



<b>SOP TITLE:</b>	<b>TNI Proficiency Testing Program Complaint, Appeal, and Dispute Resolution Procedure</b>
<b>SOP NO.:</b>	<b>4-102</b> <b>Numerical Designator:</b> 1 = Administrative and General Procedures 2 = Consensus Standards Development Program (CSDP) 3 = National Environmental Laboratory Accreditation Program (NELAP) 4 = Proficiency Testing Program (PTP) 5 = National Environmental Field Activities Program (PTP)
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## 1.0 Purpose and Applicability

- 1.1 This Standard Operating Procedure (SOP) describes the process for reviewing and handling complaints, appeals and disputes received by the Proficiency Testing Program Executive Committee (PTPEC).
- 1.2 The scope of this procedure is limited to:
- 1.2.1 complaints, received from any person or organization, relating to Fields of Proficiency Testing (FoPT) tables maintained and administered by the PTPEC,
  - 1.2.2 complaints, received from any person or organization, relating to the Proficiency Testing Provider Accreditor (PTPA) evaluation process, and
  - 1.2.3 appeals, received from PTPAs, challenging the PTPEC's decision to deny their approval as a TNI PTPA.
- 1.3 This SOP also describes the process for resolving disputes that may arise over how a complaint or appeal is discharged. Note that the disputed complaints or appeals must fall within the limited scope as described above in 1.2.

## 2.0 Summary

This SOP provides the avenue for handling complaints, appeals 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 to the PTPEC for reconsideration of a denied PTPA approval.
<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 the resolution of a complaint or appeal.
<b>Dispute Resolution:</b>	The process of resolving disputes between parties.
<b>Proficiency Testing Provider Accreditor (PTPA):</b>	An organization that is approved by the PTPEC to accredit and monitor the performance of proficiency testing providers.
<b>Proficiency Testing Provider Accreditor (PTPA) Approval:</b>	The determination made by the PTPEC that a PTPA meets the requirements of the TNI 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,

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	statistical evaluation of results and the collective demographics and results summary of all participating laboratories
<b>TNI Proficiency Testing Program Executive Committee (PTPEC):</b>	Committee responsible for the administration and maintenance of the TNI PT program and consisting 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. "In writing", as used throughout this SOP, encompasses electronic submission.
- 5.2 The PTPEC Chair must acknowledge receipt of the complaint in writing to the requestor within twenty (20) calendar 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 in writing within forty-five (45) calendar days of receipt of the complaint 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 proposed list of subcommittee members to the PTPEC Chair, the Chair shall review those concerns and may make changes to the subcommittee as they deem necessary. Each new complaint results in the formation of a unique subcommittee to address the complaint.
  - 5.3.3 The Complaint Subcommittee reviews the complaint and generates a written report for the PTPEC Chair. The written report must contain the following:
    - 5.3.3.1 Statement on the validity of the complaint, including information used to support the subcommittee's determination.
    - 5.3.3.2 Proposed resolution, if a valid complaint, including corrective action (if applicable).
    - 5.3.3.3 Draft response to the complaining party.
- 5.4 The PTPEC Chair receives the subcommittee report and distributes the information to the voting members of the PTPEC for review, excluding any committee member that indicates that they have, or is indicated by the complaining party to have, a conflict of interest. Any subcommittee member with a conflict of interest is excluded from the discussion and review of the subcommittee results as well as from distribution of the subcommittee's report.
- 5.5 The PTPEC votes on the proposed recommendations received from the Complaint Subcommittee. The requirements for voting are specified in SOP 4-105, "PT Program Executive Committee Voting Process".

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- 5.5.1 If the complaint is 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 and the right of the complaining party to dispute the committee's decision.
- 5.5.2 If deemed valid and once a resolution is passed, 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 to address.
- 5.6 The final response to all complaints should be presented to the complainant within ninety (90) calendar days of the date of receipt of the complaint and shall also include information about dispute resolution or appeal as appropriate. If the complaint is not completely resolved within ninety (90) calendar days, a status update will be provided to the complainant within the same 90 calendar-day time frame.
- 5.7 If the resolution to the complaint is not to the satisfaction of any of the involved parties, a dispute resolution request may be filed with the PTPEC Chair within thirty (30) calendar days of receipt of the final response from the PTPEC Chair. The dispute resolution process (See Section 7.0) shall then be followed.

## **6.0 Appeal Procedure**

- 6.1 A PTPA may appeal the PTPEC's decision to deny its approval as TNI PTPA. The appeal must be submitted in writing and within twenty (20) calendar days of notification of the PTPEC's denial. The PTPA must explain the reason for the appeal and may present additional information to the PTPEC Chair in support of the appeal. 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) calendar days of receipt.
- 6.3 The PTPEC Chair or designee forms an impartial Appeal Subcommittee of at least three PTPEC members representing all stakeholders to review the appeal. The selected members must have no conflicts of interest. The list of proposed subcommittee members will be provided to the appealing party for review. If the appealing party presents concerns over the list to the PTPEC Chair or designee, then the Chair or designee shall review those concerns and may make changes to the subcommittee as they deem necessary.
- 6.4 The Appeal Subcommittee reviews the appeal and either denies or approves a reconsideration of the denial 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 voting members of the PTPEC for review, barring any committee member that states they have, or is indicated by the appealing party to have, a conflict of interest. Those committee members with a conflict of interest shall recuse themselves from the appeal process. The PTPEC votes on the decision to reconsider the original denial.

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- 6.5.1 If the decision is to approve the request for reconsideration, the PTPEC Chair or designee will notify the appealing party in writing that their request for reconsideration has been accepted. The PTPA evaluation checklist and subsequent documentation from the on-site assessment, including any additional information submitted by the appealing party, will then be re-evaluated following normal procedure (TNI SOP 4-104 Evaluating PTPA Organizations). The re-evaluation is only a document review and will not encompass a repeat on-site evaluation.
- 6.5.2 If the decision is to deny the request for 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 and the right of the appealing party to dispute the committee's decision.
- 6.6 The final response to all appeals should be presented to the appealing party within ninety (90) calendar days of the date of receipt. If the appeal is not resolved within ninety (90) calendar days, a status update will be provided to the appealing party within the same 90 calendar-day time frame.
- 6.7 If the resolution to the appeal is not to the satisfaction of the appealing party, a dispute resolution request may be filed with the PTPEC Chair within thirty (30) calendar days of receipt of the final response from the PTPEC Chair or designee. 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 informs the PTPEC and the TNI Board of Directors Executive Committee of the need to name a TNI Review Panel.
- 7.2 The TNI Board of Directors Executive Committee names 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 is included on the Panel. The five members of the Panel must be TNI members. One member of the Panel is a TNI Board of Directors Executive Committee member and serves as the Chairperson.
- 7.3 Each Review Panel member declares 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 proposed Review Panel member is 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 reasonable cause.
- 7.5 The Review Panel performs an independent review of all relevant parts of the record and requests any relevant standard interpretations.
- 7.6 The Review Panel conducts 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 is granted for various parties involved with and identified in the written dispute to meet jointly with the Review Panel.

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- 7.8 The Review Panel completes its review and renders 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) additional calendar days.

For all disputes within the scope of this SOP the ultimate decision for resolution remains with the PTPEC. PTPEC shall only reject the Panel’s conclusion after consultation with the Review Panel, and PTPEC shall also inform the TNI Board of Directors of that decision to reject the Review Panel’s decision.

- 7.9 Within thirty (30) calendar days of receiving the Review Panel's recommendation, the PTPEC Chair notifies the disputing body of its decision.
- 7.10 The status existing prior to the decision remains in effect pending resolution of the dispute.

**8.0 Records Management**

- 8.1 While complaints, appeals, or disputes remain open, the PTPEC Chair maintains all related correspondence, reports, and records, including those of the subcommittees, for future reference.
- 8.2 Upon the resolution of all complaints, appeals, and disputes, the PTPEC Chair (and Review Panel Chair, if applicable) relinquishes all records to the TNI Program Administrator assigned to the PTPEC, for archiving in TNI.
- 8.3 All records relating to complaints, appeals, and disputes are classified in accordance with POL-1-104, “Management of Records”.

**9.0 References**

SOP 4-105 PT Program Executive Committee Voting Process  
 POL 1-104 Management of Records

**10.0 SOP Approved Changes**

Prev. SOP No.	New SOP No.	Date of Change	Description of Change
N/A	4-102 rev1.0		Update for consistency with other program and new TNI SOP Format. Added TNI Boards involvement in Process Expanded records management section Added Time frames
4-102 rev1.0	4-102 rev2.0	8/2/16	Editorial changes and updates throughout for added clarity. Added and removed Definitions and References, as applicable. Updated time frames.

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4-102 rev2.0	4-102 rev3.0	6/29/17	Add "complaint" and "appeals" to title. Clarify COI procedures. Editorial changes for added clarity. Clarify PTPEC's role in disputes – they have ultimate decision.
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