

## **13. POLICY AND PROCEDURE FOR APPEALS AND GRIEVANCES WITHIN THE ATP**

### **13.1 Criteria for Appeals and Grievances**

**13.1.1 Appeals Process** The appeals process specifically addresses the review of decisions made by a monitoring or examining committee, supervisor, or teacher that are considered by a Candidate to be unfair and to affect adversely his/her good standing or status within the ATP.

**13.1.2 Grievance Process** The grievance process specifically addresses two distinct circumstances in the training community:

**13.1.2.a Procedures** utilized in making decisions within the ATP considered to be unfair by the Candidate that adversely affected his/her good standing within the ATP.

**13.1.2.b Inappropriate behavior** on the part of any individual within the training community considered by any other member of the training community to affect adversely his/her good standing within ATP.

### **13.2 The Appeals Process**

**13.2.1 Admission Decision** The initial decision of the Admissions Committee to accept or reject an applicant is not subject to appeal by the applicant.

**13.2.2 Formal Appeal Process** No Candidate, once admitted to the ATP, will be penalized for appealing decisions in good faith.

**13.2.3 Process** Any Candidate who believes his/her good standing or status within the ATP has been adversely and unfairly affected by the decision of an evaluative committee, a consultant or a teacher may appeal the decision.

- 1)** The Candidate must first discuss the matter with the chair of the committee, the consultant, or the teacher in question.
  
- 2)** If this discussion has failed to resolve the matter, the Candidate may then present the matter to the Director of Training. The Director will consider the matter in relation to the official policies of the ATP and may recommend various means of resolving the matter through renewed discussion between the parties, with or without mediation, or through an official appeal.

- 3)** If after meeting with the Director of Training and after receiving his/her recommendations, no satisfactory resolution has occurred, the Candidate may request a formal appeal. In order to begin the formal appeal process the Candidate must submit a letter to the Training Committee within 30 days after the discussion with the Director of Training. The letter must detail the nature and circumstances of the decision in question and the reasons that the Candidate believes the decision should be rescinded. Documentation to support the Candidate's position will be accepted.
- 4)** Upon receipt of the letter, the Training Committee will review the relationships between Training Committee members and the Candidate in question to recuse from the appeal process all personal analysts, all consultants, and all Training Committee members who are directly involved with the complaint. Likewise, the Training Committee will review the relationships between its members and the committee, consultant and/or teacher named in the appeal to recuse those individuals where a bias might affect the appeal process. Only the elected members of the Training Committee (or additional analysts appointed to fill vacancies created by Training Committee members disqualified from participation) will serve on the Appeals Committee. There will be no less than five members on the Appeals Committee. The Candidate, Committee Chair (representing either the exam or monitoring committee), consultant or teacher in question will have the right to object to the composition of the Committee and must explain his/her objections in writing. The Appeal Committee will consider the objections and make a final determination regarding its composition.
- 5)** Once the Appeals Committee is formed it shall notify the person(s) complained of, who shall have the opportunity to respond in writing to the Candidate's complaint and provide appropriate supporting documentation.
- 6)** The Appeals Committee will then consider the merits of the complaint after reviewing it and the response. If the Committee determines that the complaint has no merit, it will notify the involved parties that the matter has been closed and no action will be taken. If the Committee determines that a formal appeal is appropriate, it will notify the parties and begin a consideration of the complaint.
- 7)** If an appeal is initiated, the appeal process will, in most cases, begin within 30 days of the Appeals Committee's decision that a complaint is appropriate for an appeal and will proceed as expeditiously as possible.
- 8)** The Appeals Committee may request any and all parties whom it deems to have information relevant to the appeal to provide that information either in writing or in oral report.

- 9) The Appeals Committee will record the minutes of all meetings and provide copies to the Candidate and the committee chair, supervisor or teacher in question.
- 10) The Appeals Committee, after gathering and reviewing all relevant information, will make a final determination.

### 13.3 The Grievance Process

**13.3.1 Formal Grievance Process** No person will be penalized in any way for pursuing this process in good faith.

**13.3.2 Process** Any person, who believes that his/her good standing or status in the ATP has been adversely affected by a violation of the established procedures as described in the ATP Handbook or by the inappropriate behavior of another member of the Training Community may file a grievance.

- 1) First s/he must discuss the matter with the chair of the committee, consultant, teacher, or individual in question within 15 days of the incident.
- 2) If this discussion does not result in satisfactory resolution, the complainant may then present his/her grievance to the Director of Training. The Director of Training will consider the matter in relation to the official policies of the ATP and may recommend various means of resolving the matter through renewed discussion between the parties, with or without mediation, or through the official grievance process. If after meeting with the Director of Training and receiving his/her recommendations no satisfactory resolution has occurred, the candidate may choose to begin the formal grievance process.
- 3) In order to begin the formal grievance process, the candidate must submit a letter within 30 days after the discussion with the Director of Training. The letter should detail the nature and circumstances of the procedure or behavior in question and the means by which the candidate believes the grievance should be resolved. Documentation to support the Candidate's position will be accepted.
- 4) Upon receipt of the letter, the Training Committee will review the relationships between the Training Committee members and the candidate in question to recuse all personal analysts, all consultants and all Training Committee members directly involved with the complaint. It will also review the relationships between Training Committee members and the committee, consultant and teacher named in the appeal to recuse those individuals where a bias might affect the grievance process. Only the elected members of the Training Committee (or additional analysts appointed to fill vacancies created by disqualified Training Committee members) will constitute the Grievance Committee. There will be no less than five members on the Grievance Committee. The candidate, the Committee Chair (representing the Monitoring or exam committee), and the consultant or teacher in question, will have the right

to object to the composition of the Grievance Committee explaining his/her objections in writing. The Grievance Committee will consider the objections and make a final determination regarding its composition.

- 5) Once the Grievance Committee is formed it shall notify the person(s) named in the complaint who then have the opportunity to respond in writing to the Candidate's complaint and where appropriate provide supporting documentation.
- 6) The Grievance Committee will then consider the complaint and determine if the complaint has merit. If the Committee determines the complaint has no merit, it will notify the parties involved that the matter has been closed. If the Committee determines that the complaint requires a hearing, it will notify the parties involved and begin consideration of the complaint.
- 7) If a grievance is initiated the grievance process will, in most cases, begin within 30 days of the Grievance Committee's decision that a complaint is appropriate for a grievance and will proceed as expeditiously as possible.
- 8) The Grievance Committee may request any and all parties whom it deems to have information relevant to the grievance to provide that information either in writing or in oral report.
- 9) The Grievance Committee will record the minutes of all meetings and provide copies to the Candidate and the committee chair, supervisor or teacher in question.
- 10) The Grievance Committee, after gathering and reviewing all relevant information, will make a final determination.