



SOP TITLE	NEFAP Complaint, Recognition Reconsideration, and Dispute Resolution
SOP NO.	SOP 5-104
REVISION NO.	2 (Provisional)
PROGRAM	NEFAP

SOP Approval Dates

	Initial Approval	Revision Date	Review Date
Committee: NEFAP	06/16/2010	6/6/2020	
Program: NEFAP	06/16/2010	6/6/2020	
Policy Committee	06/21/2010		
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1.0 Purpose and Applicability

- 1.1 This Standard Operating Procedure (SOP) describes the process for handling complaints among Accreditation Bodies (ABs), the NEFAP Executive Committee, and any other party. The complaints are limited to the operation of NEFAP.
- 1.2 This SOP also describes the process for handling reconsideration requests (appeals) and disputes to NEFAP recognition decisions. This applies to recognition concerns raised by ABs and the NEFAP Evaluation Team.
- 1.3 This SOP does not apply to disputes between a field sampling and measurement organization (FSMO) and its AB regarding accreditation. Such disputes are to be handled through the appropriate process established by the AB.

2.0 Summary

This SOP provides an avenue for handling complaints, recognition reconsideration requests and the resolution of disputes. The complaining or appealing party is to first seek resolution with the NEFAP Executive Committee. If mutual resolution is not achieved, then a Review Panel shall be convened by the TNI Executive Committee to address the issue.

3.0 Related Documents

SOP 7-101: Accreditation Body Evaluation and Recognition Procedure used by the PT Program Executive Committee and NEFAP Executive Committee

POL 1-101: Conflicts of Interest

4.0 Definitions

Dispute	Disagreement over the resolution of a complaint or appeal that is not resolved to the satisfaction of the complaining or appealing party.
Complaining Party	AB, NEFAP Executive Committee member or other party with a dissatisfaction related to the NEFAP program operation.
Appealing Party	ABs or the Evaluation Team involved in the accreditation body recognition process requesting a reconsideration of a recognition decision.
Complaint	Expression of dissatisfaction, other than appeal, by any person or organization to the NEFAP Executive Committee, relating to the processes of NEFAP, where a response is expected. Complaints do not relate to recognition decisions.
Dispute Resolution	The process of resolving disputes between parties.
Disputing Party	Stakeholders including Accreditation Bodies (ABs), the Evaluation Team involved in the accreditation body recognition process, and other parties with complaints or recognition reconsideration requests that were not resolved to the satisfaction of all involved parties.
NEFAP Recognition	The endorsement by the TNI NEFAP Executive Committee that an AB meets the requirements of NEFAP and is authorized to grant NEFAP accreditation to organizations conducting environmental field activities including sampling and/or monitoring.
NEFAP	National Environmental Field Activities Program.

Recognition Committee	A committee formulated and approved by the NEFAP Executive Committee and PT Program Executive Committee to review an AB evaluation and vote on the recognition of the AB and provide a recognition letter to the NEFAP Executive Committee and PT Program Executive Committee. The committee must be balanced to represent both NEFAP and PT Program interests.
Review Panel	A temporary body appointed for the express purpose of resolving disputes as described by this SOP.

5.0 Complaint Procedure

5.1 Handling Complaints

- 5.1.1 The NEFAP Executive Committee Chair must acknowledge receipt of the complaint in writing to the requestor within twenty (20) days of receipt.
- 5.1.2 The NEFAP Executive Committee Chair reviews the complaint and assigns three NEFAP Executive Committee members to a subcommittee. The subcommittee shall consist of one member from each stakeholder group to ensure it retains a representative balance. The selected members shall have no conflicts of interest (COI) as described in SOP 5-107, NEFAP EC Procedure for Addressing Conflicts of Interest, and the complainant must approve the panel. If the complainant does not approve any member of the Executive Committee, a replacement may be selected from the TNI membership as long as the replacement is a representative from one of the three stakeholder groups. Each new complaint will result in the formation of a unique subcommittee to address that complaint.
 - 5.1.2.1 In addition, if individuals have a COI, then those individuals are excluded from the discussion and review of the subcommittee results as well as from the distribution of the subcommittee's report to the NEFAP Executive Committee.
- 5.1.3 The Complaint Subcommittee reviews the complaint and determines the following as applicable:
 - 5.1.3.1 Validity of the complaint filed. If the complaint is deemed not valid the complainant is notified in writing and the reason is provided. The complainant may re-petition the committee with additional clarification.
 - 5.1.3.2 Recommended resolution of the complaint including corrective action (if applicable)
- 5.1.4 The NEFAP Chair receives the subcommittee report and submits the information for review by the full Executive Committee. The Executive Committee votes on the recommended resolution. The NEFAP Executive Committee implements corrective action if applicable. If corrective action is required by ABs or other party, this is presented to the appropriate party for handling.
- 5.1.5 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 NEFAP Executive Committee Chair within thirty (30) days of the decision. The dispute resolution process (See Section 6.2) shall then be followed.

6.0 Recognition Reconsideration (Appeal to the NEFAP Executive Committee)

- 6.1 The AB or the evaluation team may request a reconsideration of a recognition decision within 20 days of notification of the NEFAP Executive Committee's endorsement of the Recognition Committee's recommendation. The request is made in writing to the NEFAP Executive Committee Chair and must not include any detail.
- 6.2 The NEFAP Executive Committee notifies the Evaluation Coordinator and Recognition Committee Chair regarding the request for reconsideration within 7 days of receipt. The Evaluation Coordinator contacts the requestor and asks that they make their case in writing and present any additional information within 14 days. This information is presented to the Recognition Committee Chair for review and discussion within the Recognition Committee. The Recognition Committee may request additional information from the requester or evaluation team. This review process will be handled within 45 calendar days unless an extension of time is approved by the requester and the Recognition Committee.
- 6.3 The Recognition Committee will submit a recommendation to the NEFAP Executive Committee for NEFAP Executive Committee's endorsement. If the reconsideration request is denied, and the requester does not accept the decision, they may dispute the decision. The requester must notify the NEFAP Executive Committee chair in writing with their reasoning for the dispute within 20 calendar days of the reconsideration notification by the NEFAP Executive Committee.

7.0 Resolving Disputes

- 7.1 The NEFAP Executive Committee chair shall inform the Executive Committee of the TNI Board of Directors about the need to form a Review Panel.
- 7.2 A Review Panel shall be composed to represent the TNI membership, consisting of five members chosen from each of the three stakeholder groups of TNI: ABs and other governmental agencies that operate environmental accreditation programs, Accredited FSMOs, and Others. The five members will be a TNI Board member who shall serve as the chairperson, a NEFAP Executive Committee member, Recognition Committee member, and two TNI members. The Executive Committee of the TNI Board will name the membership for each task. The selected members must shall have no conflicts of interest (COI) as described in SOP 5-107, NEFAP EC Procedure for Addressing Conflicts of Interest. If a COI is identified, then the Review Panel member shall be replaced by an alternate, named by the Executive Committee of the TNI Board for the Panel's deliberations.
- 7.3 The disputing party is notified of the members of the Review Panel and has the right to request the removal of a member for cause.
- 7.4 The Review Panel shall carry out an independent review of all relevant documentation including but not limited to: the evaluation report, the recognition committee decision(s), and the written request from the disputing party. The Review Panel shall request any Standard interpretations from the Field Activities Expert Committee if necessary.
- 7.5 The Review Panel shall conduct interviews with the disputing party and the Recognition Committee. The Review Panel also may conduct interviews with the Evaluation Team member(s) or other individuals deemed appropriate by the Review Panel.
- 7.6 The Review Panel shall complete its review and render a final decision to the NEFAP Executive Committee chair within 90 calendar days following the request to form the

Review Panel. This time frame may be extended by mutual agreement of all parties up to a maximum of 60 additional calendar days.

- 7.6.1 The written report must include at a minimum:
- A list of parties interviewed.
 - A list of documents reviewed.
 - A statement that there were no members of the Review Panel had any conflicts of interest that were not approved by the disputer.
 - A written description of the review panel's decision.

7.7. The NEFAP Executive Committee will take the Review Panel's decision and review it for endorsement. The disputer will be notified by the NEFAP Executive Committee Chair of the final decision within 30 calendar days of the NEFAP Executive Committee's receipt of the decision from the Review Panel.

7.8 Disputing bodies shall be limited to one exercise of this procedure for each application.

7.9 The status existing prior to the decision shall remain in effect pending resolution of the dispute.

8.0 Records Management

8.1 The Chair of the NEFAP Executive Committee, Recognition Committee and the Review Panel chairperson shall maintain all correspondence for future reference. Upon completion of the reviews, records shall be submitted to the TNI Program Administrator assigned to the NEFAP Executive Committee for future reference.

8.2 An official record of the original dispute as well as the final resolution must be recorded and meet the requirements of the TNI SOP for records management. The records of the complaint or reconsideration or dispute must remain confidential.

9.0 References

SOP 1-104: Control of TNI Records

SOP 5-107: NEFAP EC Procedure for Addressing Conflicts of Interest

10.0 SOP Approved Changes

Revision No.	Effective Date	Description of Change
0	08/07/10	New Document.
1	6/28/17	Additions include conflict of interest procedures, clarification on complaint handling, and use of the term subcommittee. The title of the SOP was expanded to include Complaints and Appeals.
2	05/06/2020	Editorial changes and revised Section 1, 4, 6, and 7.