



CEP CERTIFICATION LLC

CERTIFICATION APPEALS POLICY AND PROCEDURES

A. INTRODUCTION

CEP Certification LLC (CEP) is an independent organization dedicated to enhancing the performance of individuals working in the electrical distribution industry. CEP is committed to supporting electrical distribution professionals through the development and implementation of: educational activities; professional knowledge standards; ethical practices; certification and accreditation programs; and, other appropriate activities. The purpose and goal of CEP is to support and promote the professional field of electrical distribution services and to encourage quality professional practice.

In order to become certified by CEP, a candidate must satisfy all educational and other eligibility requirements established by the CEP Governing Council, and must successfully complete the examination process. CEP certification requirements and eligibility standards are applied fairly, impartially, and consistent with applicable laws. CEP does not discriminate against any candidate for an unlawful reason, and will grant certification without regard to a candidate's membership or non-membership in any organization, association, or other group.

CEP certificants and candidates seeking certification or recertification agree that: the Certification Appeals Policy and Procedures process a fair process for resolving certification complaint or appeal matters; they will be bound by decisions made pursuant to these Procedures; these Procedures are governed by the principles of the law of the State of Missouri; and, these Procedures do not constitute a contract between the CEP and the candidate or certificant.

B. GENERAL PROVISIONS.

1. **Nature of the Process.** CEP and its Certification Programs are directed, administered, and supervised by the CEP Governing Council. All challenges regarding the actions of and by the Certification Program are governed by the comprehensive and exclusive rules contained in these Procedures. This appeal process is the only way to resolve all CEP application, eligibility, examination, and other certification or recertification challenges, complaints, and/or claims of irregularities.

These Procedures are not legal proceedings, and are designed to operate informally without the assistance of attorneys. While a party may choose to be represented by an attorney at his/her own expense, candidates and certificants are encouraged to

communicate directly with the CEP Certification Program. If a party has retained an attorney, that attorney will be directed to communicate with CEP through the CEP Legal Counsel.

2. **Participants.** The CEP Executive Director, the Certification Appeals Committee, the Governing Council, and any other authorized CEP representative, may be involved in deciding matters to be resolved or arising under these Procedures.
3. **Time Requirements.** CEP will make every effort to follow the time requirements noted in these Appeal Procedures. However, the failure of CEP to meet a time requirement will not prohibit the handling or final resolution of any matter arising under these Procedures. CEP certification candidates and certificants are required to comply with all time requirements specified in this document. Unless provided otherwise, time extensions or postponements may be granted by the CEP if a timely, written request, explaining a reasonable cause, is submitted.
4. **Litigation/Other Proceedings.** CEP may accept and resolve a dispute arising under these procedures when civil or criminal litigation, or other proceedings related to the dispute are also before a court, regulatory agency, or professional body. CEP may also continue or delay the resolution of any appeal, complaint, or other matter.
5. **Confidentiality.** In order to protect the privacy of all parties involved in matters arising under these Procedures, all material prepared by, or submitted to, CEP will be confidential. Disclosure of material prepared by, or submitted to, CEP is permitted only when specifically authorized by organizational policy, the Governing Council, the Certification Appeals Committee, or the Executive Director.

Among other information, CEP will not consider the following materials and documents to be confidential:

- a. Published certification 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 certificant, any certification information concerning certification status or application materials which the candidate or certificant would like made available to other government or credentialing agencies, professional organizations, or similar bodies; and,
 - d. All final published decisions and orders of the Governing Council, the Certification Appeals Committee, or the Executive Director.
6. **Failure to Disclose/Improper, False, or Misleading Representations.** The Executive Director, Certification Appeals Committee, or Governing Council may temporarily or permanently prevent and bar an individual from being certified or recertified, or may issue any other appropriate directive(s), where a certification candidate or certificant fails

to disclose information related to certification or recertification requested by CEP, or where the candidate or certificant makes an improper, false, or misleading representation to CEP. When a penalty, discipline, order, or other directive is issued by the CEP under this Section, the candidate or certificant involved may seek review and appeal under these Procedures.

7. **Failure to Cooperate.** Where a candidate or certificant fails or refuses to cooperate fully with CEP concerning matters arising under, or related to, these Procedures, and it is determined that the lack of cooperation is without good cause, the Executive Director, Certification Appeals Committee, or Governing Council may penalize or discipline the individual. Among other penalties or disciplines, the Executive Director, Certification Appeals Committee, or Governing Council may temporarily or permanently prevent and bar an individual from being certified or recertified, or may issue any other appropriate directive(s) and conditions. When a penalty, discipline, order, or other directive is issued under this Section, the candidate or certificant involved may seek review and appeal under these Procedures.
8. **Professional Complaint Matters.** Following notice, and a reasonable opportunity to present a response, the Executive Director, Certification Appeals Committee, or Governing Council may temporarily or permanently prevent an individual from being certified or recertified, or may issue any other appropriate directive(s), where the candidate or certificant has been the subject of any complaint or similar matter relating to his/her professional activities, or where the candidate or certificant is, or was, the subject of matters or proceedings involving criminal charges, lesser offenses, or similar matters regardless of when the alleged violation occurred. When a penalty, discipline, order, or other directive is issued under this Section, the candidate or certificant involved may seek review and appeal under these Procedures.

C. ACTIONS AND DECISIONS CONCERNING THE CERTIFICATION PROCESS.

1. **Certification Application Actions.** Under the supervision of the Executive Director or other authorized representative, CEP will make one of the following determinations and decisions with regard to a candidate's application for certification 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 identified certification eligibility requirements, or that the candidate has violated, or acted contrary to, an CEP policy or rule.
2. **Certification Examination(s) Actions.** CEP will notify each candidate whether he/she has achieved a passing or failing score on each Certification Examination. Where a candidate acts contrary to Certification Program policies or appropriate conduct standards during the administration of any Certification Examination(s), the candidate may be prevented from taking or completing the Examination(s).

3. **Recertification Application Actions.** CEP 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 recertification 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 CEP policy or rule.

D. CIRCUMSTANCES FOR REVIEW OR APPEAL OF AN ADVERSE DECISION.

1. **Appeal Limitations.** A candidate or certificant may submit an appeal of an adverse CEP action, decision, or determination under the following circumstances where certification or recertification has been denied:
 - a. The candidate was found to be ineligible to take or complete the Certification Examination(s);
 - b. The candidate did not pass and successfully complete the Certification Examination(s); or,
 - c. The candidate or certificant failed to satisfy a certification or recertification requirement, including those requirements related to qualifications, education, and experience, or was otherwise ineligible for certification or recertification.

E. INITIAL REQUEST FOR REVIEW/CONTENT AND TIME PERIOD FOR SUBMITTING A REQUEST FOR REVIEW TO THE EXECUTIVE DIRECTOR.

A candidate or certificant may submit a written Request for Review of an adverse action or decision within thirty (30) days of the date of the action by notifying the Executive Director in writing, and specifically stating: the nature of the requests; 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. A Request for Review may be in letter or other, clear written form, and must state that the document is a Request for Review by the Executive Director.

F. INFORMAL REVIEW BY THE EXECUTIVE DIRECTOR.

1. **Executive Director Actions.** Upon receipt, all Requests for Review will be considered informally by the Executive Director or other authorized CEP representative. Following review of the candidate's or certificant's appeal and Request for Review, the Executive Director will acknowledge receipt of the request within thirty (30) days, and may take one of the following actions:

- a. Uphold or modify the adverse action or decision, or take other appropriate action; or,
 - b. Refer the matter to the Certification Appeals Committee for review and resolution as an appeal.
2. **Referral of Request/First Appeal.** In the event that a Request for Review is referred to the Certification Appeals Committee for resolution, the Executive Director will provide the Committee with all relevant materials, including the documents and materials submitted by the candidate or certificant.

G. FIRST APPEAL/CERTIFICATION APPEALS COMMITTEE.

1. **Circumstances and Limitations of First Appeal.** Subject to the limitations identified below, a first appeal will be heard and resolved by the Certification Appeals Committee where: the matter has been referred by the Executive Director; or, a candidate or certificant is dissatisfied with the final informal review and action of the Executive Director, and requests an appeal consistent with these Procedures.

Only the following actions and decisions of the Executive Director may be appealed by the candidate or certificant:

- a. The candidate was found to be ineligible to sit for the Certification Examination(s);
- b. The candidate was barred or otherwise prohibited from taking or completing the Certification Examination(s);
- c. The candidate's Certification Examination(s) was re-scored and he/she has failed to pass the examination(s);
- d. The candidate was found to be ineligible for certification due to his/her failure to satisfy a certification requirement, including those requirements related to qualifications, education, and experience, or was otherwise ineligible for certification; or,
- e. The certificant was denied recertification based upon his/her Recertification Application or failure to satisfy one or more recertification requirements, or was otherwise ineligible for recertification.

H. TIME PERIOD FOR SUBMITTING FIRST APPEAL.

In order to seek review of an adverse action or decision by the Appeals Committee, the candidate or certificant must submit a written appeal to CEP, consistent with the requirements of these

Procedures within thirty (30) days of the date of the final action and decision of the Executive Director. The time for filing the appeal may be enlarged by the Certification Appeals Committee upon written request by the candidate or certificant received at least fifteen (15) days prior to the appeal deadline.

I. CONTENTS OF AND GROUNDS FOR FIRST APPEAL.

1. **Required Information for First Appeal.** In order for an appeal to be considered by the Certification Appeals Committee, the appeal submission must contain the following information:
 - a. The identity and signature of the individual candidate or certificant submitting the appeal;
 - b. All factual information and objections that the candidate or certificant believes to be relevant to the appeal;
 - c. 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,
 - d. Copies of any and all relevant documents, exhibits, or other information the candidate or certificant wants to submit in support of the appeal.
2. **Grounds for First Appeal.** In order for an appeal to be considered by the Certification Appeals Committee, the appeal submission must contain a detailed explanation of the reasons for the appeal, and substantial information supporting at least one of the following grounds:
 - a. The candidate's eligibility to sit for the Certification Examination(s), or other eligibility for certification, was denied incorrectly;
 - b. The candidate's Certification Examination(s) 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 is entitled to receive a passing score on the examination(s);
 - c. The candidate was barred or otherwise prohibited incorrectly from taking the Certification Examination(s); or,
 - d. The certificant's Recertification Application was incorrectly rejected under the relevant recertification standards, and the certificant would have qualified for recertification if the correct standards had been applied, or the certificant was otherwise incorrectly found ineligible for recertification.

J. FIRST APPEAL HEARINGS.

1. **Certification Appeals Committee.** The Appeals Committee shall consist of at least three (3) Committee Members appointed by the Governing Council. All Committee members shall be CEP certificants in good standing. One Appeals Committee Member shall be designated to serve as Committee Chair. The Council will make every effort to ensure that, over time, there is a rotation of the CEP credentials represented by the Committee Members. Committee Members should not be current members of the Governing Council, the Eligibility Committee, the Examination Committee, or the Recertification Committee.
2. **Scheduling of Appeal/Telephone and In-Person Hearings.** Within forty-five (45) days of receipt of a complete, proper, and written appeal, the Certification 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 will notify the candidate or certificant of the appeal date and time. Where the candidate or certificant has requested a telephone or in-person hearing, the Appeals Committee Chair, or designee, will convene, preside over, and conduct an appeal hearing.
3. **First Appeal Determination/Decision of the Certification Appeals Committee.** Following the close of the appeal record, the Certification Appeals Committee will review the record of the appeal, including the action or decision of the Executive Director, and the information and materials received from the candidate or certificant. The Appeals Committee will resolve and decide the appeal based on the record, including relevant and credible information presented by the candidate or certificant. The Appeals Decision will include the findings of the Appeals Committee and a summary of the relevant facts upon which the Decision is based. The Appeals Committee Decision will be prepared and issued under the direction of the Committee, or other authorized representative, within thirty (30) days of the closing of the first appeal record, or as soon thereafter as is practical.

K. FINAL APPEAL/APPEAL TO THE GOVERNING COUNCIL.

1. **Grounds for Final Appeal.** If a candidate or certificant chooses to challenge and appeal an Appeals Committee Decision, a final appeal may be submitted to the Governing Council. The grounds to appeal a decision of the Certification Appeals Committee are strictly limited to the following grounds:
 - a. Procedural Error: The Certification Appeals Committee Decision misapplied a procedural rule contained in these rules, and the rule misapplication significantly prejudiced the candidate or certificant with respect to the outcome of the Appeals Committee Decision;
 - b. New or Previously Undiscovered Information: Following the issuance of the Appeals Committee Decision, the candidate or certificant located relevant

information and facts that were not previously available and that would have significantly affected the outcome of the Appeals Committee Decision in the candidate's or certificant's favor;

- c. Misapplication of Certification Standards: The Appeals Committee Decision misapplied the relevant certification or recertification standards, or other CEP Policies, and the misapplication significantly prejudiced the candidate or certificant and the outcome of the Appeals Committee Decision; or,
- d. Contrary to the Information Presented: The Appeals Committee Decision is clearly contrary to the most substantial information in the record.

With respect to the grounds listed in Sections 1.a. and 1.c., above, the Governing Council will consider only arguments that were previously presented to the Certification Appeals Committee in the first appeal.

L. TIME PERIOD FOR SUBMITTING FINAL APPEAL/CONTENT OF FINAL APPEAL.

- 1. **Time Period for Submitting Appeal.** A candidate or certificant may submit a written appeal, signed by the candidate or certificant, to the Governing Council within thirty (30) days of the date of the Certification Appeals Committee Decision. Any appeals received beyond this date will not be reviewed or considered by the Governing Council, unless special permission is granted by the Chair of the Governing Council.
- 2. **Contents of Final Appeal.** Consistent with all other requirements, a final appeal to the Governing Council must state and include the following information:
 - a. The identity and signature of the individual candidate or certificant submitting the appeal;
 - b. A detailed explanation of the reasons and basis for the appeal, as defined and limited by Section K, above;
 - c. All factual information and objections that the candidate or certificant believes to be relevant to the appeal, including all documents and exhibits in support of the appeal; and,
 - d. The names, addresses, and telephone numbers of any persons not previously identified with factual information relevant to the appeal, and a clear description of the factual information available from these persons.

M. GOVERNING COUNCIL FINAL APPEAL PROCESS.

1. **Scheduling of Final Appeal.** Within sixty (60) days of receipt of a complete and proper written appeal, the Governing Council will schedule a date upon which to consider the appeal, usually not later than the next or second, regularly-scheduled Governing Council meeting. The CEP Certification Program will notify the candidate or certificant of the date that the appeal will be considered.
2. **Appeal Review.** The Governing Council will conduct an informal hearing designed to review and consider all of the available proof and information, including the Certification Appeals Committee Decision, the record of the first appeal and the materials submitted by the candidate or certificant.

N. FINAL DECISION OF THE GOVERNING COUNCIL.

Following the review of a final appeal, the Governing Council will resolve and decide the appeal based on the record. The Governing Council will consider all relevant information and include a summary of its findings in the Final Appeal Decision. The Council may affirm, modify, or reverse the Decision of the Certification Appeals Committee based on its findings. The Council will issue its Final Appeal Decision within thirty (30) days of the end of the review of the appeal, or as soon thereafter as is practical.

O. FINALIZING AND CLOSING APPEALS.

1. **Conditions for Closing the Appeal.** An appeal will be closed, and all proceedings ended, when any of the following occurs:
 - a. An appeal has been resolved and decided by the Executive Director, the Certification Appeals Committee, or the Governing Council, and the allowable time period for the filing of an appeal under these Procedures and rules has passed or lapsed; or,
 - b. The appeal has been withdrawn or terminated by the candidate or certificant.