



## American National Standards (ANS)-Related Appeals Process Guidance: Appeals at the Standards Developer Level – Procedural Issues to Consider

Note: this document is informative only and does not supersede any requirements set forth in the *ANSI Essential Requirements: due process requirements for American National Standards* ([www.ansi.org/essentialrequirements](http://www.ansi.org/essentialrequirements))

1. An appeals process that is intended to satisfy ANSI's procedural requirements as established in the *ANSI Essential Requirements* ([www.ansi.org/essentialrequirements](http://www.ansi.org/essentialrequirements)) should clearly indicate that the Appeals Panel will be populated by fair and impartial individuals.
  - Documented and published Conflict of Interest procedures are useful in ensuring a fair appeals panel.
2. The consensus body that voted on the standard under appeal cannot be the sole appeals panel that reviews and adjudicates procedural issues.
  - The consensus body may be one level of a multi-level process, but there must be a separate fair, impartial and unbiased body that makes the final decision.
3. A minimum size for an appeals panel and the voting requirements associated with it should be specified. Information about how an appeals panel is selected or appointed should also be stated.
4. Time periods associated with an appeals process should be established and made known to all parties.
5. For each established time period, e.g., appeals filing period, referenced in a developer's procedures, the text should specify whether the "days" are in calendar days or exclude Saturdays, Sundays and other holidays.
  - Deadlines for the following should be stated: any informal resolution phase (if applicable); appeals filing period; appeals response deadline; deadline for submittal of all related documentation; deadline for appeals fee (if applicable); deadline for any claims of conflict of interest; deadline for the identification of participants in the appeals process; other.
6. Unless otherwise specified, if an appeals procedure does not require an in-person hearing, a teleconference or other suitable electronic means can be considered.

7. A written appeals decision must be issued to appellants. Such a decision should be clear and complete, allowing all those involved and third parties to understand the decision and the basis for it.
8. When responding to an appeal, the following guidance may be helpful:
  - The developer's response should:
    - Excerpt each argument and provide a specific response for each, both clearly labeled.
    - Reference relevant procedural history, including pertinent dates, communications, meetings and procedural citations.
    - Ensure that each point /response is succinctly made.
    - Ensure that the response is objective and professional in tone.
    - Ensure that relevant deadlines are stated.
9. The following language, which is contained in the *ANSI Essential Requirements*, is intended to mean that all appellants are treated equally and so an appeals fee may not vary from person to person (except when a fee waiver or reduction is granted) or from one appeal to the next:

*If a fee for a procedural appeal is charged, then it shall be predetermined, fixed and reasonable. A procedure for requesting a fee waiver or fee reduction shall be available.*

Consideration of a fee waiver or fee reduction request should be approached in a consistent and fair manner to ensure that final decisions are not arbitrary.

10. Standards developers should not instruct appellants to submit developer-level appeals documentation to ANSI. All eligible would-be appellants whose names are required to be provided to ANSI via the BSR-9 form will be sent written notice by ANSI of the right to appeal a standard's approval as an ANS. The relevant appeals process is described in the *Operating Procedures of the ANSI Board of Standards Review (BSR)*.
  - ANS approved by ANSI-Accredited Standards Developers that also hold the status of ANSI Audited Designator are subject to a separate complaint process detailed in the *Operating Procedures of the ANSI Executive Standards Council (ExSC)*.
11. The *Operating Procedures of the ANSI Board of Standards Review (BSR)* and of the *ANSI Executive Standards Council (ExSC)*<sup>1</sup>, respectively, contain appeals processes as well as Conflict of Interest provisions that may be adapted for use in connection with developer level appeals procedures.

**SOURCE:** [psa@ansi.org](mailto:psa@ansi.org)

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<sup>1</sup>All ANS-related procedures are available at [www.ansi.org/asd](http://www.ansi.org/asd).