
Certification Appeals and Complaints Procedure



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(CPESH and CAESH)

A. Introduction.

The Board for Global EHS Credentialing, Inc. (BGC), is a private, non-profit, professional credentialing organization that sponsors the development, maintenance, evaluation, promotion, and administration of a rigorous, practice-related, examination-based, certification program in the field of environmental, health and safety (EHS). The purpose and goal of the BGC is to assess and measure objectively the professional knowledge and understanding of practitioners engaged in EHS professions. The BGC shall promote the advancement of EHS practice by identifying to professionals and the public those EHS professionals who have voluntarily sought and obtained certification as a Certified Industrial Hygienist (CIH), Qualified Environmental Professional (QEP), Certified Professional Product Steward (CPPS), Certified Professional Environmental Auditor (CPEA), Certified Process Safety Auditor (CPSA), Certified Associate Industrial Hygienist (CAIH), Environmental Professional In-Training (EPI), Certified Professional in Environment, Safety, and Health (CPESH), and Certified Associate in Environment, Safety, and Health (CAESH).

In order to become certified as a CIH, QEP, CPPS, CPEA, CPSA, CAIH, EPI, CPEA, or CAESH each applicant must satisfy all educational, practice, and other eligibility and credential requirements established by the BGC Board of Directors and must pass all components of the examination process. In addition, all individuals certified by the BGC must demonstrate an ongoing professional commitment to the EHS field.

BGC certification requirements and eligibility standards are applied fairly, impartially and consistent with applicable laws. BGC will not discriminate against any applicant, examinee, certificant or former certificant seeking reactivation on the basis of an unlawful reason, and will grant certification without regard to an applicant's, examinee's, certificant's or former certificant's membership or non-membership in any organization, association or other group.

BGC applicants, examinees, certificants, former certificants, or complainants seeking certification or recertification agree that: these procedures are a fair process for resolving all certification complaint or appeal matters; they will be bound by decisions made pursuant to these procedures; these procedures are governed by the principles of the laws of the State of Michigan; and, these procedures do not constitute a contract

between the BGC and the applicant, examinee, certificant, former certificant, or complainant.

B. General Provisions.

- 1. Nature of the Process.** The BGC Certification Program is directed, administered and supervised by the BGC Board of Directors. All challenges or complaints regarding actions of and by the Certification Program are governed by the comprehensive and exclusive rules contained in these procedures. This appeal process is the only way to resolve all Certification Program application, eligibility, examination and other certification or recertification challenges, complaints and/or claims of irregularities.

Because these informal procedures are not legal proceedings, they are designed to operate without the assistance of attorneys. While a party may choose to be represented by an attorney, applicants, examinees, certificants and former certificants are encouraged to communicate directly with the BGC Certification Program. If a party has retained an attorney, that attorney will be directed to communicate with the Certification Program through the BGC Legal Counsel.

All complaints and appeals received will be logged by BGC staff and available on the F: drive for review and will be updated throughout the entire appeals/complaint process. The complaint/appeal log will also include all information regarding communication with the complainant, as well as any corrective actions taken by BGC.

- 2. Participants.** The Chief Executive Officer, the Certification Appeals Committee, the BGC Board of Directors and any other authorized representative of the BGC may be involved in deciding matters to be resolved or otherwise arising under these procedures.
- 3. Time Requirements.** BGC will make every effort to follow the time requirements noted in these appeal procedures. However, BGC's failure to meet a time requirement will not prohibit the handling or final resolution of any matter arising under these procedures. BGC Certification Program applicants, examinees, certificants, former certificants, or complainants are required to comply with all time requirements specified in this document. Unless provided otherwise, time extensions or postponements may be granted by the BGC if a timely, written request explaining a reasonable cause is submitted.
- 4. Litigation/Other Proceedings.** BGC 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. BGC may also continue or delay the resolution of any appeal, complaint or other matter.

5. **Confidentiality.** In order to protect the privacy of all parties involved in matters arising under these procedures, all material prepared by, or submitted to, BGC will be confidential. Disclosure of material prepared by, or submitted to, BGC is permitted only when specifically authorized by BGC policy, the Board of Directors, the Certification Appeals Committee or the Chief Executive Officer.

Among other information, BGC will not consider the following materials and documents to be confidential:

- a. Published certification and eligibility criteria;
 - b. Records and materials which are disclosed as the result of a legal requirement;
 - c. Upon the written request of an applicant, examinee, certificant or former certificant, any certification information concerning certification status or application materials which the applicant, examinee, certificant or former certificant would like made available to other credentialing agencies, professional organizations or similar bodies; and,
 - d. All final published decisions and orders of the Board of Directors, the Certification Appeals Committee or the Chief Executive Officer.
6. **Failure to Disclose/Improper, False, or Misleading Representations.** The Chief Executive Officer, at the direction of the Board of Directors, may temporarily or permanently prevent and bar an individual from being certified, recertified, or reactivated, or may issue any other appropriate directive(s), where a BGC applicant, examinee, certificant, former certificant, or complainant fails to disclose information related to certification or recertification requested by BGC, or where the applicant, examinee, certificant, former certificant, or complainant makes an improper, false or misleading representation to BGC.

Where a penalty, discipline, order or other directive is issued by the Chief Executive Officer under this Section, the applicant, examinee, certificant or former certificant involved may seek review and appeal under these procedures.

7. **Failure to Cooperate.** Where an applicant, examinee, certificant, former certificant, or complainant fails or refuses to cooperate fully with BGC concerning matters arising under, or related to, these procedures, and it is determined that the lack of cooperation is without good cause, the Chief Executive Officer, Certification Appeals Committee or Board of Directors may

penalize or discipline the individual. Among other penalties or disciplines, the Board may temporarily or permanently prevent and bar an individual from being certified, recertified, or reactivated, or may issue any other appropriate directive(s).

Where a penalty, discipline, order or other directive is issued by BGC under this Section, the applicant, examinee, certificant, former certificant, or complainant involved may seek review and appeal under these procedures.

- 8. Professional Complaint Matters.** Following notice, and a reasonable opportunity to present a response to the Board of Directors, the Chief Executive Officer, at the direction of the Board of Directors, may temporarily or permanently prevent an individual from being certified or recertified or may issue any other appropriate directive(s), where: the applicant, examinee, certificant, former certificant, or complainant has been the subject of any complaint or similar matter relating to his/her professional activities in industrial hygiene, Environmental, Product Stewardship or EHS Auditing; or, the applicant, examinee, certificant or former certificant is the subject of matters or proceedings involving criminal charges, lesser offenses, or similar matters. BGC may take such action regardless of when the alleged violation occurred.

Where a penalty, discipline, order or other directive is issued by BGC under this Section, the applicant, examinee, certificant, former certificant, or complainant involved may seek review and appeal under these procedures.

C. Actions and Decisions Concerning the Certification Process.

- 1. Certification Application Actions.** Under the supervision of the Chief Executive Officer or other authorized representative, BGC will make one of the following determinations and decisions with regard to an applicant's or examinee's application for the BGC certification and examination eligibility: (a) accept the application; (b) request additional or supplemental information; or, (c) reject the application on the ground(s) that the applicant or examinee does not meet certification eligibility requirements, or the applicant or examinee has violated, or acted contrary to, a BGC policy or rule.
- 2. Certification Examination(s) Actions.** BGC will notify each examinee whether they achieved a passing or failing score on each Certification Examination. Where an examinee acts contrary to BGC policies during the administration of any Certification Examination(s) or section, the examinee may be prevented from taking or completing the Examination(s).
- 3. Recertification Application Actions.** BGC will make one of the following decisions with regard to a certificant's Recertification Application: (a) grant

recertification; (b) conditionally accept the Recertification Application, pending satisfactory completion of all recertification requirements; (c) request additional information; or, (d) reject the application on the ground(s) that the certificant does not meet the criteria for recertification, or the certificant has violated, or acted contrary to, a BGC policy or rule.

4. **Reactivation of Certification Actions.** BGC will make one of the following decisions with regard to a former certificant's request for reactivation of certification: (a) reactivate their certification; (b) request additional information; or, (c) reject the reactivation request on the ground(s) that the former certificant does not meet the criteria for reactivation, or the former certificant has violated, or acted contrary to, a BGC policy or rule.

D. Circumstances for Review or Appeal of an Adverse Certification Program Decision.

1. **Appeal Limitations.** An applicant, examinee, certificant or former certificant may submit an appeal of an adverse BGC Certification Program action, decision or determination under the following circumstances where certification or recertification has been denied:

- a. The applicant or examinee was found to be ineligible to take or complete the Certification Examination(s); or
- b. The applicant, examinee, certificant or former certificant failed to satisfy a certification, recertification, or reactivation requirement, including those requirements related to qualifications, education and experience, or was otherwise ineligible for certification, recertification, or reactivation.

E. Initial Request for Review/Content and Time Period For Submitting A Request For Review To The Chief Executive Officer.

An applicant, examinee, certificant, former certificant, or complainant may submit a written request for review of an adverse action or decision within thirty (30) days of the date of the action by notifying the Chief Executive Officer in writing and stating with particularity 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 applicant, examinee, certificant, former certificant, or complainant must also provide accurate copies of all supporting documents. A request for review may be in letter or other clear written form, must identify the applicant, examinee, certificant, former certificant, or complainant, and must state that the document is a Request for Review by the Chief Executive Officer.

F. Informal Review by the Chief Executive Officer.

1. **Chief Executive Officer Actions.** Upon receipt, all Requests for Review or Complaints will be considered informally by the Chief Executive Officer or other authorized BGC representative. Following consideration of a Request for Review or Complaint, the Chief Executive Officer will acknowledge in writing receipt of the request within thirty (30) days, and may take one of the following actions:
 - a. Uphold or modify the adverse action or decision, or take other appropriate action; or,
 - b. Refer the matter to the Certification Appeals Committee for review and resolution as an appeal.
 - c. Take appropriate action to remedy the issue provided in the complaint.
2. **Referral of Request/First Appeal or Complaint.** In the event that a Request for Review or Complaint is referred to the Certification Appeals Committee for resolution, the Chief Executive Officer will provide the Certification Appeals Committee with all relevant materials, including the documents and materials submitted by the applicant, examinee, certificant, former certificant, or complainant.

G. First Appeal or Complaint/Certification Appeals Committee.

1. **Circumstances and Limitations of First Appeal.** Subject to the limitations below, in the following circumstances a first appeal or complaint will be heard and resolved by the Certification Appeals Committee where: the matter has been referred by the Chief Executive Officer; or, an applicant, examinee, certificant, former certificant, or complainant is dissatisfied with the final informal review and action of the Chief Executive Officer and requests an appeal consistent with these procedures.

Only the following actions and decisions of the Chief Executive Officer may be appealed by the applicant, examinee, certificant, former certificant, or complainant:

- a. The applicant or examinee was found to be ineligible to sit for the Certification Examination(s);
- b. The applicant or examinee was barred or otherwise prohibited from taking or completing the Certification Examination(s);
- c. The applicant or examinee was found to be ineligible for certification due to a failure to satisfy one or more certification requirements, including

those requirements related to qualifications, education and experience, or was otherwise ineligible for certification;

- d. The certificant was denied recertification for failure to satisfy one or more recertification requirements or was otherwise ineligible for recertification; or,
- e. The former certificant was denied certification reactivation for failure to satisfy the reactivation criteria or was otherwise ineligible for reactivation.

H. Time Period for Submitting First Appeal or Complaint.

An applicant, examinee, certificant, former certificant, or complainant seeking to present a first appeal to the Certification Appeals Committee must submit a written appeal or complaint consistent with the requirements of these procedures to the Chief Executive Officer within thirty (30) days of the date of the final action and decision of the Chief Executive Officer. The time for filing the appeal may be enlarged by the Certification Appeals Committee upon written request by the applicant, examinee, certificant, former certificant, or complainant received at least fifteen (15) days prior to the appeal deadline.

I. First Appeal or Complaint/Content and Grounds.

- 1. Required Information for First Appeal or Complaint.** In order for an appeal or complaint to be considered by the Certification Appeals Committee, the submission must contain the following information and material:
 - a. The identity and signature of the individual applicant, examinee, certificant or former certificant submitting the appeal or complaint;
 - b. All objections, corrections and factual information the applicant, examinee, certificant, former certificant, or complainant believes to be relevant to the appeal or complaint;
 - c. The names, addresses and telephone numbers of any persons with factual information relevant to the appeal or complaint and a clear description of the factual information available from these persons; and,
 - d. Accurate copies of any and all relevant documents, exhibits or other materials submitted in support of the appeal or complaint.
- 2. Grounds for First Appeal.** In order for an appeal or complaint to be considered by the Certification Appeals Committee, the submission must contain substantial

information supporting at least one of the following grounds and a detailed explanation of the reasons for the appeal or complaint:

- a. The applicant's or examinee's eligibility to sit for the Certification Examination(s), or other eligibility for certification, was denied incorrectly;
- b. The applicant or examinee was barred or otherwise prohibited incorrectly from taking the Certification Examination(s);
- c. The certificant was incorrectly found ineligible for recertification under the relevant recertification standards and the certificant would have qualified for recertification if the correct standards had been applied; or,
- d. The former certificant was incorrectly denied certification reactivation under the relevant reactivation criteria, and the former certificant would have been eligible for reactivation if the correct criteria had been applied.

J. First Appeal Hearings.

- 1. Certification Appeals Committee.** With the approval of the Board of Directors, the Board Chair will appoint at least three (3) BGC certificants in good standing, who shall not be members of the Board, to serve as the Certification Appeals Committee to resolve each certification appeal or complaint, including a Committee Chair.
- 2. Scheduling of Appeal or Complaint/Telephone and In-Person Hearings.** Within forty-five (45) days of receipt of a complete, proper and written appeal or complaint, the Certification Appeals Committee will schedule a date and time for consideration of the appeal or complaint, generally not later than one-hundred twenty (120) days after receipt of the appeal, and notify the applicant, examinee, certificant, former certificant, or complainant of the appeal date and time. Where the applicant, examinee, certificant, former certificant, or complainant has requested a telephone or in-person hearing, the Certification Appeals Committee will convene, preside over and conduct a hearing. Requests for an in-person hearing will be granted at the sole discretion of the Certification Appeals Committee. The applicant, examinee, certificant, former certificant, or complainant will be responsible for their expenses associated with the in-person hearing.
- 3. First Appeal Determination/Decision of the Certification Appeals Committee.** Following the close of the appeal or complaint record, the Certification Appeals Committee will review the record of the appeal or complaint, including the action or decision of the Chief Executive Officer and the information and

materials received from the applicant, examinee, certificant, former certificant, or complainant. The Certification Appeals Committee will resolve and decide the appeal or complaint based on the record, including relevant and credible information presented by the applicant, examinee, certificant, former certificant, or complainant. The appeal decision will include the findings of the Certification Appeals Committee and a summary of the relevant facts upon which the decision is based. The appeal decision will be prepared and issued under the direction of the Certification Appeals Committee, or other authorized representative, within thirty (30) days of the closing of the first appeal or complaint record, or as soon thereafter as is practical.

K. Final Appeal or Complaint/Final Appeal or Complaint to the Board of Directors.

- 1. Grounds for Final Appeal or Complaint.** If an applicant, examinee, certificant, former certificant, or complainant chooses to challenge and appeal an adverse decision, a final appeal or complaint may be submitted to the Board of Directors. The grounds for such an appeal are strictly limited to the following grounds:
 - a. Procedural error: The first decision misapplied a procedural rule contained in these rules, and the rule misapplication significantly prejudiced the applicant, examinee, certificant, former certificant, or complainant with respect to the outcome of the decision;
 - b. New or previously undiscovered information: Following the issuance of the first decision, the applicant, examinee, certificant, former certificant, or complainant located relevant information and facts that were not previously available and that would have significantly affected the outcome of the first decision in their favor;
 - c. Misapplication of certification standards: The first decision misapplied the relevant certification or recertification standards/policies, and the misapplication significantly prejudiced the applicant, examinee, certificant, or complainant and the outcome of the appeal decision;
 - d. Misapplication of reactivation criteria: The first decision misapplied the relevant reapplication criteria, and the misapplication significantly prejudiced the former certificant and the outcome of the decision; or,
 - e. Contrary to the information presented: The first decision is clearly contrary to the most substantial information in the record.

With respect to the grounds listed in Sections 1.a, 1.c, and 1.d above, the Board of Directors will consider only arguments that were previously presented to the Certification Appeals Committee in the first appeal or complaint.

L. Time Period for Submitting Final Appeal or Complaint/Content of Final Appeal or Complaint.

- 1. Time Period for Submitting Appeal or Complaint.** An applicant, examinee, certificant, former certificant, or complainant may submit a written, signed appeal to the Board of Directors within thirty (30) days of the date of the first appeal decision of the Certification Appeals Committee. Any appeals received beyond this date will not be reviewed or considered by the Board of Directors, unless special permission is granted by the Chair of the Board of Directors.
- 2. Contents of Final Appeal or Complaint.** Consistent with all other requirements, a final appeal or complaint to the Board of Directors must state and include the following information:
 - a. The identity and signature of the individual applicant, examinee, certificant, former certificant, or complainant submitting the appeal;
 - b. A detailed explanation of the reasons and basis for the appeal, as defined and limited by Section K, above;
 - c. All objections, corrections and factual information the applicant, examinee, certificant, former certificant, or complainant believes to be relevant to the appeal, including all accurate documents and exhibits in support of the appeal; and,
 - d. 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.

M. Board of Directors Final Appeal or Complaint Process.

- 1. Scheduling of Final Appeal.** Within sixty (60) days of receipt of a complete and proper written appeal or complaint, the Board of Directors will schedule a date, usually not later than the next or second regular scheduled Board meeting, on which to consider the appeal. The BGC Chief Executive Officer will notify the applicant, examinee, certificant, former certificant, or complainant of the date the appeal will be considered.
- 2. Appeal or Complaint Review.** The Board of Directors will conduct a review to consider all the available proof and information, including the record of the first appeal or complaint and the materials submitted by the applicant, examinee, certificant, former certificant, or complainant. Requests for participation by the

applicant, examinee, certificant, former certificant, or complainant will be granted at the sole discretion of the Board of Directors. The applicant, examinee, certificant former certificant, or complainant will be responsible for their expenses associated with the appeal.

N. Final Decision of Board of Directors.

Following the review of a final appeal, the Board of Directors will review the record of the appeal and resolve and decide the appeal based on the record. The Board will consider all relevant information and include a summary of its findings in the appeal decision. The Board may affirm, modify or reverse the decision of the Certification Appeals Committee based on its findings. The Board will issue its final decision within thirty (30) days of the end of the review of the appeal or complaint, or as soon thereafter as is practical.

O. Finalizing and Closing Appeals and Complaints.

- 1. Conditions for Closing the Appeal or Complaint.** An appeal or complaint will be closed and all proceedings ended when any of the following occurs:
 - a. An appeal or complaint has been resolved and decided by the Chief Executive Officer, the Certification Appeals Committee, or the Board of Directors, and the allowable time period for the filing of an appeal under these procedures and rules has passed or lapsed; or,
 - b. The appeal or complaint has been withdrawn or terminated by the applicant, examinee, certificant, former certificant, or complainant.