

# NORTH AMERICAN TRANSPORTATION MANAGEMENT INSTITUTE CERTIFICATION APPEAL PROCEDURES

## INTRODUCTION

The North American Transportation Management Institute (NATMI) is a voluntary, non-profit credentialing organization that administers certification programs and services for transportation professionals. NATMI certification allows transportation professionals to demonstrate that they have mastered appropriate knowledge and skills related to their responsibilities.

The following Certification Appeal Procedures (Procedures or Policy) will be used to process all appeal matters concerning NATMI's certification requirements and eligibility standards. This Policy applies to individuals seeking NATMI certification (candidates) and all individuals certified by NATMI (certificants).

In order to qualify for the NATMI Certification credentials, each candidate must satisfy all NATMI eligibility requirements, including successfully completing the required training, having the required experience, passing the examination and having their exhibit approved. In addition, certificants must show that they have completed the necessary point earning activities to maintain their certification, which must be renewed every three (3) years.

NATMI certification requirements and eligibility standards are applied fairly, impartially, and consistent with applicable laws and NATMI policies. There are no barriers to NATMI certification based on gender, race, age, sexual orientation, or national origin.

Certificants/candidates agree to follow and obey all applicable NATMI policies, and agree that they will not challenge the authority of NATMI to use such policies, including NATMI eligibility policies, Certification Appeal Procedures, and Recertification Policy. In addition, NATMI certificants/candidates agree that: this Policy is a fair process for resolving all certification complaint or appeal matters; they will be bound by actions and decisions made consistent with this Policy; and, this Policy does not constitute a contract between NATMI and the certificant/candidate.

**A. GENERAL PROVISIONS 1. Nature of the Process.** All challenges and appeals regarding actions of the NATMI Certification Program are governed exclusively by these Procedures. This appeal process is the only way to resolve all Certification Program application, eligibility, examination, and other certification and recertification challenges or complaints. These Procedures are not formal legal proceedings, and are designed to operate without the assistance of attorneys. While an individual may choose to be represented by an attorney, certificants/candidates are encouraged to communicate directly with the NATMI Certification Program staff. Certificants/candidates using the services of an attorney are responsible for all

attorney-related fees. A party's attorney will be directed to communicate with NATMI only through NATMI Legal Counsel.

**2. Authorized NATMI Representatives.** The Executive Director, certification program staff, certification reviewers, Certification Committee, Certification Appeals Committee, or any other NATMI representative authorized by this Policy may be involved in actions and decisions regarding appeal matters.

**3. Time Requirements.** NATMI will make every effort to follow the time requirements described in these Procedures. However, a failure by NATMI to meet a time requirement will not prohibit the handling or final resolution of any appeal matter. Certificants/candidates are required to comply with all time requirements specified in this Policy. Time extensions or postponements may be granted by NATMI in appropriate circumstances at NATMI's sole discretion.

**4. Litigation/Other Proceedings.** NATMI may accept and resolve an appeal matter arising under these Procedures when civil or criminal litigation, or other proceedings related to the matter have been or are currently before a court, regulatory agency, or professional body. NATMI may continue or delay an appeal matter in these circumstances.

**5. Confidentiality.** In order to protect the privacy of the parties involved in appeal matters, all material prepared by or submitted to NATMI will be confidential. Disclosure of material is permitted only when specifically authorized by NATMI policy, the Certification Committee, the Executive Director, NATMI staff, or other authorized NATMI representative. Among other information, NATMI will not consider the following materials as confidential: **(a)** published certification and eligibility criteria; **(b)** records and materials which are disclosed as the result of a valid legal requirement or a controlling NATMI policy; **(c)** certification or application information that a certificant/candidate has requested be made available to a specific person or other organization; and, **(d)** all final published Decisions and Orders of the Certification Committee, the Executive Director, NATMI staff, or other authorized NATMI representative.

**6. Failure to Disclose/Incomplete, False, or Misleading Representations.** If a certificant/candidate fails to disclose required certification or appeal information to NATMI, or makes an incomplete, false, or misleading representation to NATMI related to certification or recertification, NATMI may temporarily or permanently bar that individual from being certified or recertified, or may issue any other appropriate action. If a penalty, discipline, order, or other action is issued by NATMI under this Section, the certificant/candidate involved may seek review and appeal of the action under these Procedures.

**7. Failure to Cooperate.** If a certificant/candidate refuses to cooperate fully with NATMI concerning a certification or appeal matter, and it is determined that the lack of cooperation is without good cause, NATMI may penalize or discipline the individual, including temporarily or permanently barring the individual from being certified or recertified. If a penalty, discipline, order, or other action is issued by NATMI under this Section, the certificant/candidate involved may seek review and appeal of the action under these Procedures.

**8. Complaint Matters.** NATMI may temporarily or permanently bar an individual from being certified or recertified, or may issue any other appropriate directive(s), where a certificant/candidate: **(a)** has been the subject of any complaint or disciplinary matter relating to his/her activities as a certified professional; or, **(b)** has been the subject of a criminal charge, lesser offense, or government agency disciplinary matter (complaint matters), regardless of when the alleged violation occurred.

NATMI will notify a certificant/candidate of an alleged complaint matter, and must provide the certificant/candidate a reasonable opportunity to present a response to such allegations. If a penalty, discipline, order, or other action is issued by NATMI under this Section, the certificant/candidate involved may seek review and appeal of the action under these Procedures.

## **B. CERTIFICATION PROGRAM ACTIONS**

**1. Certification Application Actions.** The NATMI Certification Program will take one of the following actions regarding a candidate's certification application: **(a)** accept the application; **(b)** request additional or supplemental information; or, **(c)** reject the application, or otherwise terminate eligibility, on the grounds that the candidate does not meet NATMI certification eligibility requirements, or that the candidate has violated, or acted contrary to, a NATMI policy or rule.

**2. Recertification Application Actions.** The NATMI Certification Program will take one of the following actions regarding a certificant's Recertification Application: **(a)** grant recertification; **(b)** conditionally accept the Recertification Application pending the satisfactory completion of all recertification requirements; **(c)** request additional or supplemental information; or, **(d)** reject the application, or otherwise terminate recertification, on the grounds that the certificant does not meet the criteria for recertification, or that the certificant has violated, or acted contrary to, a NATMI policy or rule.

## **C. INITIAL REQUEST FOR REVIEW BY A SECOND REVIEWER**

Within thirty (30) days of the date of an adverse action by the NATMI Certification Program, a certificant/candidate may submit a written request for a second opinion by a different certification reviewer, either by electronic or standard mail, to the Executive Director or certification staff. Adverse actions include the following: **(1)** the candidate was found to be ineligible for certification due to a failure to satisfy one or more certification requirement(s), or was otherwise ineligible for certification; or, **(2)** the certificant was denied recertification for failure to satisfy one or more recertification requirement(s), or was otherwise ineligible for recertification.

The request for second review must explain the reasons that the certificant/candidate believes the adverse action is incorrect and should be changed, and must include accurate copies of all supporting documents, including the relevant communications from NATMI.

## **D. REVIEW BY A SECOND APPLICATION REVIEWER**

**1. Second Reviewer Actions.** Requests for second review will be sent to a second certification reviewer by the certification program staff. The Executive Director or other certification staff will acknowledge receipt of the request for second review. The second reviewer will review the application, along with any additional supporting information and explanation from the applicant, and take one of the following actions: uphold, modify, reverse, or take other appropriate action regarding the adverse Certification Program action.

**2. Appeal if Second Reviewer Upholds Action.** Should the second reviewer uphold the adverse action of the first reviewer, the applicant may seek an appeal from the Certification Appeals Committee.

## **E. CERTIFICATION APPEALS COMMITTEE**

**1. Certification Appeals Committee.** The Certification Chairman will appoint at least three (3) Certification Committee members to serve as a Certification Appeals Committee. The Appeals Committee will be composed of current NATMI certified professionals in good standing. The Certification Chair will appoint an Appeals Committee Chair to preside over and conduct each appeal matter. No Appeals Committee member may participate in an appeal where the member has had a business, employment, or personal relationship with a party involved in the appeal matter, or where there otherwise appears to be a possible conflict of interest related to his/her participation.

**2. Circumstances of Appeal.** An appeal will be reviewed and decided by the Appeals Committee when: the matter has been referred by the Executive Director or other NATMI staff; or, a certificant/candidate is dissatisfied with the second reviewer's adverse decision, and requests an appeal consistent with these Procedures. Appeals are limited to the grounds permitted in Policy Section G(2).

## **F. TIME PERIOD FOR SUBMITTING FIRST APPEAL**

Within thirty (30) days of the date of an adverse action by a second reviewer, a certificant/candidate may submit an appeal to the Appeals Committee. The deadline for filing a first appeal may be extended by the Appeals Committee upon the written request of the certificant/candidate prior to the appeal deadline.

## **G. GROUNDS FOR APPEAL**

**1. Required Information For Appeal.** In order for an appeal to be considered by the Appeals Committee, the appeal submission must be consistent with all Policy requirements, and must include the following information: **(a)** the name of the certificant/candidate submitting the appeal; **(b)** all objections, corrections, and factual information that the certificant/candidate believes are relevant to the appeal; **(c)** the names, addresses, and telephone numbers of any

individuals with factual information relevant to the appeal, as well as a clear description of the factual information available from these individuals; and, **(d)** accurate copies of all relevant documents or other materials submitted in support of the appeal.

**2. Grounds for Appeal.** In order for an appeal to be considered by the Appeals Committee, the appeal submission must contain a clear explanation of the reasons that the certificant/candidate believes are relevant to the appeal, and substantial information supporting at least one of the following grounds: **(a)** the candidate's eligibility for certification was incorrectly denied contrary to NATMI policies, and the candidate would have qualified for certification if the correct NATMI policies and standards had been applied; **(b)** the certificant's eligibility for recertification was incorrectly denied contrary to NATMI policies, and the certificant would have qualified for recertification if the correct NATMI policies and standards had been applied.

## **H. FIRST APPEAL HEARINGS**

**1. Appeal Schedule and Hearing.** Within sixty (60) days of receipt of a complete and proper written appeal, the Appeals Committee will schedule a date and time to consider the appeal. Generally, the appeal review will be scheduled within one hundred twenty (120) days after receipt of the complete appeal. NATMI will notify the certificant/candidate of the appeal date and time. A certificant/candidate may request an informal hearing by telephone conference to present the appeal to the Appeals Committee. Requests for a hearing will be granted at the sole discretion of the Appeals Committee.

**2. Certification Appeals Committee Decision.** Following the close of an appeal hearing, the Appeals Committee will review the record of the appeal, including the action(s) of the Certification Program and the information and materials received from the certificant/candidate. The Appeals Committee will resolve and decide the appeal based on the record. The Appeals Committee Decision will include the findings of the Committee, and a summary of the relevant factual findings based on the record. The Committee will prepare and issue an Appeal Decision to the certificant/candidate within thirty (30) days after the hearing record is closed, or as soon as is practical.

## **I. DISCRETIONARY FINAL APPEAL TO THE NATMI CERTIFICATION COMMITTEE**

In certain limited situations, an adverse Appeals Committee Decision may be appealed to the NATMI Certification Committee. Such discretionary final appeals are permitted only under the following circumstances: **(1)** the candidate/certificant is able to demonstrate to the Certification Committee Chair that the Appeals Committee misapplied the relevant NATMI policy(ies), which significantly affected the outcome of the Committee Decision; **(2)** the candidate/certificant is able to demonstrate to the Certification Chair that the appeal request is based on a substantial and compelling reason, which clearly supports a modification or reversal of the Committee Decision; or, **(3)** upon the referral of the Appeals Committee for a substantial reason, and with the consent

of the candidate/certificant. A denial of a candidate/certificant's discretionary appeal request by the Certification Chair cannot be appealed.

## **J. TIME PERIOD FOR SUBMITTING FINAL APPEAL REQUEST/ CONTENT OF FINAL APPEAL**

**1. Time Period for Submitting Final Appeal Request.** Within thirty (30) days of the date of an adverse Appeals Committee Decision, a certificant/candidate may submit a written final appeal request to the Certification Chair. An appeal received beyond this date will not be reviewed or considered by Certification Committee.

**2. Contents of Final Appeal Request.** In order for a final appeal request to be considered by the Certification Chair, the request must be consistent with all Policy requirements, and must include the following information: **(a)** the name of the certificant/candidate submitting the appeal request; **(b)** a detailed explanation of the reasons and basis for the requested appeal, as required by Policy Section I; **(c)** all objections, corrections, and factual information that the certificant/candidate believes to be relevant to the appeal; and, **(d)** accurate copies of all relevant documents and other materials submitted in support of the appeal.

## **K. CERTIFICATION COMMITTEE FINAL APPEAL PROCESS**

**1. Scheduling Of Final Appeal.** Within ninety (90) days of the approval of a complete and proper final Certification Committee appeal request, the Certification Committee will schedule a date and time for consideration of the appeal, usually not later than the next regularly scheduled Certification Committee meeting. The Executive Director or other authorized NATMI representative will notify the certificant/candidate of the date when the final Certification Committee appeal will be considered.

**2. Final Appeal Review.** The Certification Committee will conduct a review to consider the appeal record, including the Appeals Committee Decision and the information and materials submitted by the certificant/candidate. The certificant/candidate may request to appear before the Certification Committee concerning the final appeal. Such requests will be granted at the sole discretion of the Certification Committee.

## **L. CERTIFICATION COMMITTEE FINAL DECISION**

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

## **M. FINALIZING AND CLOSING APPEALS**

An appeal will be closed, and all proceedings ended, when any of the following occurs: **(1)** an appeal has been decided, or otherwise resolved, by the second reviewer, the Appeals Committee, or the Certification Committee, and the allowable time period to submit an appeal under these Procedures has passed; **(2)** an appeal request to the Certification Committee has been denied by the Certification Chair; or, **(3)** the appeal has been withdrawn or terminated by the certificant/candidate.

## **EFFECTIVE DATE**

The NATMI Certification Appeal Procedures will become effective as of 01/01/2016.