

## **Appeal Policy for Certification Determination**

### **Purpose and Scope**

This Procedure establishes the process for submitting and resolving *Appeals* submitted by *Participants* or *Applicants* that have been notified of a *Determination* by the American Institute of Steel Construction (“AISC”) Certification Program (the “Program”). Investigations and

2. ARB Review and Action: The *ARB* will make an administrative review of all information provided by the participant and the AISC Certification Program. Additional information may then be obtained through either the utilization of an ombudsmen or a special audit.

The audit team will consist of an auditor that has not audited the participant within the past three years and an independent observer selected by the *ARB*. The participant will be notified of the audit team and may reject either of the initial appointees. Replacement appointees are not subject to *Participant* rejection. Established audit protocol will be followed and the onsite audit team will prepare and submit a written report of its audit findings to the *ARB* within five business days of the audit.

The cost of the special audit must be prepaid by the participant.

### **Certification Status**

The original certification status will be restored during the *Appeal* process, provided that the *Participant* cooperates in a timely manner with all requirements of the appeal process.

### **Determination**

The *ARB* will notify the Participant of its findings and determination within twenty business (20) days after receipt of the special audit findings. This determination will also be copied to the AISC Chair and Certification Department oversight for information purposes.

### **Arbitration**

In the event that the *Participant or Applicant* wishes to challenge the results made in connection with this procedure, the matter will be submitted to a mutually acceptable, independent arbitrator for a final and binding decision. This binding arbitration will be the sole and exclusive remedy of the parties. The *Participant or Applicant* must direct a written notice of challenge and request for arbitration to the President of AISC within 14 days of receipt of the Determination. If such notice is not received within this time limit, the results of the Determination will become final and not subject to further appeal or formal dispute resolution of any kind. If a timely request for challenge and request for arbitration has not been filed and the results of the appeal include suspension of the *Participant's* certification, the *Participant* may reapply for certification in accordance with the normal application process.

If a timely challenge and request for arbitration is filed, neither party shall unreasonably withhold or delay acceptance and appointment of the arbitrator or administration of the arbitration process. The arbitrator will be selected from among a list of not less than three independent persons who are familiar with *Participant's* industry operations. An initial list of potential arbitrators will be prepared and presented to the *Participant* by the *ARB*. The *Participant* may also suggest potential arbitrators to the *ARB*.

The arbitration will be administered by the American Arbitration Association and the arbitrator will follow the Construction Industry Arbitration Rules of the American Arbitration Association. Any dispute between the parties related to selection of an arbitrator or administration of the arbitration will be submitted to the American Arbitration Association for resolution; and any

decision of the American Arbitration Association on these matters will be final and binding upon the parties. The American Institute of Steel Construction, its Program auditor, and the *Participant* agree that arbitration under this procedure will be the sole, exclusive, and binding remedy for resolution of any dispute arising under or as a result of the AISC Certification Program, the audit and certification processes, or this Appeal Policy for Certification Determination.

The Arbitrator may either: 1) Affirm the Determination of the Executive Committee, or 2) Reverse the Determination of the Executive Committee. The decision of the Arbitrator will be final and enforceable as a judgment in a court of competent jurisdiction, and shall constitute sufficient basis for issuance of injunctive relief. All fees and expenses of the arbitrator will be shared equally by AISC and the *Participant*. Any other costs incurred by any party to the dispute will be borne by that party.

