

**DISPUTE RESOLUTION PROCESS**

**OF**

**THE NELAC INSTITUTE (TNI)**

**SOP 5 - 100**

**Revision 0**

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**TNI Board of Directors** **Endorsed Date:** May 20, 2008

**Effective Date:** \_\_\_\_\_

## Dispute Resolution

### **1.0 Purpose and Applicability**

- 1.1 This Standard Operating Procedure (SOP) describes the process for resolving disputes among Accreditation Bodies, the NELAP Evaluation Team, and the NELAP Board.
- 1.2 This SOP applies to disputes raised by Accreditation Bodies or the NELAP Evaluation Team.
- 1.3 This SOP does not apply to disputes between a laboratory and its Accreditation Body (AB) regarding accreditation. Such disputes are to be handled through the appropriate process established by applicable state laws and regulations.

### **2.0 Summary**

This SOP provides an avenue for resolution of disputes raised by Accreditation Bodies (ABs) and the Evaluation Team involved in the accreditation body recognition process. The disputing party is to first seek resolution with the NELAP Board. If mutual resolution is not achieved, then a Review Panel shall be convened to study the matter and recommend the resolution to be imposed by the NELAP Board.

### **3.0 Related Documents**

- 3.1 The NELAC Institute National Environmental Laboratory Accreditation Program Standard Operating Procedure For the Evaluation of Accreditation Bodies, 10/27/07

### **4.0 Definitions**

- 4.1 NELAP: The NELAC Institute National Environmental Laboratory Accreditation Program. The NELAP Board consists of one individual and one alternate from each recognized Accreditation Body, appointed by the state.
- 4.2 NELAP Recognition: the determination by the TNI NELAP Board that an AB meets the requirements of NELAP and is authorized to grant NELAP accreditation to laboratories
- 4.3 Deny: to refuse to grant recognition to a body that has applied to become a recognized TNI NELAP AB
- 4.4 Revoke: to remove an AB's TNI NELAP recognition.
- 4.5 Review Panel: a temporary body appointed for the express purpose of resolving disputes as described by this SOP
- 4.6 Disputing Party: Accreditation Bodies (ABs) and the Evaluation Team involved in the accreditation body recognition process

### **5.0 Procedure**

- 5.1 Reconsideration Requests

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- 5.1.1 The AB or the evaluation team may request reconsideration, in writing, within 20 days of notification of the NELAP Board's decision. The requestor makes its case and may present additional information when submitting its request to the NELAP Board Chairman or designee.
- 5.1.2 The Chairman or designee will respond, in writing, to the request within 20 days.
  
- 5.2 Request for Review of Denial of Reconsideration
  - 5.2.1 If the reconsideration request is denied, and the disputing party does not accept the decision, it then becomes a dispute.
  - 5.2.2 The disputing party may then appeal to the NELAP Board for resolution of the dispute.
  
- 5.3 Resolving Disputes
  - 5.3.1 Within 30 calendar days of official notification of the NELAP Board's action on a reconsideration request for NELAP recognition, the disputing party shall notify the NELAP Board of its decision to dispute the decision on the reconsideration request. The NELAP Board shall inform the Executive Committee of the TNI Board for the need to name a Review Panel.
  - 5.3.2 A Review Panel shall be composed to represent the TNI membership, consisting of three members chosen from each of the three stakeholder groups of TNI: ABs and other governmental agencies that operate environmental accreditation programs, Accredited Laboratories, and All Others. The three members will be a TNI Board member who shall serve as the chairperson, a NELAP Board member and a TNI member. The Executive Committee of the TNI Board will name the membership for each task. If any Review Panel member is not free of any relationship that would bias their review of the case, that Review Panel member shall be replaced by an alternate, named by the Executive Committee of the TNI Board, for the Panel's deliberations.
  - 5.3.3 The Review Panel shall carry out an independent review of all relevant parts of the record.
  - 5.3.4 The Review Panel shall conduct interviews with the disputing party and the NELAP Board. The Review Panel also may conduct interviews with the AB the NELAP Evaluation Team member(s) or other individuals deemed appropriate by the Review Panel.
  - 5.3.5 If the disputing body so desires, an opportunity shall be granted for both the NELAP Board and the AB or the Evaluation Team or lead evaluator to meet jointly with the Review Panel.
  - 5.3.6 The Review Panel shall complete its review and render a final recommendation to the NELAP Board and all involved parties within 90 calendar days following receipt of the notice of Request for Review. This time frame may be extended by mutual agreement of all parties up to a maximum of 60 additional calendar days.

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- 5.3.7 The ultimate decision to grant, maintain, deny or revoke NELAP recognition remains with the NELAP Board. Within 30 calendar days of receiving the Review Panel's recommendation, the NELAP Board shall notify the disputing body of its decision regarding NELAP recognition
- 5.3.8 Disputing bodies shall be limited to one exercise of this procedure for each application cycle.
- 5.3.9 The status existing prior to the decision shall remain in effect pending resolution of the dispute.

## **6.0 Records Management**

- 6.1 The Chair of the NELAP Board and the Review Panel chairperson shall maintain all correspondence for future reference. Upon completion of the Review Panel's effort, its Chair and the NELAP Board shall turn over their records to the TNI Program Administrator assigned to the NELAP Board for future reference.
- 6.2 An official record of the original dispute as well as the final resolution must be recorded on the TNI website and meet the requirements of the TNI SOP for records management.

## **7.0 References**

- 7.1 2003 NELAC Standard approved June 5, 2003, EPA/600/R-04/003.

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