

Appeals Policy

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Policy

An appeal procedure is available to any individual who has applied for or received a BCSP certification and wishes to contest any adverse decision; or proposed action affecting his or her application for certification/recertification status. This policy applies only to the procedural aspect of the credentialing process. Those areas not subject to appeal are further identified under the section heading “Exceptions to the Right of Appeal” at the end of this document. Any individual who does not file a written request for an appeal within the required time limit shall waive the right to appeal.

Scope

Throughout the certification process, individuals may appeal certain decisions made by BCSP. Examples of appeals include:

- Decisions regarding eligibility
- Eligibility Time limits
- Recertification point interpretations
- Examination quality
- Criminal Convictions
- Unauthorized Use

Procedures

The appeal procedure has two steps.

Step One: The request for appeal must be submitted in writing to the Chief Executive Officer within 60 days following the date on which the adverse decision was postmarked to the individual. The request must state the reasons why the decision is being contested and include any information to be considered by BCSP. The Judicial Commission shall take into consideration all relevant material submitted by the individual and/or his representative.

Step Two: The appeal hearing is facilitated by BCSP’s attorney. If requested, he will provide procedural guidance to the person filing an appeal. He will advise the Judicial Commission in the conduct of the appeal and any associated hearing procedures. The BCSP Judicial Commission will review and make a reasonable effort to act on properly filed appeal requests within ninety (90) days of receipt of the request. Appeal reviews and decisions may be extended at the sole discretion of the Judicial Commission. The Judicial Commission may conduct its review by teleconference and may decide to uphold the decision or it may take other appropriate action with regard to the appeal request.

Administrative Process

BCSP staff will record appeals and their resolution.

- A. The appeal must be in writing from the individual within the required 60 days from adverse decision timeframe. Once received, the Executive Department will log the appeal in the appropriate database.
- B. The appeal will be evaluated by the Executive Department for compliance with BCSP policies.
- C. The appeal and related materials will be forwarded to the Judicial Commission for a decision. The Judicial Commission will make its best effort to make a decision within 90 days of receipt of the appeal.
- D. A record of the appeal decision will be recorded and logged in the Appeals and Hearings database.
- E. The individual will be notified in writing of the decision of the Judicial Commission and the reasons therefore within 30 days of the hearing. Judicial Commission decisions are final and may not be appealed. Notification will be sent by any form of delivery ensuring a return receipt by the Executive Department.
- F. Retention of appeal documentation is subject to the policy relating to the appeal topic.

General Principles Relating to Appeals

Below are some general principles, which apply to various kinds of appeals.

- A. Qualifications for certification are not negotiable and never waived unless there is an official agreement or policy on waivers.
- B. Compliance with academic standards rely on several facts, listed below. Failure to provide original information from the institution results in no credit for the degree. Documentation must be specific to the degree in question.
 - 1. The degree was awarded to the applicant.
 - 2. The degree is from an institution accredited by a CHEA or US Department of Education recognized accreditation body.
 - 3. When audited, transcripts or degree award documents must be originals or have an official seal of the school and should be received in a sealed envelope from the school or by verified electronic method from the school.
 - 4. Non-United States degrees are evaluated for U.S. equivalency by qualified evaluators. These degrees must have proof that the degree was awarded and official course information to determine what discipline the degree involves.
- C. Application and examination fees are published as being non-refundable. Refunds are not given unless there is some clear fault on the part of BCSP.
- D. Accommodations for administrative procedures and rules can be made when it is clear that BCSP made errors or completed its responsibility in an untimely or incomplete manner. Accommodations are generally limited to extensions of time affected by the procedure.
- E. Because we contract to have examinations given at a testing site, they are considered a business partner and an important part of the candidate process, errors and other administrative problems by the testing site are considered a part of the BCSP administrative process.
- F. Hardships may lead to extensions of time. Typical hardships include medical problems for the candidate/certificant or medical problems or death of close members of their family.

Exceptions to the Right of Appeal

- 1. The passing score, of the examination may not be appealed.
- 2. Existence of an eligibility requirement may not be appealed. The Appeal Policy does provide for appeal of the interpretation of the eligibility requirements in individual applicant's circumstances.
- 3. Content and quality of the examination, as well as questions and answers, are subject to appeal. However, candidates, nor their designated representative, may not have access to the examination items, answers, or answer key.

REFERENCES

Bylaws

Criminal Conviction and Unethical Behavior Policy

Unauthorized Use of Certification Policy