

	<b>TITLE:</b>	<b>Number: A7-1</b>
	<b>APPEALS PROCEDURE</b>	<b>Revision: 0</b>
		<b>Date: October 29, 2018</b>

**1.0 SCOPE**

This document establishes the appeals process when an appeal is filed against The American Society for Nondestructive Testing, International Service Center (ASNT ISC). This procedure shall be made available to the public.

**2.0 DEFINITIONS**

- 2.1 Appeal: A request made to ASNT ISC in writing for a reversal of a prior decision made regarding certification in the EBC Audit program.
- 2.2 Appeals Panel: Three member panel of the EBC Audit Program Committee.
- 2.3 ASNT ISC: The ASNT International Service Center is the main contact location for ASNT.
- 2.4 Complainant: Party being audited that files for an appeal.

**3.0 REFERENCES**

- RP-EBC-1 Employer Based Personnel Certification Registration Program Document
- A7-2 Appeals Form

**4.0 RESPONSIBILITIES**

ASNT

- 4.1 ASNT is responsible for reviewing incoming appeals.
- 4.2 ASNT is responsible for managing the appeals process as a liaison between the panel and the complainant.
- 4.3 ASNT is responsible for the final documentation of the appeal.

Complainant

- 4.4 The complainant is responsible for submitting an appeal in writing to ASNT ISC.
- 4.5 The complainant is responsible for cooperating with the process outlined in this procedure.

Appeals Panel

- 4.6 The appeals panel is responsible for hearing and ruling on the appeal brought forth from the complainant.

**5.0 APPEAL**

- 5.1 The complainant shall file an appeal in writing to ASNT ISC using form A7-2.
- 5.2 ASNT ISC shall notify the complainant that the appeal has been received and is under review.
- 5.3 ASNT ISC shall review the appeal and contact the complainant if additional information is required.

**6.0 APPEALS PANEL**

- 6.1 Once an appeal is received, ASNT ISC shall request the formation of an appeals panel from the Chair of the EBC Audit Program Committee.
- 6.2 The Chair shall form an appeals panel consisting of 3 members of the EBC Audit Program Committee, assigning one member as the panel chair.
- 6.3 The members of the appeals panel shall not have been a part of the original audit decision.
- 6.4 The members of the appeals panel shall not have any conflicts of interest associated with the complainant.
- 6.5 The appeals panel shall meet to review and discuss all the information prior to the scheduled hearing.
- 6.6 The panel may request additional information prior to the hearing.

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## 7.0 HEARING

- 7.1 Once the appeals panel is formed and they have reviewed the appeal, a hearing shall be scheduled.
- 7.2 ASNT ISC shall be the liaison in charge of scheduling a mutually agreeable date and time for the hearing.
- 7.3 The hearing shall be private between the complainant, panel and ASNT. The complainant may have representation.
- 7.4 The appeals panel chair shall preside over the hearing.
- 7.5 A record of all testimony, documents, and other evidence submitted or offered at a hearing shall be recorded. ASNT 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.
- 7.6 The presiding officer may adjourn, continue, or order recesses in any hearing upon the request of any interested party or panel member.
- 7.7 The panel shall adhere to the following with respect to the admission of evidence at a hearing:
  - a. 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.
  - b. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.
  - c. Generally recognized rights of privilege properly invoked by a witness shall be given effect.
  - d. 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.
  - e. 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.
  - f. 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.
  - g. Objections to evidentiary offers may be made and shall be so noted in the record.
- 7.8 Witnesses may be subject to cross examination.
- 7.9 The presiding officer shall advise the Complainant of any substantive communications between the Ethics Committee, the ASNT ISC Technical Staff, and the panel concerning this matter between the time an appeal is submitted 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.

## 8.0 RULING

- 8.1 After the hearing, the panel shall adopt findings of fact and conclusions, and issue a written recommendation to the EBC Program Chairman dismissing the appeal 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,



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to the ASNT ISC Technical Staff. The ASNT ISC Technical Staff 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.

**9.0 APPEALS**

9.1 This ruling is considered final and no further appeals will be heard.

**10.0 DOCUMENT HISTORY**

<b>Revision</b>	<b>Date</b>	<b>Summary of Changes</b>
0	10/29/2018	Original Document