



SOP TITLE:	TNI NEFAP Dispute Resolution Procedure
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1.0 Purpose and Applicability

- 1.1 This Standard Operating Procedure (SOP) describes the process for resolving disputes and handling complaints among Accreditation Bodies (ABs), the National Environmental Field Activities Program (NEFAP) Evaluation Team, the NEFAP Executive Committee, and any other party. The complaints and disputes are limited to the operation of the NEFAP recognition program.
- 1.2 This SOP applies to disputes raised by ABs, the NEFAP Evaluation Team and the NEFAP Executive Committee.
- 1.3 Disputes involving standards interpretation must include a written interpretation from the TNI Field Activities Expert Committee concerning the portion of the standard in question.
- 1.4 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 and the resolution of disputes raised by ABs, the Evaluation Team involved in the accreditation body recognition process, the Executive Committee and any other party. The complaining party 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 dispute and recommend the resolution.

3.0 Related Documents

TNI SOP 5-105, TNI NEFAP Procedure for the Evaluation of Accreditation Bodies.

4.0 Definitions

Appeal:	Request by any person or organization to the NEFAP Executive Committee for reconsideration of a recognition decision.
Complaining Party:	ABs, Evaluation Team involved in the accreditation body recognition process, NEFAP Executive Committee member or other party with a dissatisfaction related to the NEFAP program operation.
Complaint:	Expression of dissatisfaction, other than appeal, by any person or organization to the NEFAP Executive Committee, relating to the processes of the field activities program, where a response is expected. Complaints do not relate to recognition decisions, see appeal.
Deny:	To refuse to grant recognition to a body that has applied to become a recognized TNI NEFAP AB.
Dispute Resolution:	The process of resolving disputes between parties.
Dispute:	Disagreement over a complaint or recognition decision that is not resolved to the satisfaction of the complainant upon appeal to the NEFAP Executive Committee.
Disputing Party:	ABs, Evaluation Team involved in the accreditation body recognition

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	process, NEFAP Executive Committee member or other party with a disagreement on a recognition process or decision on recognition.
NEFAP Recognition:	The determination 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:	TNI National Environmental Field Activities Program. NEFAP Executive Committee consists of individuals representing the varied interests of the NEFAP community. This includes Accreditation Bodies, FSMO's and other relevant stakeholders.
Review Panel:	A temporary body appointed for the express purpose of resolving disputes as described by this SOP.
Revoke:	To remove an AB's TNI NEFAP recognition.

5.0 Complaint Procedure

5.1 Handling Complaints (See definition of *Complaint*)

- 5.1.1 Complaints related to the recognition process or the NEFAP Executive Committee operations, or other activities must be submitted in writing to the NEFAP Executive Committee Chair.
- 5.1.2 The NEFAP Executive Committee Chair reviews the complaint and assigns three NEFAP Executive Committee members, one from each stakeholder group to a complaint committee. The selected members must have no 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 three stakeholder groups.
- 5.1.3 The Complaint Committee 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 provided. The complainant may repetition 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 committee report and submits the information for review by the full Executive Committee. The Executive Committee votes on the recommended resolution. The NEFAP Executive Committee or evaluation team 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 7.0) shall then be followed.

6.0 Appeal to Recognition Decision Procedure

- 6.1 Reconsideration Requests on recognition decisions (*Appeal*)
 - 6.1.1 The AB may request reconsideration, in writing, within twenty (20) days of notification of the NEFAP Executive Committee's decision on recognition. The requestor makes its case and may present additional information when submitting its request to the NEFAP Executive Committee Chair or designee. If the Chair has a conflict of interest, another member of the Executive Committee without a conflict is designated.
 - 6.1.2 The Chair or designee shall respond, in writing, to the request within twenty (20) days. The response is the acknowledgement of receipt of the appeal.
 - 6.1.3 The Chair forms an impartial committee from the members of the NEFAP Executive Committee to review the request. The committee reviews the request and either upholds the decision (denies reconsideration) since the new information provides no change to the original decision or determines the new information is persuasive and presents the new information to the full Executive Committee for reconsideration of the decision.
- 6.2 Request for Review of Denial of Reconsideration (*Dispute related to recognition*)
 - 6.2.1 If the reconsideration request is denied, and the disputing party does not accept the decision, it then becomes a dispute.
 - 6.2.2 The disputing party may then file a dispute resolution request with the NEFAP Executive Committee Chair within thirty (30) days of the decision. The dispute resolution process (See Section 7.0) shall then be followed.

7.0 Dispute Resolution Procedure

- 7.1 Resolving Disputes
 - 7.1.1 Within thirty (30) calendar days of the filing of a dispute resolution request, the NEFAP Executive Committee Chair shall inform NEFAP Executive Committee and TNI Board for the need to name a TNI Review Panel.
 - 7.1.2 The Executive Committee of the TNI Board shall name a five (5) member Panel whose composition is representative of NEFAP stakeholders. At least one member from each of the defined NEFAP 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. One member of the Panel shall be a TNI Board member and shall serve as the Chairperson. The five members of the Review Panel must be TNI members. The TNI Board member shall serve as the chairperson of the Review Panel.
 - 7.1.3 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 Executive Committee of the TNI Executive Committee.

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- 7.1.4 The disputing party is notified of the members of the TNI Review Panel and has the right to request the removal of the person for cause.
- 7.1.5 The Review Panel shall carry out an independent review of all relevant parts of the record and request any Standard interpretations from the Field Activities Expert Committee if necessary.
- 7.1.6 The Review Panel shall conduct interviews with the disputing party, evaluation team, the NEFAP Executive Committee or other parties as needed to understand the dispute.
- 7.1.7 If the disputing body so desires, an opportunity shall be granted for both the NEFAP Executive Committee and the AB or the Evaluation Team or lead evaluator to meet jointly with the Review Panel.
- 7.1.8 The Review Panel shall complete its review and render a final recommendation to the NEFAP Executive Committee and TNI Board and all involved parties within ninety (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 sixty (60) additional calendar days.
- 7.1.9 The ultimate decision to grant, maintain, deny or revoke NEFAP recognition remains with the NEFAP Executive Committee. Within thirty (30) calendar days of receiving the Review Panel's recommendation, the NEFAP Executive Committee shall notify the disputing body of its decision regarding NEFAP recognition.
- 7.1.10 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 and the Review Panel chairperson shall maintain all correspondence for future reference. Upon completion of the Review Panel's effort, the Review Panel Chair and the NEFAP Executive Committee shall turn over their records 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 dispute or complaint must remain confidential.

9.0 References

None

10.0 SOP Approved Changes

Prev. SOP No.	New SOP No.	Date of Change	Description of Change
N/A	5-104 Rev 0	08/07/10	New Document.