



<b>SOP TITLE:</b>	<b>TNI Proficiency Testing Program (PTP) Dispute Resolution Procedure</b>
<b>SOP NO.:</b>	4-102
<b>REVISION NO:</b>	1

<b>Committee:</b>	PT Program Executive Committee	<b>Approved Date:</b>	4/5/13
<b>Program Executive Committee:</b>	PT Program Executive Committee	<b>Approved Date:</b>	4/5/13
<b>Policy Committee Reviewed Date:</b>			
<b>TNI Executive Committee of Directors Endorsed Date:</b>			
<b>SOP Effective Date:</b>			4/5/13

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## 1.0 Purpose and Applicability

1.1 This Standard Operating Procedure (SOP) describes the process for reviewing and handling complaints and appeals received by the Proficiency Testing Program Executive Committee (PTPEC).

1.1.1 The scope of this procedure is limited to:

1.1.1.1 complaints relating to Fields of Proficiency Testing (FoPT) tables maintained and administered by the PTPEC,

1.1.1.2 complaints relating to the Proficiency Test Provider Accreditor (PTPA) evaluation process

1.1.1.3 appeals relating to a PTPA approval decision made by the PTPEC.

1.2 This SOP also describes the process for resolving disputes that may arise over how a complaint or appeal is discharged. Again, the disputed complaints or appeals must fall within the limited scope as described above in 1.1.1.

## 2.0 Summary

This SOP provides an avenue for handling complaints and the resolution of disputes. The complaining or appealing party must first seek resolution with the PTPEC. If mutual resolution is not achieved, then the TNI Board Executive Committee shall convene a Review Panel to address the dispute and recommend the resolution.

## 3.0 Related Documents

TNI SOP 4-104: Evaluating PTPA Organizations

## 4.0 Definitions

Note: The definitions listed below are specific to this SOP and are not necessarily interchangeable with definitions provided in other similar SOPs within TNI.

<b>Appeal:</b>	A request for reconsideration of a PTPA recognition decision made by a PTPA to the PTPEC.
<b>Complaining Party:</b>	Any person or organization bringing a complaint.
<b>Complaint:</b>	An expression of dissatisfaction, other than appeal, made by any person or organization to the PTPEC where a response is expected.
<b>Dispute:</b>	Disagreement over a complaint or appeal that is not resolved to the satisfaction of the complaining or appealing party.
<b>Dispute Resolution:</b>	The process of resolving disputes between parties.
<b>Disputing Party:</b>	Any person or organization bringing a dispute.
<b>PTPA Approval:</b>	The determination made by the PTPEC that a PTPA meets the requirements of the Proficiency Testing (PT) Program and is approved to grant accreditation to PT Providers.
<b>TNI Proficiency Testing Program</b>	The aggregate of providing rigorously controlled and standardized environmental samples to a laboratory for analysis, reporting of results statistical evaluation of results and the collective demographics and results

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<b>(PTP):</b>	summary to all participating laboratories
<b>TNI Proficiency Testing (PT) Program Executive Committee (PTPEC)</b>	PTPEC consists of individuals representing the varied interests of the PT community. This includes Accreditation Bodies, PT Providers, Laboratories and other relevant stakeholders.

**5.0 Complaint Procedure**

- 5.1 Complaints must be submitted in writing to the PTPEC Chair.
- 5.2 The PTPEC Chair must acknowledge receipt of the complaint in writing to the requestor within twenty (20) days of receipt.
- 5.3 The PTPEC Chair reviews the complaint to ensure that it falls within the scope of this SOP.
  - 5.3.1 If the complaint does not fall within the scope of this SOP, the complaining party is notified within forty-five (45) days of the receipt of the complaint, in writing that the complaint is discharged as “not within the scope of the PTPEC”.
  - 5.3.2 If the complaint falls within the scope of this SOP, the PTPEC Chair assigns three PTPEC members to a Complaint Subcommittee. The selected members must have no conflicts of interest and should represent different stakeholder groups as appropriate. The list of proposed subcommittee members will be provided to the complainant for review. If the complainant presents concerns over the list to the PTPEC Chair, the chair shall review those concerns and may make changes to the subcommittee as they deem necessary.
- 5.4 The Complaint Subcommittee reviews the complaint, determines its validity, and if valid, proposes a resolution.
- 5.5 The Complaint Subcommittee must generate a written report for the PTPEC Chair that contains the following:
  - 5.5.1 Statement on the validity of the complaint, including information to support the subcommittee’s determination.
  - 5.5.2 Proposed resolution, if a valid complaint, including corrective action (if applicable).
  - 5.5.3 Draft response to the complaining party.
- 5.6 The PTPEC chair receives the subcommittee report and submits the information for review by the full PTPEC, barring any committee member that states they have, or is indicated by the complaining party to have, a conflict of interest.
- 5.7
- 5.8 First the PTPEC votes on the recommended validity or non-validity of the complaint. The requirements for voting are specified in SOP, “The NELAC Institute NELAP Board Voting Procedure for General Business and Laboratory Accreditation Matters (SOP no. 3-101).”
  - 5.8.1 If deemed invalid, the PTPEC Chair notifies the complaining party in writing that the complaint has been deemed invalid. The notification must include an explanation for the PTPEC’s decision.

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- 5.8.2 If deemed valid, the PTPEC then votes on the recommendations for resolution.
  - 5.8.2.1 Split vote or dissenting vote – the PTPEC will continue to revise the resolution until a passing vote is obtained.
  - 5.8.2.2 Passing vote - the PTPEC Chair finalizes the written response to all parties involved. The PTPEC implements corrective action if applicable. If corrective action is required by other parties, this is presented to the appropriate party for handling.
- 5.9 The final response to all valid complaints should be presented to the complainant within one hundred twenty (120) days of the date of receipt. If the complaint is not resolved within one hundred twenty (120) days, a status update will be provided to the complainant.
- 5.10 If the resolution to the complaint is not acceptable to the satisfaction of all involved parties, a dispute resolution request may be filed with the PTPEC Chair within thirty (30) days of notification of the decision. The dispute resolution process (See Section 7.0) shall then be followed.

## 6.0 Appeal to Recognition Decision Procedure

- 6.1 The PTPA may request reconsideration, in writing, within twenty (20) days of notification of the PTPEC's decision on recognition. The requestor will explain the reason for the requested change and may present additional information when submitting its request to the PTPEC Chair or designee. If the Chair has a conflict of interest, the Vice-chair or other designated committee member of the PTPEC without conflict is designated by the PTPEC Chair.
- 6.2 The Chair or designee shall acknowledge receipt of the appeal, in writing, to the requestor within twenty (20) days of receipt.
- 6.3 The PTPEC Chair or designee forms an impartial subcommittee of at least three PTPEC members representing all stakeholders to review the request.
  - 6.3.1 If the complaint falls within the scope of this SOP, the PTPEC Chair assigns three PTPEC members, to a Complaint Subcommittee. The selected members must have no conflicts of interest and should represent different stakeholder groups as appropriate. The list of proposed Subcommittee members will be provided to the complainant for review. If the complainant presents concerns over the list to the PTPEC Chair, the chair shall review those concerns and may make changes to the subcommittee as they deem necessary.
- 6.4 The Subcommittee reviews the request and either denies or approves reconsideration based on whether or not the appeal is persuasive and presents new information for consideration. The subcommittee submits its decision to the PTPEC Chair or designee in writing with information to support its decision.
- 6.5 The PTPEC Chair or designee submits the decision to the full PTPEC for review, barring any committee member that states they have, or is indicated by the appealing party to have, a conflict of interest. The PTPEC votes on the decision to reconsider the original recognition decision.

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- 6.5.1 If the decision is to approve reconsideration, the PTPEC Chair or designee will notify the appealing party in writing that their request for reconsideration has been accepted and will be re-evaluated following normal procedure (TNI SOP 4-104 Evaluating PTPA Organizations).
  - 6.5.2 If the decision is to deny reconsideration, the PTPEC Chair or designee will notify the appealing party in writing that their request for reconsideration has been denied. The written notification must include an explanation for the PTPEC's decision.
- 6.6 The final response to all valid complaints should be presented to the complainant within one hundred twenty (120) days of the date of receipt. If the complaint is not resolved within one hundred twenty (120) days, a status update will be provided to the complainant.
- 6.7 If the appealing party disagrees with the decision, it may file a dispute resolution request with the PTPEC Chair within thirty (30) days of notification of the decision. The dispute resolution process (See Section 7.0) shall then be followed.

## 7.0 Dispute Resolution Procedure

- 7.1 Within thirty (30) calendar days of the filing of a dispute resolution request, the PTPEC Chair shall inform the PTPEC and the TNI Board of Directors Executive Committee for the need to name a TNI Review Panel.
- 7.2 The TNI Board of Directors Executive Committee shall name a five (5) member Review Panel whose composition is representative of PT Program stakeholders. At least one member from each of the defined PT Program stakeholder groups shall be included on the Panel. Other interests (e.g. laboratory community) may be represented on the Panel if relevant to the disputed issues and agreeable to all parties. The five members of the Panel must be TNI members. One member of the Panel shall be a TNI Board of Directors Executive Committee member and shall serve as the Chairperson.
- 7.3 Each Review Panel member shall declare any conflicts of interest in writing. If any Review Panel member has a relationship that could, in the opinion of the Chair bias their review of the case, that Review Panel member shall be replaced by an alternate, named by the TNI Board of Directors Executive Committee.
- 7.4 The disputing party is notified of the members of the TNI Review Panel and has the right to request the removal of a person for cause.
- 7.5 The Review Panel shall carry out an independent review of all relevant parts of the record and request any relevant standard interpretations.
- 7.6 The Review Panel shall conduct interviews with the disputing party and all other parties as needed to understand the dispute.
- 7.7 If the disputing party so desires, an opportunity shall be granted for various parties involved with and identified in the written dispute to meet jointly with the Review Panel.
- 7.8 The Review Panel shall complete its review and render a final recommendation to the PTPEC, the TNI Board of Directors Executive Committee, and all involved parties within ninety (90) calendar days following receipt of the request for dispute resolution. This time frame may be extended by mutual agreement of all parties up to a maximum of sixty (60)

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additional calendar days.

- 7.9 For all disputes within the scope of this SOP the ultimate decision for resolution remains with the PTPEC. Within thirty (30) calendar days of receiving the Review Panel's recommendation, the PTPEC shall notify the disputing body of its decision.
- 7.10 The status existing prior to the decision shall remain in effect pending resolution of the dispute.

## **8.0 Records Management**

### **8.1 Complaints**

- 8.1.1 The PTPEC Chair shall maintain all correspondence, reports, and records relating to complaints, including those of the subcommittee, for future reference.

### **8.2 Appeals**

- 8.2.1 The PTPEC Chair shall maintain all correspondence, reports, and records relating to appeals, including those of the subcommittee, for future reference.

### **8.3 Disputes**

- 8.3.1 The PTPEC Chair and the Review Panel Chair shall maintain all correspondence, reports, and records relating to disputes for future reference.

- 8.4 Upon the resolution of all complaints, appeals, and disputes, the PTPEC Chair (and Review Panel Chair, if applicable) shall turn over their records to the TNI Program Administrator assigned to the PTPEC for future reference.

- 8.5 All records relating to complaints, appeals, and disputes must remain confidential.

## **9.0 Quality Control**

This SOP will be reviewed every three years or whenever the PTPEC requires, whichever occurs first. TNI PT Program Administrator will initiate this review. This review must be documented and any changes deemed necessary must be made with the vote of the PTPEC. If the document is revised, the revisions will be posted on the TNI website.

## **10.0 References**

TNI Management of Records, POL-104

PT Program Executive Committee Voting Process, SOP 4-105

## **11.0 SOP Approved Changes**

Original SOP

Approved by the PT Program Executive Committee: May 3, 2007

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Prev. SOP No.	New SOP No.	Date of Change	Description of Change
0	0.1	2/21/08	
0.1	0.2	3/16/10	Reformatted to SOP template; remove PTOB; added section 6.
0.2	1	4/5/13	Update for consistency with other program and new TNI SOP Format. Added TNI Boards involvement in Process Expanded records management section Added Time frames