

**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 and applicants and credential holders who have received an unfavorable determination from a Regulatory Officer have a right to appeal to the ATCB Board of Appeals for a final decision.

**Policy:**

Notification of the right to appeal and the appeals process shall be included on the ATCB website and notifications of unfavorable determinations. All appellants will provide written narratives and supporting documentation to the Board of Appeals via the appeals from **within 30 days from receiving notice of denial of credential or certification, status change and outcome of the disciplinary hearing.**

The Board of Appeals will not consider appeals that challenge established deadlines and processes clearly outlined in the registration, certification and/or examination standards.

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 is presented to the ATCB, in writing, at least forty-eight (48) hours prior to the appeal submission.

ATCB Headquarters 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.**

**Procedure:**

ATR, ATR-P and ATCS Credential Award Appeals

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 Examination Appeals**

In accordance with best practices for the validity of the exam and NCCA accreditation requirements, **scores cannot be appealed or changed**, but alternatives such as retesting may be allowed. The ATCB will consider appeals regarding examination administration, examination content, and Special (Disability) Accommodation. An appeal may be submitted under the following circumstances:

### **Examination Administration Appeals:**

An examinee may appeal that a test administration condition negatively affected their 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. 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 ATCB via the appeals form within 72 hours of exam administration.

### **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 their failure to receive credit for such items and/or answers caused the examinee to fail the examination (content appeal). For a content appeal to be considered, the examinee must:

- Flag the item as an issue during the test administration. *Appeals of ATCBE content will only be considered if a candidate provided feedback on specific item(s) in question during the examination.* In the ATCB appeal form, the exam candidate should provide a detailed narrative explaining why the examinee believes that the identified test items and/or answers are inaccurate and support this claim with references to relevant professional sources, particularly peer-reviewed, scholarly literature that shows that the identified test items and/or answers are inaccurate.

**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:**

- 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.
- 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 before initiating the test.
- The examinee's mental state during the examination, including nervousness or anxiety.
- Personal circumstances of the examinee that may have affected the examinee's completion of the examination, such as illness, injury, or family problem.
- Examinee errors or omissions related to understanding examination items or understanding or recording answers, except those caused by circumstances outside the examinee's control.

- 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.
- 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].
- Late arrival for the test administration appointment. Or not showing for the testing administration appointment.
- The validity of the content of the examination in general.
- The passing score of the examination established by the ATCB the process used to determine the passing score.

### **Renewal and Recertification Appeals**

The Board of Appeals will **not** consider appeals that challenge established deadlines and processes clearly outlined in the Registration Standards, Board Certification Standards, and communications, such as required dates and processes for maintaining credentials (annual renewal) and board certification (recertification) unless due to circumstances outside of one's control. 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, force majeure, and circumstances beyond one's control.

Any credential holder who is denied 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.

If the appeal challenges standards or policy(ies), the Board of Appeals will table a decision regarding the appeal/challenge; 2) thoroughly review the appeal and policy(ies); and 3) make a recommendation on the matter. The Executive Director 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.

### **Appeals of Disciplinary Determinations**

An applicant or credential holder whom disagrees with a decision rendered by the (Head) Compliance officer or the Hearing Officer. In that case, that party may appeal the decision to the ATCB Board of Appeals by submitting an official appeal following the established appeals policy of the ATCB.

- The Executive Director (or designee) shall promptly forward to the BOA all documentation provided to the (Head) Compliance Officer during their investigation or to the Hearing Officer in the course of a referral of a compliance matter to the Hearing Officer by a (Head) Compliance Officer. Said documentation shall include anything provided by any party to the matter or counsel for a party. Additionally, the Executive Director (or designee) shall forward a recording of the hearing before the Hearing Officer, if any, to the Board of Appeals.
- The Board of Appeals may request any additional or supplemental information regarding the matter, directing the correspondence to the party from whom the Board of Appeals is seeking the information. The Board of Appeals shall set a deadline for submission of the

additional/supplemental information being requested. All other parties to the appeal will be copied on the correspondence.

- The Board of Appeals will then, based on all of the aforementioned information, determine whether 1) the (Head) Compliance officer or the Hearing Officer abused their discretion in finding a violation of the Code or other ATCB policy or procedure, 2) the Hearing Officer abused their discretion in finding cause for a summary suspension under section 4.9 of this Code, and/or 3) the (Head) Compliance officer or the Hearing Officer abused their discretion in determining any sanction imposed by the (Head) Compliance officer or the Hearing Officer (including suspension, revocation, probationary term, etc.). The Board of Appeals, by majority vote, will then issue a written decision on the appeal within a reasonable time following receipt of the appeal or written response, whichever is later. Said decision shall set forth the Board of Appeals determination(s) regarding items 1, 2, and 3 above, as applicable.
- The decision by the Board of Appeals is final and shall be uploaded to the credential holder's MyATCB portal.