

Excerpt from the “**ITE PROCEDURES FOR THE DEVELOPMENT OF STANDARDS**”

Step 12. Intent to Consider Final Adoption Announced

Following approval by the Standards Review Panel, ITE Headquarters will arrange for publication of a notice of the Institute’s intent to consider final adoption of the standard. The notice will contain at least a summary of the proposed standard, type of action proposed, how to obtain or purchase a full copy of the standard, and how to file an appeal. The notice will be distributed to the registrants list, published on the ITE internet website, and transmitted to other appropriate parties and publications. The notice may also be published in the ITE Journal and newsletters of appropriate Councils. An appeal period of at least 30 days shall be provided. ITE Headquarters shall also provide to any party that had submitted comments information on how the comment was addressed and the corresponding reason(s).

If one or more appeals are received, ITE Headquarters shall initiate actions described in Step 13. If no appeals are received, ITE Headquarters shall proceed to Step 14.

Step 13. Appeals

The ITE standards appeals process is adapted from the Procedures for the Development and Coordination of American National Standards of the American National Standards Institute (ANSI).

A. Filing an Appeal

Parties that have directly and materially affected interests and that have been or will be adversely affected by an ITE standard shall have the right to appeal substantive or procedural actions or inactions of the committee or ITE. The appellant shall file a written complaint with ITE Headquarters within the 30 day appeal period or at any time with respect to inaction. The complaint shall state the nature of the objection(s) including any adverse effects, the step(s) of these procedures or the standard that are at issue, and the specific remedial action(s) that would satisfy the appellant’s concerns. Previous efforts to resolve the objection(s) and the outcome of each shall be noted.

B. Response

ITE Headquarters will work with the committee chair to develop a response. Within 30 days after receipt of the complaint, ITE Headquarters shall respond in writing to the appellant, specifically addressing each allegation of fact in the complaint to the extent possible.

C. Hearing and Appeals Panel

If the complaint is not able to be resolved informally in a manner consistent with these procedures, ITE Headquarters shall schedule a hearing with an Appeals Panel on a date agreeable to all participants, giving at least ten working days notice. The Appeals Panel shall consist of three individuals appointed by the ITE International President who have not been directly involved in the matter in dispute, and who will not be materially or

directly affected by any decision made or to be made in the dispute. At least two members of the Appeals Panel shall be acceptable to the appellant and at least two members shall be acceptable to the committee chair.

At the hearing, the appellant has the burden of demonstrating adverse effects, improper actions or inactions, and the efficacy of the requested remedial action. The committee chair or committee representative has the burden of demonstrating that the committee and ITE Headquarters took all actions in compliance with these procedures and that the requested remedial action would be ineffective or detrimental. Each party may raise other pertinent arguments, and members of the Appeals Panel may address questions to individuals. Robert's Rules of Order (latest edition) shall apply to questions of parliamentary procedure for the hearing not covered herein.

D. Decision

The Appeals Panel shall render its decision in writing within thirty days following the close of the hearing, stating findings of fact and conclusions, with reasons, based on a preponderance of the evidence. Consideration may be given to the following positions, among others, in formulating the decision:

- Finding for the appellant, remanding the action to the committee or ITE Headquarters with a specific statement of the issues and facts in regard to which fair and equitable action was not taken,
- Finding for the respondent, with a specific statement of the facts that demonstrate fair and equitable treatment of the appellant and the appellant's objections,
- Finding that new, substantive evidence has been introduced, and remanding the entire action to the committee or ITE Headquarters for appropriate consideration.