal is final and no further appeal will be accepted.
- 12.3 Submission, investigation, and decision on appeals shall not result in any discriminatory actions against the complainant.

13.0 Ancillary Matters

- 13.1 Any ISC employee or agent directly engaged in the performance of advocacy functions before the Ethics Subcommittee shall not participate in, or advise on any decision, recommended decision, or Ethics Subcommittee, review, except as witness or counsel at a hearing.
- 13.2 Any person appearing at a pre-hearing conference, a hearing, or any post-hearing proceeding, has the right to be represented by counsel.

14.0 Request for Information

- 14.1 When ASNT Certification Services, LLC is required by law to release confidential information, the person concerned shall, unless prohibited by law, be notified as to what information will be provided.

APPENDIX A

CMC COMPLAINT AND APPEAL REPORTING FORM

Name Date

Address

Phone Fax

E-mail ASNT Certification Services, LLC
File Number

COMPLIANT INFORMATION

Body Issuing Violation Date Action Taken

Violation Reference, Provide specific paragraph(s)

Describe violation and appeal details (provide your interest in the appeal)

Signature Date

Use additional sheets or attachments as needed

Return completed form to:
ASNT Certification Services, LLC
1711 Arlingate Lane
Columbus, OH 43228-0518