

Appeals Procedures

For Members of the
Academy of Nutrition and Dietetics,
Credentialed Practitioners of the
Commission on Dietetic Registration (CDR),
Applicants for Academy Membership or
CDR Registration/Certification and
CDR Continuing Professional Education
Accredited Providers

ACADEMY OF NUTRITION AND DIETETICS
COMMISSION ON DIETETIC REGISTRATION

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Nutrition and Dietetics,
CDR Credentialed Dietetics Practitioners, and Applicants for Academy
Membership or CDR Registration

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I. Introduction

This document sets forth the procedure by which members of the Academy of Nutrition and Dietetics (Academy), practitioners credentialed by the Commission on Dietetic Registration (CDR), applicants for Academy membership or CDR registration/certification and CDR Continuing Professional Education Accredited Providers who are the subject of an action or decision by the Academy or CDR that affects their membership or registration/certification or accreditation status (“appellants”) may appeal the adverse action or decision. This process shall not apply to matters for which separate procedures have been adopted, such as ethics violations and removal of officers; to actions affecting broad classes of members, registrants or applicants that are taken or approved by the governing bodies of the Academy or CDR; or to matters of membership eligibility within the exclusive responsibility of the Member Services Advisory Committee (MSAC) and registration eligibility requirements established by CDR.

II. Appeals Process

The process set forth below shall be followed for the appeal of any Academy or CDR decision that is eligible to be appealed:

A. Limitations on Subject of Appeal

An appellant may appeal decisions of the Academy or CDR that falls within the following terms and elsewhere in this Procedure.

1. Examination specific appeals that can be considered are:
 - a. being deemed ineligible to take an exam,
 - b. test site issue resulting in an unsuccessful result,
 - c. rescheduling of an exam by the testing vendor,
 - d. medical or personal emergency, or
 - e. denial of a recertification application.

2. Appeals regarding the following will not be accepted:
 - f. the receipt of a failing score on a CDR examination,
 - g. the examination or other measurement tool or individual test items, or
 - h. test content validity.

B. Deadlines

Where these procedures require the appellant in the course of the appeal to file appeals or related materials within a specific time period, the body hearing the appeal shall have the authority to extend the deadlines or to accept submissions beyond the deadline in the interests of fairness and justice.

C. Appeals of Academy Decisions

Within thirty (30) calendar days after receiving a final adverse decision in writing from the Academy or CDR, an appellant wishing to appeal the decision must file an initial written appeal by sending to the appropriate Academy staff a statement setting forth the basis for the appeal and any supporting documentation. If the appeal does not contain all the information required for consideration of the appeal, it will be returned to the appellant, who will be given twenty-one (21) calendar days to resubmit it. Failure to furnish the required information within twenty-one (21) calendar days will result in the dismissal of the final appeal. Once all the necessary information

is submitted, the Academy staff will forward the appeal to the Academy Vice President with responsibility for the subject matter involved in the appeal. The Vice President, in consultation with the staff and Academy General Counsel, shall have the authority to grant or deny the redress sought by the appellant.

1. After reviewing the initial appeal, the Academy Vice President to whom the appeal is directed will issue a decision in writing to the appellant as soon as practicable.
2. If this decision fails to grant the redress sought by the appellant, the appellant may file a final appeal with the Final Academy Appeals Review Committee. (Section III)

D. Appeals of CDR Decisions

1. First Level Appeal

Within thirty (30) calendar days after receiving an adverse decision in writing from CDR regarding an appellant's registration, continuing education credits, or other appealable subject matter, the appellant wishing to appeal the decision must file an initial written appeal by sending to the Senior Director of CDR (the "Director"), within thirty (30) calendar days after notification of the decision, a statement setting forth the basis for the appeal, any supporting documentation, and an Appeal Review Fee in the amount of \$20.00. If the appeal does not contain all information required for consideration of the appeal, or the requisite fee, it will be returned to the appellant, who will be given twenty-one (21) calendar days to resubmit it. Failure to furnish the required information within twenty-one (21) calendar days will result in the dismissal of the appeal. Once the appeal has been properly submitted, the Director will refer the matter to the Chair of the CDR Appeals Panel, who will consider the appeal at its next regularly scheduled meeting.

- a. The Chair of the CDR Appeals Panel shall be appointed by the Chair of CDR to serve a one-year term. The Appeals Panel Chair shall in turn appoint no fewer than five (5) persons, who shall be registered dietitians or dietetic technicians registered, to serve a one-year term. The Panel will meet monthly to consider appeals petitions.
 - b. The Director will notify the appellant of the decision of the CDR Appeals Panel within fifteen (15) calendar days after the decision. Notification of the decision will be sent by a secured delivery service that will reliably document receipt of the materials.
- ##### 2. Second Level Appeal
- An appellant whose appeal to the CDR Appeals Panel has been denied in whole or part may appeal the decision to the entire Commission on Dietetic Registration (CDR). To do so, the appellant may send a further written appeal and the basis for such an appeal, along with an additional \$20.00 Appeal Review Fee, to the Director within thirty (30) calendar days after receiving notification of the decision. If the appeal does not contain all information required for consideration of the appeal, or the requisite fee, it will be returned to the appellant, who will be given twenty-one (21) calendar days to resubmit it. Failure to furnish the required information within twenty-one (21) calendar days will result in the dismissal of the appeal. Once the appeal has been properly submitted, the Director will refer the matter to the Chair of the Commission for a hearing at the next regularly scheduled meeting of the Commission.

- a. The Director will notify the appellant of the decision of the Commission as soon as practicable after the decision by the Commission. The notification will be sent by certified mail, return receipt requested, or by a delivery service that will reliably document receipt of the materials
- b. The appellant may appeal the decision by the Commission by initiating a final appeal with the Final Academy Appeals Review Committee in accordance with the terms of Section III, below.

III. Academy Appeals Review Committee

A. Final Academy Appeals Review Committee (FAARC)

There shall be one final review committee, which shall be named and constituted as follows:
Final Academy Appeals Review Committee.

As noted in Section III. C below, the Final Academy Appeals Review Committee (FAARC) shall consider final appeals of actions or decisions by the Academy or CDR after the initial appeals procedures described in Section II.C. have been exhausted.

B. Committee Composition

1. The Academy President and CDR Chair will jointly appoint the FAARC, consisting of a Chair and two additional members, no later than the first occasion each fiscal year when an appeal is brought to the Committee. The FAARC Chair will be appointed by the Academy President and CDR Chair. The FAARC, once appointed, shall consider to conclusion all appeals brought before it during the fiscal year. The members of the Committee shall consist of the immediate past president of the Academy who is also a registered dietitian (RD), a former CDR commissioner who is also an RD, and a former Academy board member who is not an RD; i.e., allied health professional who is not directly involved in the practice of nutrition and dietetics, has no relationship with a CDR-credentialed individual that would influence his or her judgment, and has not within the past five years worked for or provided contract services to a certification organization. None of these Committee members shall have any prior involvement with the appeals cases.
2. The following individuals are ineligible to serve on the FAARC: current members of the Commission on Dietetic Registration; current members of the Accreditation Council for Education in Nutrition and Dietetics; current members of the Board of Directors of the Academy or the Academy Foundation who are also members of the Academy; employees of the Academy; and anyone who may be unable to render a fair and reasonable opinion or otherwise have an actual or perceived conflict of interest as determined either by the Chair of CDR or the President of the Academy.

C. Responsibilities

1. The FAARC shall serve as the final decision-making body for appeals of decisions by the Academy that affect appellant members or applicants for membership, and shall thus have

its jurisdiction limited to Academy decisions regarding membership and related subject matter that affect the appellant;

2. The FAARC shall serve as the final decision-making body for appeals of decisions by CDR that affect appellant members, registrants, or applicants for registration, and shall thus have its jurisdiction limited to CDR decisions regarding registration, certification, continuing education credits, and similar decisions that affect the appellant;
3. Determine whether appeals fall under the jurisdiction of the FAARC;
4. Arrange for and conduct hearings when it determines that they are necessary; and
5. Notify the appellant of the decision of the FAARC.

D. Filing a Final Appeal

To file a final appeal with the FAARC an appellant shall submit a final appeal to the Chief Executive Officer of the Academy in Chicago (120 S. Riverside Plaza, Suite 2190, Chicago, IL 60606), by certified mail, return receipt requested, or by a delivery service that will reliably document receipt of the materials. This appeal must be received within thirty (30) calendar days after receipt of the written notification of the decision by the Academy or by the Commission.

1. A final appeal shall be in writing and shall contain, at a minimum, the following information:
 - a. the decision being appealed;
 - b. the date of the decision;
 - c. why the appellant feels the decision is improper; and
 - d. the redress sought by the appellant.

If the appeal does not contain the information listed above, it will be returned to the appellant, who will be given twenty-one (21) calendar days to resubmit it. Failure to furnish the required information within twenty-one (21) calendar days will result in the dismissal of the final appeal.

E. Action by the FAARC

1. Upon receipt of the final appeal with the required information, the Academy Executive Office staff shall promptly notify the Vice President, Member Services (VPMS) and the Executive Director of CDR that the appellant is appealing a decision made by the Academy or the Commission.
2. The VPMS shall work with the Academy President and CDR Chair to appoint the FAARC if FAARC has not been appointed for the current fiscal year.
3. The Chair of the FAARC shall acknowledge the final appeal via two day delivery service and ask the staff of the appropriate unit for all relevant written information relating to the case on appeal.
4. The Chair of the FAARC, having provided the members of the FAARC with copies of the final appeal and all relevant materials, shall convene a meeting of the Committee, either in

person or via teleconference or conference call, as soon as practicable. The Academy's General Counsel will serve as an ex-officio member of both final review committees and shall provide such assistance as may be required.

5. The FAARC at its meeting may decide to (a) dismiss the appeal, (b) remand the appeal to the body whose decision is the subject of the appeal with instructions to reverse its decision, or (c) determine that a hearing is necessary in order to fully consider the facts of the appeal. Any hearing shall be held in Chicago as soon as practicable and Academy staff shall make all arrangements for the hearing after discussion with the FAARC Chair.
6. Should a hearing be convened, the FAARC shall adopt procedures for the hearing which shall provide the appellant with the opportunity to testify; to present witnesses and evidence; to cross-examine adverse witnesses, if any; and to have legal counsel present. Legal counsel may advise his/her clients, but may only participate in the hearings with the permission of the Chair. Any participant in the hearing, including the appellant, shall be given the option of appearing via video conference, teleconference or conference call in order to defray expenses. The hearing shall be the final opportunity for the participants to present their positions.
7. When the FAARC has reached a decision, whether with or without the necessity of a hearing, the Chair of the Committee shall notify the appellant in writing of the decision as soon as practicable and provide copies to the appropriate persons within the Academy and/or CDR.
8. There shall be no change in the appellant's status during the time the final review committee is considering the case.
9. By participating in the appeals process, appellants agree that they will bring no action against the Academy of Nutrition and Dietetics, the Commission on Dietetic Registration, any Academy or CDR body, member, officer, director, volunteer, agent, or employee based on their participation in the appeal or their decision.

IV. Costs of the Appeal

Expenses involved in the appeal shall be borne as follows:

- A. All fees required at each stage of this process --- Appellant.
- B. Expenses of the FAARC members in the event of an in-person meeting or a hearing (includes travel, lodging, and subsistence)—the Academy of Nutrition and Dietetics.
- C. Expenses of appellant and appellant's representatives—Appellant.
- D. Expenses of any Academy representative other than the FAARC members—the Academy of Nutrition and Dietetics.
- E. Expenses of meeting rooms, video conference and teleconference---the Academy of Nutrition and Dietetics.