

Policy for Filing an Appeal or Complaint

The International Society of Arboriculture (ISA) Credentialing Department is a private, non-profit, professional credentialing body that sponsors various credentialing programs in the field of arboriculture. The purpose and goal of ISA's credentialing programs is the development, maintenance, evaluation, promotion, and administration of rigorous, training- and/or examination-based, voluntary, professional credentialing related to and arboricultural services. The ISA Credentialing Program is designed to assess and measure objectively the cognitive knowledge and technical competency of professional arborists in the tree care industry. The ISA Qualifications Program is designed to offer training in specific arboriculture skills in addition to assessment and measurement.

In order to become credentialed by ISA's credentialing programs, each candidate must satisfy all experiential and/or educational eligibility criteria established by the ISA Credentialing Council and must demonstrate an acceptable and appropriate level of understanding, knowledge, and/or skill in all subject and practice areas tested by each assessment. In addition, all individuals certified by the ISA Credentialing Program must demonstrate an ongoing professional commitment to the field of arboricultural services.

ISA credentialing program requirements and eligibility standards are applied fairly, impartially, and consistently with applicable laws. ISA's credentialing programs will not discriminate against any candidate on the basis of an unlawful reason and will grant credentials without regard to candidates' membership or non-membership in any organization, association, or other group.

ISA credential holders and candidates seeking qualification, certification, or recertification agree that these procedures are a fair process for resolving credentialing complaint or appeal matters; they will be bound by decisions made pursuant to these policies and procedures; these policies and procedures are governed by the principles of the law of the State of Illinois; and these policies and procedures do not constitute a contract between ISA's credentialing programs and the candidate or credential holder.

All appeals and complaints submissions are directed to the Compliance and Ethics Manager for review and processing. The separation of duties maintains proper segregation in order to avoid any possible conflicts of interest.

Procedure for Filing an Appeal or Complaint

I. Appeals

A. Types of Appeals

1. Exam Appeals:

- a. **Exam Question Validity Appeals:** These are appeals sent to ISA from examinees that are appealing specific ISA examination questions that appear in examinations.
- b. **Exam Incorrectly Scored:** These are appeals sent to ISA from examinees that are appealing the score they received from the findings of a regrade request.

2. Exam Eligibility/Decertification appeals:

- a. **Exam Eligibility Appeals:** These are appeals submitted to ISA from exam applicants that have received notification from ISA they are not eligible to sit for an exam after vetting of their application.
- b. **Decertification appeals:** These appeals are from ISA credential holders that have been decertified for not meeting recertification requirements. This includes not earning enough CEU points, non-payment, or both. Decertified credential holders do have an option to retest. Appeals received in reference to decertification are from customers that do not wish to retest.

B. General Provisions

1. **Nature of the Process:** ISA's credentialing programs are directed, administered, and supervised by ISA. All challenges regarding actions of and by ISA's credentialing programs are governed by the comprehensive and exclusive rules contained in this document. These appeal procedures are the only way to resolve all ISA credentialing program application, eligibility, examination, and other credentialing or recertification challenges, complaints, and/or claims of irregularities.

Because these informal procedures are not legal proceedings, they are designed to operate without the assistance of attorneys. While a party may choose to be represented by an attorney, candidates and credential holders are encouraged to communicate directly with ISA's Compliance and Ethics Manager. If a party has retained an attorney, that lawyer will be directed to communicate with ISA's credentialing programs through ISA Legal Counsel.

2. **Participants:** The ISA Compliance and Ethics Manager, the Appeals Committee, Subject Matter Expert Committees, and any other authorized

representative of ISA's credentialing programs may be involved in deciding matters to be resolved or arising under these procedures.

3. **Tracking and recordkeeping:** ISA Compliance and Ethics Manager shall record and track the status of all current and incoming appeals. A record of each appeal shall be kept at ISA Headquarters, subject to ISA records retention policies. The record shall include
 - a. Materials submitted by the appellant;
 - b. A written record of decisions made by the ISA Compliance and Ethics Manager, the Appeals Committee, and Subject Matter Expert Committees; and
 - c. Actions taken to resolve the appeal.
4. **Time Requirements:** ISA will make every effort to follow the time requirements noted in these procedures. However, the ISA programs' failure to meet a time requirement will not prohibit the handling or final resolution of any matter arising under these procedures. Program candidates or credential holders are required to comply with all time requirements specified in this document. Unless provided otherwise, time extensions or postponements may be granted by ISA if a timely, written request explaining a reasonable cause is submitted.

In light of the global nature of the international professional arboriculture community, including differences related to the language, custom, geographic location, and other characteristics of ISA program credential holders and candidates, ISA recognizes that credential holders and candidates may have difficulty meeting certain time or other requirements in these procedures. Accordingly, an ISA program credential holder or candidate may submit to the ISA Compliance and Ethics Manager a written request for an extension of one or more of the time requirements or a reasonable accommodation related to matters of language, custom, geographic location, or the like. Generally, requests for such time extensions that seek to increase a deadline and other reasonable accommodations will be granted liberally.

5. **Litigation and Other Proceedings:** ISA may accept and resolve a dispute arising under these proceedings when civil or criminal litigation or other proceedings related to the dispute are also before a court, regulatory agency, or professional body. ISA may also continue or delay the resolution of any appeal, complaint, or other matter at their discretion.
6. **Confidentiality:** In order to protect the privacy of all parties involved in matters arising under these procedures, all material prepared by or submitted to ISA will be confidential. Disclosure of material prepared by or submitted to ISA is permitted only when specifically authorized by ISA policy (as appropriate); the Appeals Committee; Subject Matter Expert Committees; or the Compliance and Ethics Manager. In addition, the identity of the members of the Appeals Committee and Subject Matter

Expert Committees will remain confidential and will not be released without the specific authorization of each member.

Among other information ISA will **NOT** consider the following materials and documents to be confidential:

- a. Published credentials and eligibility criteria;
- b. Records and materials which are disclosed as the result of a legal requirement;
- c. Upon the written request of a candidate or credential holder, any information concerning credential status or application materials which the candidate or credential holder would like made available to other credentialing agencies, professional organizations, or similar bodies; and,
- d. All final published decisions and orders of the Appeals Committee, Subject Matter Expert Committees, or the Compliance and Ethics Manager.

7. **Failure to Disclose and Improper, False, or Misleading Representations:**

The ISA Compliance and Ethics Manager, at the direction of ISA, may temporarily or permanently prevent and bar an individual from being credentialed or recertified or may issue any other appropriate directive(s) where a candidate or credential holder fails to disclose information related to credentialing or recertification that has been requested by ISA or where the candidate or credential holder makes an improper, false, or misleading representation to ISA.

Where a penalty, discipline, order, or other directive is issued by ISA under this Section, the candidate or credential holder involved may seek review and appeal under these procedures.

8. **Failure to Cooperate:** Where a candidate or credential holder fails or refuses to cooperate fully with ISA concerning matters arising under or related to these procedures and it is determined that the lack of cooperation is without good cause, the ISA or other authorized representative may penalize or discipline the individual. Among other penalties or disciplines, ISA may temporarily or permanently prevent and bar an individual from being certified or recertified or may issue any other appropriate directive(s).

Where a penalty, discipline, order, or other directive is issued by ISA under this Section, the candidate or credential holder involved may seek review and appeal under these procedures.

C. **Matters Subject to Complaint or Appeal**

1. **Operation of ISA Credentialing Programs:** The ISA Credentialing and Qualification Programs are operated with impartiality with regard to acceptance of credentialing applications, granting of credentials, and service provided to candidates and credential holders. ISA's credentialing

programs do not engage in unlawful discrimination against candidates and credential holders. ISA's credentialing programs maintain the confidentiality of candidate and credential holder information as specified in the relevant candidate handbook.

2. **Credential Application Actions:** Under the supervision of the Director of Credentialing or other authorized representative, ISA's credentialing programs will make one of the following determinations and decisions with regard to a candidate's application for ISA credentialing and examination eligibility: (a) accept the application, (b) request additional or supplemental information, or (c) reject the application on the ground(s) that the candidate does not meet the necessary and specific eligibility requirements or the candidate has violated or acted contrary to an ISA Credentialing, Credential Program, or Qualification Program policy or rule.
 3. **Credentialing Examination Actions:** ISA's credentialing programs will notify each candidate whether he/she has achieved a passing or failing score on the ISA credentialing examination. Where a candidate acts contrary to ISA Credentialing, Credential Program, or Qualification Program policies during the administration of ISA credentialing examination(s), the candidate may be prevented from taking or completing the examination(s).
 4. **Recertification Application Actions:** The ISA Credentialing Program will make one of the following decisions with regard to a certificant's Recertification Application: (a) grant recertification; (b) conditionally accept the Recertification Application, pending satisfactory completion of all Credentialing Program requirements; (c) request additional information; or (d) reject the application on the ground(s) that the certificant does not meet the necessary criteria for recertification or the certificant has violated or acted contrary to an ISA Credentialing Program policy or rule.
 5. **Decisions of the ISA Ethics Review Committee:** The ISA Appeals Committee will make one of the following decisions with regard to a certificant's Ethics Review Committee decision: (a) grant a further review of the certificant's case; (b) request additional information; or (c) reject the appeal on the ground(s) that the certificant does not meet the necessary criteria for further review according to an ISA Credentialing Program policy or rule.
- D. **Appeal Limitations:** A candidate or credential holder may submit an appeal of an adverse ISA credentialing program action, decision, or determination only under the following circumstances where credentialing or recertification has been denied:
1. The candidate was found to be ineligible for the credentialing exam due to his/her failure to satisfy a credentialing requirement, including those

- requirements related to experience, qualifications, and/or education, or was otherwise ineligible for credentialing;
2. The candidate was barred or otherwise prohibited from taking or completing an ISA credentialing examination;
 3. The candidate did not pass and successfully complete the ISA credentialing examination due to specific question(s) validity;
 4. The candidate's ISA credentialing examination was re-scored by regrade request and the candidate did not pass the examination;
 5. The certificant was denied testing to recertify based upon his/her recertification application or failure to satisfy one or more recertification application requirements; or
 6. Certification was suspended in response to a charge that the certificant violated the Code of Ethics.

E. Time Period for Submitting an Appeal; Form and Content of Appeal:

A candidate or credential holder may submit an appeal of an adverse action or decision within ninety (90) days of the date of the action by notifying ISA in writing and stating with particularity the nature of the request and the specific facts and circumstances supporting the request, including all reasons why the action or decision should be changed or modified. The candidate or certificant must also provide accurate copies of all supporting documents. An appeal may be in a letter or other clearly written form, must identify the candidate or credential holder, and must state that the document is an appeal.

F. Required Information for Appeal

In order for an appeal to be considered, the appeal submission must contain the following information:

1. The identity and signature of the individual candidate or credential holder submitting the appeal;
2. Grounds for the appeal: Substantial information supporting at least one of the following grounds and a detailed explanation of the reasons for the appeal:
 - a. The candidate's eligibility to sit for an ISA credentialing examination or other eligibility for credentialing was denied incorrectly;
 - b. The candidate's ISA credentialing examination was scored incorrectly or was not credited with an appropriate response to particular questions and as a direct result of the incorrect scoring, the candidate would be entitled to receive a passing score on the examination if the minimum passing score was met after the score was recalculated;
 - c. The candidate believes a question is invalid and that the Subject Matter Expert Committees should review it to determine its validity. If the Subject Matter Expert Committee found the question invalid, one point would be added to the score to determine the candidate's revised overall percentage score. The candidate would be entitled to receive a passing score on the examination if the minimum passing score was met after the score was recalculated;

- d. The candidate was barred or otherwise prohibited incorrectly from taking an ISA credentialing examination; or
 - e. The certificant's recertification application was incorrectly rejected under the relevant recertification application standards and the certificant would have qualified for testing to recertify if the correct standards had been applied, or the certificant was otherwise incorrectly found ineligible for recertification.
3. All objections, corrections, and factual information the candidate or credential holder believes to be relevant to the appeal;
 4. The names, addresses, and telephone numbers of any persons with factual information relevant to the appeal, and a clear description of the factual information available from these persons; and,
 5. Copies of any and all relevant documents, exhibits, or other information the candidate or credential holder wants to submit in support of the appeal.

G. Review and Actions by the ISA Compliance and Ethics Manager

Upon receipt, and in the first instance, all appeals will be considered by the ISA Compliance and Ethics Manager or another authorized ISA representative, with the following exceptions: Appeals of decisions of the ISA Ethics Review Committee or Exam Appeals which will be considered by the Appeals Committee and Subject Matter Expert Committees only.

Following review of the candidate's or credential holder's appeal, the Compliance and Ethics Manager, or designee will acknowledge receipt of the request within thirty (30) days and may

1. Uphold or modify the adverse action or decision,
2. Refer the appeal to the Appeals Committee, or
3. Take other appropriate action in writing with the approval of ISA.

In rendering a decision, the manager will take into account the results of previous similar appeals.

H. Requesting an Appeal to the Appeals Committee

1. **Circumstances:** An appeal will be heard and resolved by the Appeals Committee
 - a. In all cases in which decisions of the ISA Ethics Review Committee are the subject of the appeal;
 - b. Where the Compliance and Ethics Manager has reviewed an appeal and has referred it to the Appeals Committee; or

- c. Where a candidate or credential holder is dissatisfied with the review and final action of the Compliance and Ethics Manager and requests an appeal consistent with these procedures
2. **Time Period for Request:** A candidate or credential holder seeking to present an appeal to the Appeals Committee must submit a written request to the ISA Compliance and Ethics Manager within ninety (90) days of the date of the final action and decision conveyed by the Compliance and Ethics Manager. The time for filing the request may be enlarged by the Appeals Committee upon written request by the candidate or credential holder received at least fifteen (15) days prior to the deadline.
3. **Content of Request:** The request must be in writing, and the candidate or credential holder may submit material and/or written statements in addition to those submitted with the original appeal.

I. **Hearings by the Appeals Committee**

1. **Appeals Committee:** The Appeals Committee is a standing committee of the ISA, which appoints its authorized representatives to resolve appeals in accordance with ISA Policy (HR 006).
2. **Scheduling of Appeal Hearings:** Within forty-five (45) days of receipt of a complete, proper, and written appeal, the Appeals Committee will schedule a date and time for consideration of the appeal, generally not later than one-hundred twenty (120) days after receipt of the appeal, and notify the candidate or credential holder of the appeal date and time. Where the candidate or credential holder has requested participation in the hearing, a designated member of the Appeals Committee will convene, preside over, and conduct an appeal hearing.
3. **Candidate/Credential Holder Participation in Hearings:** Within thirty (30) days of receiving notice that an Appeals Committee hearing will be held, a candidate or credential holder may request in writing participation in the hearing. Any such request must contain the following information:
 - a. The telephone number where the candidate or credential holder can be reached on the day and at the time scheduled for the hearing;
 - b. If the candidate or credential holder intends to appear with an attorney or other representative or support person, the name, address, and telephone number of the attorney, representative, or support person; and
 - c. If the candidate or credential holder intends to present witnesses at the hearing, the names, addresses, and telephone numbers of the proposed witnesses and a clear description and summary of the information to be offered by such witnesses.
4. **Appeal Hearings on the Written Record:** In the event that the candidate or credential holder does not request to participate in a hearing, the appeal

will be resolved and decided based on the appropriate written record, as determined by the Appeals Committee.

5. **Collection and Receipt of Information:** The Appeals Committee will conduct an informal hearing designed to collect and weigh all of the available proof and information, taking into consideration the results of previous similar appeals. The Appeals Committee will receive and consider all information appearing to be relevant to the subject matter of the hearing. No formal or legal rules of evidence and procedure will apply to appeal hearings. The candidate or credential holder, or a legal representative, will be permitted to ask questions of witnesses at the discretion of the Appeals Committee. Objections relating to relevance of information and other procedural issues will be decided by the Appeals Committee, and these decisions are not subject to appeal.
6. **Candidate or Credential Holder Presentations:** The candidate or credential holder may make an oral presentation at a hearing and will respond to questions asked by the Appeals Committee.
7. **Legal Counsel:** ISA legal counsel may be present at an appeal hearing and may conduct the hearing with the Appeals Committee. Legal or other representatives of the appealing party do not have the privilege of the floor and are bound by the determinations and rulings of the Appeals Committee and ISA legal counsel.
8. **Witnesses:** All witnesses, except the candidate or credential holder, will be excluded from the hearing except during presentation of their information. Hearings are confidential and private. No observers are permitted without special permission from the Appeals Committee.
9. **Hearing Record:** A taped, written, or similar record of the hearing may be made by the Appeals Committee or another person designated by the Appeals Committee.
10. **Expenses:** The candidate or credential holder will be responsible for her/his own expenses associated with the appeal, including all expenses associated with participation in the hearing, witnesses, or the duplication of materials. ISA will bear other general costs of conducting the hearing, including costs associated with the activities of the Appeals Committee and other Credentialing Program or Qualification Program representatives and staff.
11. **Closing of Hearing Record:** The hearing and appeal record will be closed following the conclusion of the hearing, unless otherwise directed by the Appeals Committee or other authorized representative. The candidate, credential holder, or Appeals Committee may request that the record remain open for up to thirty (30) days for the purpose of receiving additional information or written materials relevant to the appeal. The Appeals Committee may deny requests to keep the record open, and such a denial is not subject to appeal.

J. **Appeal Determination: Decision of the Appeals Committee**

Following the close of the appeal record, the Appeals Committee will review the record of the appeal, including the action or decision of the Compliance and Ethics Manager and the information and materials received from the candidate or credential holder. The Appeals Committee will resolve and decide the appeal based on the record, including relevant and credible information presented by the candidate or credential holder. The appeal decision will include the findings of the Appeals Committee and a summary of the relevant facts upon which the decision is based. The appeal decision will be prepared and issued under the direction of the Appeals Committee or other authorized representative within thirty (30) days of the closing of the appeal record or as soon as is practical. All decisions of the Appeals Committee shall be final.

K. **Complaints**

Registering Complaints: Complaints must relate directly to the general operation of an ISA credentialing program and are to be submitted in writing to the ISA Compliance and Ethics Manager. Such complaints may include such matters as claims of non-impartiality, discriminatory conditions, and violations of confidentiality. All such Complaints shall be logged into a database or other quality control system designed by ISA, and the Sender of each will receive a written or verbal response regarding any intended action of ISA in regard to the Complaint.