**ASHRAE CERTIFICATION Complaint POLICY & PROCEDURE**

**Policy:**

The Certification Committee shall receive, evaluate and make decisions on complaints that relate to the certification activities for which it is responsible, including complaints against certified persons, in a constructive, impartial and timely manner that treats all parties fairly and equitably. The complaints-handling process shall include at least the following elements and methods:

a) an outline of the process for receiving, validating, investigating the complaint and deciding what actions are to be taken in response to it;

b) tracking and recording complaints, including actions undertaken in response to them;

c) ensuring that, if applicable, appropriate corrective and preventative actions are taken.

The complaints-handling process shall be publicly accessible without request. Only personnel not previously involved in the subject of the complaint may be engaged in the complaints-handling process.

The complaints-handling process shall be subject to requirements for confidentiality, as it relates to the complainant and to the subject of the complaint.

Definition of a Complaint: A Complaint is the expression of dissatisfaction, other than appeal, by any person or organization, limited to the activities of the Certification Committee, where an action is requested or expected as a result.

**Procedure:**

*Levels of Review*

There are three levels of review in the event a complaint is filed. The first is conducted by Certification management staff, the second by the Certification Committee and the third is by the Publishing and Education Council (PEC). This structure assures:

* Timely resolution,
* A review of the relevant facts,
* Independent evaluations of the materials presented.

*First Level of Review*

Complaints must initially be sent to Certification management staff who shall review the complaint to determine its validity. Complaints against certified professionals, however, must initially be referred to a second level of review. Valid complaints against certified persons may include the following circumstances:

* misrepresentation of eligibility criteria,
* a violation of the certification code of ethics,
* claims made regarding certification that are not within the scope of the certification,
* use of the certification in such a manner as to bring ASHRAE certification into disrepute,
* use of the certificate in a misleading manner.

A valid complaint meets the definition of a complaint and includes the following information:

a) The name, organization, address, telephone and email of the complainant,

b) Description of the certification activity against which the complaint is made,

c) Description of the complaint against the certification activity,

d) Description of the requested outcome with an explanation why the requested outcome is fair and equitable,

e) Any relevant supporting documentation.

If a complaint is not valid, Certification management staff will inform the complainant, in writing, and allow the complainant thirty (30) days to supply the missing information. If the required information is not submitted within that time, the complaint shall be closed.

Upon receipt of a valid complaint and any additional requested information, Certification management staff will investigate the circumstances and shall endeavor to resolve the complaint within 20 days per Certification Committee policies and procedures. The outcome of that investigation, including any corrective actions, shall be communicated in writing to the complainant.

Within thirty (30) days of receipt of the first level of review outcome, a Complainant unsatisfied with the outcome may pursue a second level of review.. In such cases, the Complainant must send a written request to ASHRAE that the complaint be referred to the Certification Committee. This request must set forth the basis for the requested second level of review. Only documentation evaluated in the first level of review initially will be considered at the second level of review.

*Second Level of Review*

Upon receipt of a second level of review complaint, the Certification Committee shall acknowledge receipt of the complaint and may, in its purview, request additional information from the complainant, who shall have thirty (30) days to supply the missing information. If the requested information is not submitted within that time, the complaint shall be closed.

Only documentation included for the first review and documentation requested by the Certification Committee in the second review will be considered.

If the complaint has been filed against a certified professional, the accused shall be notified of the full nature of the complaint with a request for a written response. Any response from the accused shall be submitted to the Certification Committee in writing within thirty (30) days of the date the accused is notified. Failure by the accused to respond within 30 days will not prohibit the Certification Committee from conducting its review. The Certification Committee may, in its purview, request additional information from the accused once a response has been received. In the case of such complaints, the Certification Committee shall provide the complainant with a progress report.

The decision on the review will be made by majority vote of the Certification Committee at a meeting held not more than 45 days after all necessary information is received.

All documentation will be reviewed and discussed by the Certification Committee before a decision is rendered. The decision rendered will determine the merits of the complaint and any consequences, and if applicable the Certification Committee will ensure appropriate corrections and corrective actions are taken. The decision rendered by the Certification Committee shall be sent to the complainant and any other interested parties within thirty (30) days after the Certification Committee meeting held for this purpose.

Once the review has been received, the complainant and any interested parties have the right to petition for a third level of review.

*The Third Level of Review*

After the Certification Committee has issued its decision, the complainant or accused can appeal the decision to the Publishing and Education Council (PEC). This request should be sent to the Chair of the PEC in the form of a written request for a third level of review, within 30 days of receipt of the decision on first review. This request must set forth the basis for the requested third level of review. Only documentation evaluated in the second level of review will be considered at the third level of review.

The third level of review will be decided by an appeals committee of three ASHRAE members who will be appointed by the Chair of the PEC from the members of the PEC. The Chair and Vice Chair of the Certification Committee are not eligible to serve on this committee. The members of this appeals committee will be given by the Chair of the PEC all documentation and information submitted for the second level of review, plus any and all documentation from ASHRAE relevant to its reasons for the decision in the first and second levels of review.

Once the request has been received, complainant and accused will both be notified in writing within 30 days that the request for a third level of review has been received and the date of the appeals committee meeting when the review shall be conducted.

The appeals committee will conduct the review and make a decision based on a majority. The decision of the appeals committee will be final and cannot be appealed further. The decision rendered by the appeals committee shall be sent to the complainant and accused within thirty (30) days.