



CERTIFICATION APPEALS HANDLING PROCESS

**For Individual Candidates seeking Certification
and
Qualified Individuals seeking Re-Certification**



INDIVIDUAL CERTIFICATION APPEALS HANDLING PROCESS

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CREST individual candidates seeking certification and qualified individuals seeking re-certification agree that:

- these procedures are a fair process for resolving certification complaints or appeal matters;
- they will be bound by decisions made pursuant to these procedures;
- these procedures do not constitute a contract between CREST and the individual candidate or qualified individual.

1. General Provisions

1.1 Principles of the Process

- 1.1.1 Complaints will be investigated competently, diligently and impartially and assessed fairly, consistently and promptly at both the initial and final stages.
- 1.1.2 CREST undertake that decisions communicated to the appellant (the individual candidate seeking certification or qualified individual seeking re-certification) will not be made by, reviewed by or approved by personnel previously involved in the subject of the appeal.
- 1.1.3 CREST aim to resolve appeals at the earliest opportunity and ensure appellants are kept informed of the progress of their appeal. It is expected that almost all appeals should have been substantively addressed within eight weeks.
- 1.1.4 CREST is directed, administered, and supervised by the CREST Executive. All challenges regarding actions of and by CREST are governed by the comprehensive and exclusive rules contained in these procedures. This appeal process is the only way to resolve CREST certification or recertification challenges, complaints, and/or claims of irregularities.
- 1.1.5 The impartiality of the CREST Executive and the CREST Assessors is assured through the inclusion of the CREST Impartiality Policy in the Consultancy Agreement which all Executive and Assessors are obliged to sign.
- 1.1.6 Because these informal procedures are not legal proceedings, they are designed to operate without the assistance of lawyers. While a party may choose to be represented by a lawyer, candidates and qualified individuals are encouraged to communicate directly with CREST. If a party has retained a lawyer, that lawyer will be directed to communicate with CREST through CREST Legal Counsel.

1.2 Participants

- 1.2.1 The CREST President, Assessors' Panel and the CREST Executive may be involved in deciding matters to be resolved or arising under these procedures.



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1.3 Time Requirements

- 1.3.1 CREST will make every effort to follow the time requirements noted in these appeal procedures. However, CREST's failure to meet a time requirement will not prohibit the consideration or final resolution of any matter arising under these procedures. CREST candidates or qualified individuals are required to comply with all time requirements specified in this document. Unless provided otherwise, time extensions or postponements may be granted by CREST if a timely, written request explaining a reasonable cause is submitted, consistent with these procedures.

1.4 Litigation/Other Proceedings

- 1.4.1 CREST may accept and resolve a dispute arising under these proceedings when civil or criminal litigation, or other proceedings related to the dispute are also before a court, regulatory agency, or professional body. CREST may also continue or delay the resolution of any appeal, complaint, or other matter.

1.5 Confidentiality

- 1.5.1 In order to protect the privacy of all parties involved in matters arising under these procedures, all material prepared by, or submitted to, CREST will be confidential. Disclosure of material prepared by, or submitted to, CREST is permitted only when specifically authorised by CREST policy, the CREST Executive, the CREST Assessors' Panel or the President.
- 1.5.2 Among other information, CREST will not consider the following materials and documents to be confidential:
- i. Published certification and eligibility criteria;
 - ii. Records and materials which are disclosed as the result of a legal requirement;
 - iii. Upon the written request of a candidate or qualified individual, any certification information concerning certification status or application materials which the candidate or qualified individual would like made available to other certification agencies, professional organisations, or similar bodies; and,
 - iv. All decisions and orders of the CREST Executive, the CREST Assessors' Panel or the President which are considered final and closed, consistent with these procedures.

1.6 Failure to Disclose / Improper, False or Misleading Representations

- 1.6.1 Where a candidate or qualified individual fails to disclose information related to certification or recertification requested by CREST, or where a candidate or qualified individual makes an improper, false, or misleading representation to CREST, the President, CREST Assessors' Panel or the CREST Executive, may invoke sanctions on the individual, and/or issue corrective action related to such failure or improper representation. CREST may temporarily or permanently prevent and bar an individual from being certified or recertified, or may issue any other appropriate directive(s).



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1.6.2 Where a sanction or other directive is issued by CREST under this Section, the candidate or qualified individual involved may seek review and appeal under these procedures.

1.7 Party Conduct/Failure to Co-operate

1.7.1 All parties must behave in a courteous and professional manner when communicating with CREST representatives. Where a candidate or qualified individual fails or refuses to co-operate fully with CREST concerning matters arising under, or related to, these procedures and it is determined that the lack of co-operation is without good cause, the President, CREST Assessors' Panel or the CREST Executive may invoke sanctions against the individual, and/or issue corrective action related to such failure to co-operate. CREST may temporarily or permanently prevent and bar an individual from being certified or recertified, or may issue any other appropriate directive(s).

1.7.2 Where a sanction or other directive is issued by CREST under this Section, the candidate or qualified individual involved may seek review and appeal under these procedures.

1.8 Professional Complaint Matters

1.8.1 Following notice and a reasonable opportunity to present a response, the President, CREST Assessors' Panel, or the CREST Executive may temporarily or permanently prevent an individual from being certified or recertified regardless of whether the professional license of the candidate or qualified individual was previously in good standing at the time of CREST decision or action.

1.8.2 Where a sanction or other directive is issued by CREST under this Section, the candidate or qualified individual involved may seek review and appeal under these procedures.

2. Actions and Decisions Concerning the Certification Process

2.1 Certification Application Actions

2.1.1 Under the supervision of the CREST Assessors' Panel, CREST will make one of the following determinations and decisions with regard to a candidate's application for CREST certification examination eligibility:

- i. accept the application;
- ii. request additional or supplemental information; or,
- iii. reject the application on the ground(s) that the candidate does not meet the relevant certification eligibility requirements, or the candidate has violated, or acted contrary to, a CREST policy or rule.



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2.2 Certification Examination(s) Actions

2.2.1 CREST will notify each candidate whether he/she has achieved a passing or failing score on the Certification Examination. Where a candidate acts contrary to CREST policies during the administration of any Certification Examination(s) or section, the candidate may be prevented from taking or completing the Examination(s), or other appropriate action may be issued.

2.3 Re-certification Application Actions

2.3.1 CREST will make one of the following decisions with regard to a qualified individual's Re-certification Application:

- i. grant re-certification;
- ii. conditionally accept the Re-certification Application, pending satisfactory completion of all re-certification requirements;
- iii. request additional information; or,
- iv. reject the application on the ground(s) that the qualified individual does not meet the necessary criteria for re-certification, or the qualified individual has violated, or acted contrary to, a CREST policy or rule.

3. Initial Request for Review/CREST President

3.1 Grounds for Initial Appeal (Request for Review)

3.1.1 A candidate or qualified individual may submit to the President an initial appeal (request for review) of an adverse CREST action or decision based on any of the following grounds:

- i. The candidate was found to be ineligible to take or complete the Certification Examination;
- ii. The candidate did not pass or successfully complete the Certification Examination; or,
- iii. The candidate or qualified individual failed to satisfy a certification or re-certification requirement, including those requirements related to qualifications, education, and experience, or was otherwise ineligible for certification or re-certification.

3.2 Content of a Request for Review

3.2.1 A candidate or qualified individual may submit a written request for review of an adverse certification-related action or decision by notifying the President in writing. The candidate or qualified individual must state and explain in detail the nature of the request and the specific facts and circumstances supporting the request, including all reasons why the action or decision should be changed or modified. The candidate or qualified individual must also provide accurate copies of all supporting documents.



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3.3 Time Period for Submitting Request for Review

3.3.1 In order for a request for review to be considered by the President, the written request must be received by CREST within thirty (30) days of the date of the adverse action.

3.4 President's Actions

3.4.1 Upon receipt, all requests for review will be considered informally by the President or other authorised CREST representative. Following review of the candidate's or qualified individual's request for review, the President will acknowledge receipt of the request within thirty (30) days, and may take the following actions:

- i. Informal Resolution - The President will resolve and decide the matter based on the record, including relevant and credible information presented by the candidate or qualified individual. The informal resolution will include the findings of the President and a summary of the relevant facts upon which the decision is based and may uphold or modify the adverse action or decision, or indicate other appropriate action. The President will issue the informal resolution within thirty (30) days of receipt of the request, or as soon thereafter as is practical; or,
- ii. Referral of Request - The President will refer the matter to the CREST Assessors' Panel for resolution as an appeal. The President will provide the CREST Assessors' Panel with all relevant materials, including the documents and materials submitted by the candidate or qualified individual.

4. Appeal / CREST Assessors' Panel

4.1 CREST Assessors' Panel.

4.1.1 At least three (3) of the CREST Assessors will be appointed to serve as the CREST Assessors' Panel to resolve appeals or referred matters.

4.1.2 Subject to the limitations set forth in these procedures, the CREST Assessors' Panel will hear and resolve a first appeal where:

- i. the matter has been referred by the President; or,
- ii. a candidate or qualified individual is dissatisfied with the final informal review and action of the President, and requests an appeal consistent with these procedures.

4.2 Grounds for Appeal

4.2.1 In order for an appeal to be considered by the CREST Assessors' Panel, the appeal submission must contain substantial information supporting at least one of the following grounds:



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- i. The candidate's eligibility to sit for the Certification Examination(s), or other eligibility for certification, was denied incorrectly;
- ii. The candidate's Certification Examination(s) was scored incorrectly, or was not credited with an appropriate response to particular questions, and as a direct result of the incorrect scoring the candidate is entitled to receive a passing score on the examination(s);
- iii. The candidate was barred or otherwise prohibited incorrectly from taking the Certification Examination(s) or from becoming certified; or,
- iv. The qualified individual's Re-certification Application was incorrectly rejected under the relevant re-certification standards, and the qualified individual would have qualified for re-certification if the correct standards had been applied, or the qualified individual was otherwise incorrectly found ineligible for re-certification.

4.3 Content of Appeal

4.3.1 In order for an appeal to be considered by the CREST Assessors' Panel, the appeal submission must contain the following information:

- i. The identity and signature of the candidate or qualified individual submitting the appeal;
- ii. A detailed explanation of the reasons and basis for the appeal, as defined and limited by Section 4.2, above
- iii. All objections, corrections, and factual information the candidate or qualified individual believes to be relevant to the appeal;
- iv. The names, addresses, telephone numbers and email addresses, if available, of any persons with factual information relevant to the appeal and a clear description of the factual information available from these persons; and,
- v. Copies of any and all relevant documents, exhibits, or other information the candidate or qualified individual wants to submit in support of the appeal.

4.4 Time Period for Submitting Appeal

4.4.1 A candidate or qualified individual seeking to present an appeal must submit a written, signed appeal, consistent with the requirements of these procedures, to the CREST Assessors' Panel within thirty (30) days of the date of the final action and decision of the President.

4.4.2 Upon written request by the candidate or qualified individual received at least ten (10) days prior to the appeal deadline, the CREST Assessors' Panel Chair may, in his or her discretion, extend the time period for filing the appeal. Denials of time extension requests are not subject to appeal. Appeals received beyond given time periods will not be reviewed or considered by the CREST Assessors' Panel, except upon a written request showing good cause, as determined by the CREST Assessors' Panel.



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4.5 Appeal Deficiencies

- 4.5.1 The CREST Assessors' Panel Chair may require the candidate or qualified individual to clarify, supplement, or amend an appeal submission.

4.6 Appeal Rejection

- 4.6.1 If the CREST Assessors' Panel Chair determines that an appeal does not meet the appeal requirements or otherwise warrant further formal review, consistent with the requirements set forth in these procedures, the appeal will be rejected. The CREST Assessors' Panel Chair will notify the candidate or qualified individual of the rejection, as well as the reason(s) for the rejection, by letter within twenty-one (21) days of the determination. Appeal rejection determinations are not subject to appeal.

4.7 Appeal Hearing Requests

- 4.7.1 In the first appeal submission, the candidate or qualified individual may request to participate in the informal hearing. In the event that the candidate or qualified individual does not request to participate in the hearing, the appeal will be resolved and decided based on the appropriate written record, as determined by the CREST Assessors' Panel.

4.8 Scheduling of Appeal Hearing

- 4.8.1 Within forty-five (45) days of receipt of a complete and proper written appeal, the CREST Assessors' Panel will schedule a hearing date and time for appeal consideration, generally not later than one-hundred twenty (120) days after receipt of the appeal, and will notify the candidate or qualified individual of the hearing date and time. Where the candidate or qualified individual has requested participation in the hearing, the candidate or qualified individual may be required to provide additional information concerning hearing presentation requirements prior to the hearing date. The CREST Assessors' Panel will conduct an informal hearing designed to review and consider all of the available proof and information, including the record of the initial request for review and the materials submitted by the candidate or qualified individual.

4.9 Decision of the CREST Assessors' Panel

- 4.9.1 The CREST Assessors' Panel will resolve and decide the appeal based on the record, including relevant and credible information presented by the candidate or qualified individual, CREST policies, and, if applicable, the action or decision of the President. The CREST Assessors' Panel decision will include the Panel's findings and a summary of the relevant facts upon which the decision is based and may uphold or modify the decision of the President, or indicate other appropriate action. The CREST Assessors' Panel will issue the decision within thirty (30) days of the end of the appeal review, or as soon thereafter as is practical.



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5. Final Appeal / CREST Executive

5.1 CREST Executive

5.1.1 The CREST Executive, or a panel of three (3) or more Executive members designated to represent the CREST Executive, will resolve each final appeal. Subject to the limitations set forth in these procedures, the CREST Executive will hear and resolve a final appeal where a candidate or qualified individual is dissatisfied with the CREST Assessors' Panel decision and submits an appropriate appeal consistent with these procedures.

5.2 Grounds for Final Appeal

5.2.1 In order for an appeal to be considered by the CREST Executive, the appeal submission must contain substantial information supporting at least one of the following grounds. The grounds upon which a final appeal may be based are strictly limited to the following:

- i. Procedural Error - The CREST Assessors' Panel decision misapplied a procedural rule contained in these rules and the rule misapplication significantly prejudiced the candidate or qualified individual with respect to the outcome of the appeal decision;
- ii. New or Previously Undiscovered Information - Following the issuance of the CREST Assessors' Panel decision, the candidate or qualified individual located relevant information and facts that were not previously available and that would have significantly affected the outcome of the CREST Assessors' Panel decision in the candidate's or qualified individual's favour;
- iii. Misapplication of Certification Standards - The CREST Assessors' Panel decision misapplied the relevant certification or re-certification standards and the misapplication significantly prejudiced the candidate or qualified individual and the outcome of the appeal decision; or,
- iv. Contrary to the Information Presented - The CREST Assessors' Panel decision clearly is contrary to the most substantial information in the record.

5.2.2 With respect to the grounds listed in Sections 5.2.1i. and 5.2.1iii., above, the CREST Executive will consider only arguments that were previously presented to the CREST Assessors' Panel.

5.3 Contents of Final Appeal

5.3.1 In order for an appeal to be considered by the CREST Executive, the appeal submission must contain the following information:



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- i. The identity and signature of the candidate or qualified individual submitting the appeal;
- ii. A detailed explanation of the reasons and basis for the appeal, as defined and limited by Section 5.1, above;
- iii. All objections, corrections and factual information the candidate or qualified individual believes to be relevant to the appeal, including all documents and exhibits in support of the appeal;
- iv. The names, addresses, and telephone numbers of any persons not previously identified with factual information relevant to the appeal and a clear description of the factual information available from these persons; and,
- v. Copies of any and all relevant documents, exhibits, or other information the candidate or qualified individual wants to submit in support of the appeal.

5.4 Time Period for Submitting Final Appeal

- 5.4.1 A candidate or qualified individual seeking to present a final appeal must submit a written, signed appeal, consistent with the requirements of these procedures, to the CREST Executive within thirty (30) days of the date of the CREST Assessors' Panel decision. Upon written request by the candidate or qualified individual received at least ten (10) days prior to the appeal deadline, the CREST President or authorised Executive representative may, in his or her discretion, extend the time period for filing the appeal. Denials of time extension requests are not subject to appeal. Appeals received beyond given time periods will not be reviewed or considered by the CREST Executive except upon a written request showing good cause as determined by the CREST Executive.

5.5 Final Appeal Deficiencies

- 5.5.1 The President or authorised Executive representative may require the candidate or qualified individual to clarify, supplement, or amend an appeal submission.

5.6 Final Appeal Rejection

- 5.6.1 If the President or authorised Executive representative determines that an appeal does not meet the final appeal requirements or otherwise warrant further formal review, consistent with the requirements set forth in these procedures, the appeal will be rejected. The President or authorised Executive representative will notify the candidate or qualified individual of the rejection, as well as the reason(s) for the rejection, by letter within approximately twenty-one (21) days of the determination. Appeal rejection determinations are not subject to appeal.



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5.7 Scheduling of Final Appeal Hearing

5.7.1 Within sixty (60) days of receipt of a complete and proper written appeal, the CREST Executive will schedule a hearing date for appeal consideration, generally not later than the next or second regularly scheduled Executive meeting, and will notify the candidate or qualified individual of the date. The CREST Executive will conduct an informal hearing designed to review and consider all of the available proof and information, including the record of the first appeal and the materials submitted by the candidate or qualified individual.

5.8 Final Appeal Decision of the CREST Executive

5.8.1 The CREST Executive will resolve and decide the appeal based on the record, including relevant and credible information presented by the candidate or qualified individual, CREST policies and the action or decision of the CREST Assessors' Panel. The Final Appeal Decision will include the findings of the CREST Executive and a summary of the relevant facts upon which the decision is based and may uphold or modify the decision of the CREST Assessors' Panel or indicate other appropriate action. The CREST Executive will issue the Final Appeal Decision within thirty (30) days of the end of the appeal review, or as soon thereafter as is practical.

6. Finalising and Closing Appeals

6.1 Conditions for Closing the Appeal

- 6.1.1 An appeal will be closed, and all proceedings ended, when any of the following occurs:
- i. An appeal has been resolved and decided by the President, the CREST Assessors' Panel or the CREST Executive and the allowable time period for the filing of an appeal under these procedures and rules has passed or lapsed; or,
 - ii. The appeal has been withdrawn or terminated by the candidate or qualified individual.

7. Communication with Other Parties

7.1. CREST has an agreement with other parties to share, with the approval of the candidate or qualified individual, information regarding the passing of or failure of CREST examinations that link into other schemes. Where appropriate and with the full knowledge of the individual concerned, information regarding the position of the appeal will be shared on a need to know basis.