Function: The Board of Appeals shall consider appeals that meet the criteria delineated in Policy 6.03. At least once a year, the Board of Appeals shall provide guidance and recommendations to the board of directors regarding updates to the appeals policy or process(es).

Policy:

The Board of Appeals shall be comprised of five members which shall include the Public Member Director, a past President, and committee Chairs from the Registration, Certification, and Supervision Committees. The ATCB President will appoint one of the four latter members, (not the Public Member), to serve as Chair of the Board of Appeals. Members serve a term of two years and no more than three terms.

The Board of Appeals will only consider appeals if the candidate/applicant provides a rationale for why the original determination was arbitrary or unfounded. All appellants will provide written narratives and supporting documentation.

The Board of Appeals will consider appeals on conditions that impacted the examinee’s performance. The Board of Appeals will consider appeals that challenge rules and regulations outlined in Credential and Examination Handbooks.

The Board of Appeals will not consider appeals that challenge established deadlines and processes clearly outlined in the Credential Handbook and communications such as required dates and processes for maintaining credentials (annual renewal) and board certification (recertification) unless there is just cause. The Board of Appeals will not consider appeals that challenge the validity of the exam scoring established and outlined in the Examination Handbooks.

The Board of Appeals shall act as an autonomous body from the ATCB Board of Directors unless their decisions contradict the ATCB policies and procedures.

Procedure:

A. The Board of Appeals shall meet quarterly via video conferencing to consider appeals. At the beginning of each calendar year the board of appeals will establish meeting dates for the year.

B. All members of the Board of Appeals must read, sign and submit to the ATCB Secretary a Confidentiality and Impartiality Agreement. Members also must read the ATCB Code of Ethics, Conduct and Disciplinary Procedures, Application Handbooks, Examination Application Handbook, and renewal and recertification procedures.

C. A quorum of at least four out of five members must be present to make Board of Appeals Decisions. The Public Member and/or the Executive Director must be present at all Board of Appeals meetings.

D. The Public Member and Executive Director will monitor and confirm that all procedures and decisions of the Board of Appeals comply with the ATCB policies and procedures.

E. In the case that there is a policy challenge, the appeal must be tabled, the recommendation to change the policy will be brought to the board by the public member for review and vote.
If an appeal challenges policy(ies), the Board of Appeals will 1) table a decision regarding the appeal/challenge; 2) thoroughly review the appeal and policy(ies); and 3) make a recommendation on the matter. The Public Member will bring the recommendation to the ATCB Board of Directors. The Board of Directors will vote to accept or deny the recommendation. If the Board of Directors does not accept the recommendation of the Board of Appeals, the appeal will not be granted.

F. On behalf of the Appeals Board, the National Office shall notify each appellant in writing the outcome of their appeal within 5 business days of appeal rendering via and upload the formal notification into the credential file in their MyATCB portal. All notifications will be sent via the MyATCB platform.

EFFECTIVE: Motion #4, April 2005

REVIEWSED AND REVISED: Motion #25, November 2006; Motion #08-064 October 2008; Motion #09-017, April 2009; Motion #09-065, October 2009; Motion #10-147, December 2010, REVIEWED BUT NOT REVISED: April 2011, REVIEWED AND REVISED: Motion # 20-09, February 2020, July 2021
POLICY NUMBER: 6.03

CATEGORY: Operations

SUBJECT: Appeals Process

Function:

The Board of Appeals shall consider appeals from applicants who are denied credentials, exam candidates appealing an examination administration, the content of an examination, or a special accommodations, denied recertification applications, credential holders denied Temporary Inactive Status or Retired Status, and applicants, credential holders who have received an unfavorable determination from the Disciplinary Hearing Panel have a right to appeal to the ATCB Board of Appeals for a final decision as noted in Policy 6.02

Policy:

Notification of the right to appeal and the appeals process shall be included on the ATCB website, all handbooks, and guides, in letters of denial, and notifications of unfavorable determinations. All appellants will provide written narratives and supporting documentation to the Board of Appeals via the appeals@atcb.org email within 30 days from receiving notice of denial of credential, recertification application, status change request, and outcome of the Disciplinary Hearing Panel. All appellants will receive an outcome of their appeal within 90 days of appeal submission. If additional time is required due to circumstances outside the control of the Board of Appeals-appellants will be notified of said delays.

A candidate appealing improper questions on the ATCBE may appeal the decision of ATCB by submitting a written appeal thirty (30) days of receiving notice of results on the ATCBE. Appeals concerning testing conditions or accommodation issues shall be considered only if the exam candidate reported testing experience or irregularities that may have impacted their performance to the National Office at exams@atcb.org within 72 hours of exam administration.

The Board of Appeals will not consider appeals that challenge established deadlines and processes clearly outlined in the Credential Handbook such as application expiration dates, missing a scheduled ATCBE administration and required dates, and processes for maintaining credentials (annual renewal) and board certification (recertification) unless there is just cause.

Failure to submit an appeal by the required deadline will result in the rejection of the appeal. Appeal submission deadlines may be extended if reasonable and sufficient cause if presented to the ATCB, in writing, at least forty-eight (48) hours prior to the appeal submission.

Materials related to appeals will be distributed to members of the Board of Appeal via board management software. The National Office shall notify each appellant in writing the outcome of their appeal via and upload the formal notification into the credential file in their MyATCB portal. All notifications will be sent via the MyATCB platform. All appeals decisions are final.

On behalf of the Appeals Board, the National Office shall notify each appellant in writing the outcome of their appeal via and upload the formal notification into the credential file in their MyATCB portal. All notifications will be sent via the MyATCB platform.

Copies of documents related to appeals shall be retained by the National Office in compliance with Policy 1.05 Record Retention.
Procedure:

ATR, ATR-P and ATCS Credential Award Appeals

A. An applicant denied a credential may appeal the decision by submitting a written appeal to the
within thirty (30) days of receiving notice that an application has been denied.
B. The National Office shall inform the applicant in writing that the appeal has been received and
referred to the Board of Appeals.
C. If the appeal challenges credential standards or policy(ies), the Board of Appeals will 1) table a
decision regarding the appeal/challenge; 2) thoroughly review the appeal and policy(ies); and 3)
make a recommendation on the matter. The Public Member will bring the recommendation to the
ATCB Board of Directors. The Board of Directors will vote to accept or deny the recommendation. If
the Board of Directors does not accept the recommendation of the Board of Appeals, the appeal
will not be granted.

ATCBE Appeals

Acceptable Grounds for examination Administration, Examination Content, And Special (Disability)
Accommodation Appeals/ Required Information. Examinees may submit an appeal concerning an
examination administration, the content of an examination, or a special examination accommodation under
the following circumstances:

1. **Examination Administration Appeals.** An examinee may appeal a failing test result where the
examinee believes that a test administration condition negatively affected his/her ability to
complete or pass the examination (administration appeal). Such appeals are limited to examinee
complaints regarding significant physical test site conditions, test computer equipment problems,
test administration issues, and the conduct of test center personnel or others present during the
test administration. In order for an administrative appeal to be considered the examinee must:
   - Promptly report and identify the test administration condition or issue to the test proctor or
     examination administrator at the test center immediately following the examination
     administration, and provide all relevant information requested by the proctor/administrator
     concerning the condition or issue necessary to complete a Case Report with the testing
     provider.
   - Submit the appeal as outlined in this policy, the narrative must describe the test administration
     condition or issue affecting the examinee’s performance on the examination, and identify the
     Case Report number provided by the proctor/administrator at the test center. Appeals
     concerning testing conditions shall be considered only if exam candidates reported testing
     experience or irregularities that may have impacted their performance to the National Office
     at exams@atcb.org within 72 hours of exam administration.

2. **Examination Content Appeal.** An examinee may appeal one or more specific examination items
and/or answers as inaccurate or incorrect, where the examinee believes that his/her failure to
receive credit for such items and/or answers caused the examinee to fail the examination (content
appeal). In order for a content appeal to be considered, the examinee must in the appeal narrative:
the specific test items and/or answers subject to the appeal and a detailed narrative explaining why the examinee believes that the identified test items and/or answers are inaccurate or incorrect and be supported by references to relevant professional sources, particularly peer-reviewed, scholarly literature that show that the identified test items and/or answers are inaccurate or incorrect.

3. Special (Disability) Examination Accommodation Appeals. An examinee may appeal an alleged failure to provide an approved special (disability) examination accommodation during the test administration, or other issues relating to the provision of approved accommodations during an examination administered by the testing services provider at a test center (accommodation appeal). The ATCB will not accept an accommodation appeal concerning a testing accommodation that was not previously approved by the ATCB or the relevant State licensure agency. In order for an accommodation appeal to be considered the examinee must:

- prompt report and identify the special examination accommodation issue to the test proctor or examination administrator at the test center immediately following the examination administration, and provide all relevant information requested by the proctor/administrator concerning the issue necessary to complete a Case Report.
- Submit the appeal as outlined in this policy, the narrative must describe how the accommodation was not met and identify the Case Report number provided by the proctor/administrator at the test center. Appeals concerning accommodation issues shall be considered only if the exam candidate reported testing experience or irregularities that may have impacted their performance to the National Office at exams@atcb.org within 72 hours of exam administration.
- Special examination accommodation appeals concerning accommodations that were not expressly approved by the ATCB, or the relevant State licensing agency, will not be accepted or considered.

Unacceptable Grounds For Examination Administration Or Examination Content Appeals. The following grounds cannot serve as the basis of an examination administration or content appeal, and ATCB will not accept such examination appeals:

1. The examinee’s lack of knowledge or understanding of the test administration policies or procedures. All examinees are required to read and understand the policies and procedures identified in the relevant Candidate Handbook prior to sitting for the examination.
2. The examinee’s failure to follow examination administration instructions: provided by the test proctor or examination administrator related to the examination administration; or, included as part of the examination tutorial prior to initiating the test.
3. The examinee’s mental state during the examination, including nervousness or anxiety.
4. Personal circumstances of the examinee that may have affected the examinee’s completion of the examination, such as illness, injury, or family problem.
5. Examinee errors or omissions related to understanding examination items, or understanding or recording answers, except those caused by circumstances outside the examinee’s control.
6. Computer-related problems that do not impact the administration of the examination, and that are resolved by the test proctor or examination administrator within thirty (30) minutes, including power outages, electrical surges, or other circumstances.

7. Reasonable and commonly occurring sounds and noises in the testing center or room. [NOTE: Noise-cancelling headphones and earplugs are provided at all testing services provider test centers].

8. Late arrival for the test administration appointment. Or not showing for the testing administration appointment.

9. The validity of the content of the examination in general.

10. The passing score of the examination established by the ATCB the process used to determine the passing score.

Renewal and Recertification Appeals

Any credential holder whose credentials or board certification distinction is inactive due to the non-completion of the renewal and/or recertification application before the credential year ends may appeal the decision of the ATCB by submitting a written appeal to the National Office within thirty (30) days from receiving notice of inactivity. Examples of acceptable appeals include but are not limited to: the inability to access the MYATCB portal, long-term hospitalization during the renewal /recertification period, and circumstances beyond one’s control.

Any credential holder who is denied the renewal of their credential or the recertification of their board certification due to issues, such as lack of sufficient continuing education credits to maintain board certification or refusal to complete application elements may appeal the decision of the ATCB by submitting a written appeal to the National Office within thirty (30) days from receiving notice of denial.

A) An applicant denied renewal or recertification may appeal the decision by submitting a written appeal to the within thirty (30) days of receiving notice of denial.

B) The National Office shall inform the applicant in writing that the appeal has been received and referred to the Board of Appeals.

C) If the appeal challenges standards or policy(ies), the Board of Appeals will 1) table a decision regarding the appeal/challenge; 2) thoroughly review the appeal and policy(ies); and 3) make a recommendation on the matter. The Public Member will bring the recommendation to the ATCB Board of Directors. The Board of Directors will vote to accept or deny the recommendation. If the Board of Directors does not accept the recommendation of the Board of Appeals, the appeal will not be granted.
**Temporary Inactive and Retired Status Appeals**

A. A candidate denied a status change may appeal the decision of the ATCB by submitting a written appeal to the National Office within thirty (30) days from receiving notice that the status change has been denied.

B. The Executive Director shall place the appeal on the docket of the Board of Appeals and inform the appellant of the meeting date within 30 days of receiving the appeal. The Board of Appeals may request that the National Office obtain further information from the candidate before voting on the appeal.

C. On behalf of the Board of Appeals, the National Office shall inform the candidate in writing of the Board of Appeals decision.

**Appeals of Disciplinary Hearing Panel Determinations**

Should the decision rendered by the Disciplinary Hearing Panel be not favorable to the applicant, registrant, or credential holder they may appeal the decision to the Board of Appeals by submitting to the Executive Director a written appeals statement within 30 days following receipt of the conclusion of the Disciplinary Hearing Panel.

A. The Executive Director shall place the appeal on the docket of the Board of Appeals and notify the appellant of the upcoming meeting date within 30 days of receiving the appeal. The Board of Appeals may request that the National Office obtain further information from the candidate before voting on the appeal.

B. The Disciplinary Hearing Panel may file a written response to the appeal with the Executive Director.

C. The Executive Director shall immediately forward any appeals documents to the Board of Appeals.

**EFFECTIVE DATE:** Motion #4, April 2005

**REVIEWED AND REVISED:** Motion #25, November 2006; Motion #77, September 2007; Motion #78, September 2007; Motion #08-064, October 2008; Motion #09-026, April 2009; Motion #09-065, October 2009; Motion #10-032, March 2010; Motion #10-147, December 2010; Motion #11-024, April 2011; Motion #11-064, August 2011; Motion # 20-09, February 2020, July 2021, April 2022