

Appeal Policy for Certification Determination

Purpose and Scope

This Procedure establishes the process for submitting and resolving *Appeals* submitted by *Participants* or *Applicants* that have been notified of a *Determination* by the American Institute of Steel Construction (“AISC”) Certification Program (the “Program”). Investigations and resulting actions will follow a prescribed series of steps to evaluate the information provided and certification records to properly adjudicate the appeal.

All persons involved in processing *Appeals*, including staff, members of the AISC Board, and Committees, Consultants, and Contractors will keep confidential all information related to the Allegation or Complaint and its resolution and comply with AISC’s conflict of interest policy.

Definitions

Appeal: A formal request for review of a *Determination* that has been made in writing. All appeals must be submitted to the AISC President with the *Appeal Request Form*, exhibit 1, within 30 calendar days of the date of the *Determination*. All supporting documentation shall be submitted at the time of the appeal.

Appeal Review Board (ARB): The *ARB* is responsible for administering appeals and for determining appropriate action. The *ARB* is comprised of the AISC President, Vice President of Certification, and the AISC General Counsel.

Applicant: The legal entity applying for AISC Certification responsible for the facility or company submitting the *Appeal*.

Audit Cycle: The three year period that begins with each full audit.

Determination: A final Certification action that has been communicated to the participant or applicant.

Ombudsman: An industry consultant selected by the *ARB*, in connection with an appeal. The *Ombudsman* shall be retained by AISC to provide independent observations and recommendations.

Participant: The legal entity participating in the AISC Certification program responsible for the certified facility or company submitting the *Appeal*.

Procedure

The following levels of investigation and action will be undertaken to resolve all *Appeals*.

1. *Initial Review*: An initial review will be performed by the AISC President to determine if the appeal can be resolved. Within 20 business days of receipt of the *Appeal*, this review will conclude by either granting the appeal with or without supplemental conditions or referring the *Appeal* to the *ARB*.

2. ARB Review and Action: The *ARB* will make an administrative review of all information provided by the participant and the AISC Certification Program. Additional information may then be obtained through either the utilization of an ombudsmen or a special audit.

The audit team will consist of an auditor that has not audited the participant within the past three years and an independent observer selected by the *ARB*. The participant will be notified of the audit team and may reject either of the initial appointees. Replacement appointees are not subject to *Participant* rejection. Established audit protocol will be followed and the onsite audit team will prepare and submit a written report of its audit findings to the *ARB* within five business days of the audit.

The cost of the special audit must be prepaid by the participant.

Certification Status

The original certification status will be restored during the *Appeal* process, provided that the *Participant* cooperates in a timely manner with all requirements of the appeal process.

Determination

The *ARB* will notify the Participant of its findings and determination within twenty business (20) days after receipt of the special audit findings. This determination will also be copied to the AISC Chair and Certification Department oversight for information purposes.

Arbitration

In the event that the *Participant or Applicant* wishes to challenge the results made in connection with this procedure, the matter will be submitted to a mutually acceptable, independent arbitrator for a final and binding decision. This binding arbitration will be the sole and exclusive remedy of the parties. The *Participant or Applicant* must direct a written notice of challenge and request for arbitration to the President of AISC within 14 days of receipt of the Determination. If such notice is not received within this time limit, the results of the Determination will become final and not subject to further appeal or formal dispute resolution of any kind. If a timely request for challenge and request for arbitration has not been filed and the results of the appeal include suspension of the *Participant's* certification, the *Participant* may reapply for certification in accordance with the normal application process.

If a timely challenge and request for arbitration is filed, neither party shall unreasonably withhold or delay acceptance and appointment of the arbitrator or administration of the arbitration process. The arbitrator will be selected from among a list of not less than three independent persons who are familiar with *Participant's* industry operations. An initial list of potential arbitrators will be prepared and presented to the *Participant* by the *ARB*. The *Participant* may also suggest potential arbitrators to the *ARB*.

The arbitration will be administered by the American Arbitration Association and the arbitrator will follow the Construction Industry Arbitration Rules of the American Arbitration Association. Any dispute between the parties related to selection of an arbitrator or administration of the arbitration will be submitted to the American Arbitration Association for resolution; and any

decision of the American Arbitration Association on these matters will be final and binding upon the parties. The American Institute of Steel Construction, its Program auditor, and the *Participant* agree that arbitration under this procedure will be the sole, exclusive, and binding remedy for resolution of any dispute arising under or as a result of the AISC Certification Program, the audit and certification processes, or this Appeal Policy for Certification Determination.

The Arbitrator may either: 1) Affirm the Determination of the Executive Committee, or 2) Reverse the Determination of the Executive Committee. The decision of the Arbitrator will be final and enforceable as a judgment in a court of competent jurisdiction, and shall constitute sufficient basis for issuance of injunctive relief. All fees and expenses of the arbitrator will be shared equally by AISC and the *Participant*. Any other costs incurred by any party to the dispute will be borne by that party.



Effective date: 3.17.2014

APPEAL POLICY – attachment I

AISC Certification Program Appeal Policy for Certification Determination Form

This data entered in this form will be used to administer the AISC audit Appeal Policy. This information will be reviewed and used to reassess and resolve an appeal. Please assure it is accurate to expedite your appeal. Return the completed form to the address below, or you can email the submittal to Charlie Carter at carter@aisc.org.

AISC President
AISC
130 Randolph Street, Suite 2000
Chicago, IL 60601-6204

Today's Date: _____

Company filing Audit Appeal	
Company Name:	_____
Contact Person:	_____
Address:	_____

City, State, Zip:	_____
Phone:	_____
Fax:	_____
E-Mail:	_____

Statement of appeal: Please provide a concise statement of the facts supporting the appeal. Please use additional sheets as necessary to provide necessary details. Company proprietary information that may be part of the submitted documentation will be kept confidential.