

## **T. Candidate Inquiries, Complaints and Appeals**

All RETA certification candidates have the right to request further information about any part of their efforts to qualify for a RETA credential from the time that they submit an application through the final decision by RETA regarding whether they have met the requirements for RETA certification. Candidate requests for review and information may be made related to but are not limited to the following steps in the process of earning a RETA credential.

- Candidate eligibility following submission of a completed application
- Candidate fees and methods of payment
- Access to training materials and other resources to help them meet RETA certification requirements
- RETA practice examinations
- Copies of supplements required during RETA examinations
- Scheduling examinations in approved test centers
- Test administration problems on the day of a test
- Score reporting and access to test results
- Concerns about the content of questions on a test
- The outcome of RETA certification decisions

RETA staff provide the first response to any candidate request. Most candidate inquiries can be resolved directly by RETA staff. This includes but is not limited to explanation of eligibility requirements, explaining fees and payment options, helping candidates order references in support of RETA certification, and assistance in scheduling an examination.

Test delivery and reporting issues require a RETA Incident Report from test center personnel within three working days after a candidate inquiry or discovery of a possible problem with an examination. These may require consultations with test center proctors and/or supervisors or requests for support from RETA's test delivery vendor, Kryterion. All RETA Incident Reports are investigated by RETA staff and RETA's Consulting Psychometrician. These are followed by a report that is reviewed as part of RETA's Certification Management System Review.

All candidate inquiries about the content of questions on a test are referred immediately to RETA's Consulting Psychometrician. RETA staff have no direct access to test content since that part of all RETA examinations is managed directly by the Psychometrician in Kryterion's test delivery system.

All candidate comments and inquiries are then included in test revalidation review meetings with CertComm at least once each year. The Psychometrician compares the candidate comment to reference information supporting each RETA test question within 30 days after the comment is received. Candidate performance data on each question also is included in the review process. If a problem exists that requires revalidation or rescoring (such as when an OSHA rule has changed or a new edition of an industry reference has been published), the Psychometrician brings the issue to CertComm within 30 days. If CertComm concurs, rescoring is extended to all candidates whose certification results may be impacted by the change in the test content or scoring protocols.

Any candidate who disagrees with CertComm's decision may appeal to the Executive Director for further consideration. The Executive Director then reviews the case and makes a recommendation to the Executive Committee (ExComm) of the RETA Board. ExComm may request additional information from RETA staff and the RETA Psychometrician as part of its consideration of the case. The candidate will be informed of ExComm's decision within 30 days after receipt of a written request for an appeal.

A candidate who disagrees with ExComm's decision may appeal for a hearing before an Appeal Panel appointed by the RETA Board. The hearing will follow the same rules and procedure documented in Section 500-V regarding hearings and appeals related to suspected violations of the RETA Code of Conduct. These procedures give the candidate the right to request a hearing and appeal decision if they disagree with a CertComm findings and recommendations.

## **U. Suspensions and Voluntary Surrender of RETA Credentials**

The RETA Code of Conduct specifies that individuals who apply for RETA certification "agree to inform RETA without delay of any changes that restrict my capacity to perform competently, safely and effectively without endangering the welfare of myself or others if I can no longer fulfill my obligations as a RETA-credentialed professional." The RETA Whistleblower policy also could result in such claims being sent to RETA by a third party. Furthermore, individuals may report such claims by telephone, mail or email to RETA staff, CertComm or others at any time.

RETA will investigate such reports and respond on a case by case basis. Following completion of an investigation, CertComm may accept the voluntary surrender of a RETA credential or suspend a RETA credential if findings from the investigation support the claim that the person is unable to perform as a RETA-certified professional.

CertComm decisions to suspend a RETA credential are subject to appeal under the procedures in Section 500-V of this Manual.

A person who has been subject to suspension or voluntary surrender of a RETA credential may apply as a recertification candidate under the following conditions.

1. The candidate must provide evidence that the condition that led to the earlier action no longer prevents him or her from performing safely and professionally.
2. The candidate must provide any PDHs and other documentation and reports that are required for recertification.
3. The candidate may retest instead of submitting PDHs for the period during which their RETA credential was inactive.

## **V. Formal Complaints and Appeals**

1. Notification of Intent to File a Formal Complaint or Appeal
  - a. Any person who is impacted by decisions made by RETA in response to an inquiry and investigation may notify RETA of intent to file a formal complaint or appeal if they disagree with the decisions made within 30 days after RETA informs them of the decision(s) following such matters.
  - b. A copy of this formal complaints appeals process should be sent to the person within 10 working days after RETA receives communication of the person's intent to challenge the decision(s) made in the matter.
  - c. A person must file the formal written complaint or appeal within 30 calendar days after RETA sends them a copy of Policy 500-V.
  - d. The case will be considered closed if no formal written complaint or appeal is filed within 30 calendar days after RETA sends the Policy 500-V.
2. Initial Investigation and Action
  - a. Within 10 business days after receipt of a formal written complaint or appeal, an Appeal Review Panel (ARP) consisting of the RETA Board Chairman and two other RETA Board members appointed by the Board Chairman shall begin an investigation. Those appointed shall not have any prior involvement in the case, nor shall they have any personal or professional conflicts of interest with regard to the subject. Within 10 business days after receipt of a complaint or appeal, the Executive Director shall prepare and send a letter to the subject of the inquiry on behalf of the ARP requesting his/her response to the allegations.
  - b. The ARP shall review the evidence and recommend whether the RETA Executive Committee (ExComm) should refer the matter for further investigation or dismiss the complaint due to insufficient evidence.
  - c. If the matter is referred for further review, the Executive Director shall send the subject a letter that sets forth the findings in the investigation. The letter will include a copy of the summary report, including all supporting documentation and evidence as reviewed by the ARP and a request for a written response. The letter shall inform the subject of his/her right to respond and request a hearing within 30 days after receiving the letter. If no hearing is requested, ExComm will review the ARP recommendations and determine what actions to take within 45 days after the ARP reports its findings. The ARP is not required to conduct a hearing but may do so at its discretion. The Executive Director will inform the subject of ExComm's decision within 30 days after the decision is made.
3. Hearing
  - a. If a subject requests a hearing, the Executive Director shall arrange a meeting of the ARP and send a hearing notice to the subject at least 21 calendar days in advance of the hearing. The notice shall state the time and place of the hearing, which may be conducted by teleconference at the discretion of the ARP.
  - b. The subject may be represented at the hearing by legal counsel. The subject shall be solely responsible for his or her own expenses related to the hearing.
  - c. All documents properly submitted shall be made a part of the record of the hearing. The ARP may consider any other evidence which it deems appropriate and relevant.

- d. The hearing procedure shall be as follows.
  1. An opening statement is made by the Board Chairman citing the appeal panel's authority to hear the case, explaining the reason for the hearing, and introducing all persons present. The Chairman presides during the hearing.
  2. The complaint and response are read into the record, provided that with the approval of the parties, this reading may be waived and those documents made part of the record.
  3. The complainant is called up to state his or her case and present any witnesses that he or she may desire.
  4. Members of the ARP and RETA legal counsel shall have the opportunity to question the complainant and his or her witnesses.
  5. The respondent is called upon to state his or her case and present any witnesses that he or she may desire.
  6. Members of the ARP and RETA legal counsel shall of the opportunity to question the respondent and his or her witnesses.
  7. The complainant may question the respondent and his or her witnesses.
  8. Both parties are asked if they wish to make any final statements or rebuttals that they consider necessary to complete the record. The complainant makes the opening summary and the respondent makes the closing summary.
  9. Members of the ARP and RETA legal counsel shall have a final opportunity to question the parties and to call additional witnesses or request additional information they deem necessary or appropriate for a full hearing of the case.
  10. The Chairman shall adjourn the hearing, dismisses the parties and recess the ARP meeting.
  11. The Chairman shall convene the ARP in executive session, which may include RETA legal counsel, designated staff and any other persons the ARP or Chairman believes should be included in the session.
  12. The Chairman shall permit each member of the ARP and all other authorized participants to express their views of the case.
  13. The ARP may waive or modify the procedural requirements as it deems necessary or appropriate.
- e. The ARP may recommend further action when there is clear and convincing evidence of grounds for such steps.
- f. The ARP shall render its decision by majority vote and shall issue a written opinion within 30 calendar days after the hearing. The opinion shall describe its findings of fact and any further action recommended to ExComm.
- g. ExComm will review the ARP recommendation and determine what action to take within 45 calendar days after the ARP reports its findings to ExComm.
- e. The Executive Director shall inform the subject of the ExComm decision within 30 calendar days after the decision is made. The matter is considered closed when this letter is sent.