

# Guidelines for Appeal Hearings

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Version 4 (Approved November 2017)

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### 1 Purpose and Scope

The purpose of these Guidelines is to provide ASME staff assigned to ASME standards committees uniform guidance for the preparation and transmittal of correspondence, agenda, notes and notification of decisions for Standards Committee appeal hearings. Due process proceedings on issues related to accreditation and certification shall be addressed in accordance with conformity assessment procedures. These guidelines may be used for higher level appeals, however for those appeals, the applicable procedures take precedence.

### 2 Procedures and Policies

Appeals shall be considered in accordance with the applicable procedures governing the specific committee or board activity.

Procedures and policies regarding appeals may be included in the following, as applicable:

- Procedures for ASME Codes and Standards Development Committees (accredited procedures)
- Supervisory Board Procedures
- Standards Committee Supplemental Procedures
- Operating Procedures for Conformity Assessment Committees
- Society Policy P-15.8 – Conflicts of Interest
- CSP-20 – Policy on Conformity Assessment
- CSP-34 – Recording of Committee Meetings and Teleconferences
- CSP-51 – Standards Committee Hearings

### 3 The Appeal Statement

#### 3.1 Notification of Intent to Appeal

Written notification of intent to appeal by the aggrieved party must be received within the specified time period in the applicable procedures, (e.g. 20 working days of the voted action). An appellant may also submit an intent to appeal an inaction, which may be done at any time.

Upon receipt of written intent to appeal, the staff secretary shall review the intent to appeal statement and provide written acknowledgment to the appellant. In the event that the intent to appeal notification is not in compliance with the applicable procedures (e.g. not submitted within the time frame allotted), the appellant shall be so notified. This notification should include rationale as to why the appeal notice does not meet the applicable procedures, and indicate that no further action is required from ASME.

#### 3.2 Submittal of the Appeal Statement

The appeal statement must be received within the specified time period in the applicable procedures (e.g. 10 working days from the receipt of notification to appeal).

Staff may provide the Appellant information on how to prepare an appeal statement by transmitting the information contained in paragraph 11.3 of the accredited procedures, or by directing them to that section, which contains requirements for the appeal statement.

It should be noted that:

- No supplemental filing prior to the hearing is permitted.
- An extension to submit the appeal statement may be requested, and must be directed to the

Secretary of the standards committee within the ten-working-day deadline or the appellant shall forfeit the right to appeal. Extensions of time to submit an appeal statement may be granted at the discretion of the standards committee Officers.

### 3.3 Distribution of the Appeal Statement

The Staff Secretary shall distribute the appeal statement to all concerned parties (e.g. the respondent, the members hearing the appeal, and applicable ASME Staff) no later than 15 working days prior to the hearing date, if applicable (see part 4 of this guide). It is recommended that the appeal statement be transmitted with the response statement (see 5.2 of this guide).

## 4 Notification of Appeal and Appeal Hearing

### 4.1 Notification of Appeal

Following receipt of the appeal statement:

- (a) An officer of the committee shall determine if a hearing is in order (i.e. whether or not the reason for appeal is accurate/inaccurate, e.g. appeal based on disapproval of an action, when in reality the action was approved).
- (b) The Standards Committee Officers shall determine if an appeal hearing is to be conducted by the consensus committee or by a hearing panel<sup>1</sup> consisting of members of the consensus committee appointed by the Chair. If it is determined the appeal will be heard by a hearing panel, the panel shall have at least five members. No member interest category shall have a majority on the Hearing Panel.
  - (i) Standards committee members shall be reminded that if an action has the potential to be appealed at more than one level (e.g. standards committee and subsequently to the supervisory board), an individual who is a member of both or all levels that may hear an appeal of the same action shall be eligible to vote at only one level of appeal (see CSP-51). The choice of which level to participate (vote) at is up to the individual.
  - (ii) If applicable, potential members of the Hearing Panel shall identify themselves as having a conflict of interest, per P-15.8, to the Secretary.
- (c) Proponent(s) of the action or inaction in question shall be identified to develop the response statement and act as respondent(s) at the hearing.
- (d) The Staff Secretary shall notify the standards committee of the request.

It should be noted that the above milestones may be accomplished within the same communication (See **ANNEX 1**).

### 4.2 Determination of Hearing Date

When it has been determined that an appeal hearing is in order, the hearing shall be scheduled at the earliest practicable date that is mutually agreeable to all parties and may be scheduled on the same day of a committee meeting or another hearing.

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<sup>1</sup> Hereafter in these guidelines, the term "Hearing Panel" will be used for ease of use and clarity; use of the term does not imply that all appeal hearings are to be heard by a Hearing Panel. The applicable procedures for the Standards Committee will indicate whether a hearing is to be heard by the Standards Committee or a Hearing Panel.

### 4.3 Notification of Appeal Hearing

The Secretary shall notify the appellant, respondent and the Hearing Panel of the scheduled date of the hearing within the time period specified in the applicable procedures (e.g. 20 working days prior to the hearing date). The notification will advise all parties that the hearing will be conducted in the presence or absence of the appellant or respondent.

At the same time as the notification of hearing date, the Secretary shall provide to the appellant and respondent a list identifying the names of individuals on the Hearing Panel; the list shall also identify the individuals' employers (e.g. balance of interest report). The appellant and respondent then have 10 working days from the receipt of that list to identify individuals who they believe have a conflict of interest and provide an explanation as to why a conflict exists. The identified individuals shall then have a chance to respond to the challenge prior to the appeal hearing (see Policy P-15.8, Conflicts of Interest).

## 5 The Response Statement

### 5.1 Preparation of the Response Statement

Once a respondent(s) has been selected by a committee officer, the respondent shall prepare a response statement to the appeal statement. Staff may provide the respondent information on how to prepare a response statement by transmitting the information contained in paragraph 11.3.3 of the accredited procedures or by directing them to that section, which contains requirements for the response statement.

It should be noted that:

Documentary evidence may be based on technical merit, committee operating procedures, ASME policies, or a combination of these reasons. When based upon procedural process or policies, references to specific paragraphs within the operating procedures or policy documents shall be made.

### 5.2 Receipt and Distribution of the Response Statement

In accordance with the accredited Procedures, the Secretary is required to distribute the response statement to all parties a minimum of 15 working days prior to the hearing date. To meet this deadline requirement, and to take into account any necessary processing time, it is recommended that the Secretary inform the Respondent that the response statement be submitted to the secretary at a minimum of 20 working days prior to the hearing date. It is recommended that the response statement be transmitted with the appeal statement (see 3.3 of this guide).

## 6 Appeal Hearing Agendas and Conduct of Hearing

### 6.1 Distribution of Appeal Hearing Agendas

The Appeal Hearing Agenda shall be distributed to the Hearing Panel, appellant(s), respondent(s), pertinent ASME Staff, and at the discretion of the applicable Director, ASME legal counsel, in sufficient time (e.g. 15 working days prior to the appeal hearing) to allow all personnel involved to prepare for the hearing. It is also recommended that the appeal statement and the response statement be transmitted to all parties at the same time as the agenda and be made available to the Hearing Panel, at the time of the appeal. If the appeal hearing is held in conjunction with a

standards committee meeting, the appeal hearing shall be a separate meeting with its own agenda.

The appellant and respondent should be advised that the material to be presented at the time of the hearing shall be based upon the information and documents contained under the appeal statement and response statement.

At the time of transmittal of the agenda, the secretary may advise all parties that should any party (appellant or respondent) not be present at the hearing, the decision of the hearing panel shall be based on the presentations made by the parties that are present at the hearing, in addition to the written appeal and/or response statement(s).

### 6.2 Contents of Appeal Hearing Agendas

Appeal Hearing Agendas shall contain at a minimum:

(a) **Name of Committee**

(b) **Place, date and time of the hearing**

(c) **Call to Order**

A committee officer shall welcome all parties and call the meeting to order.

(d) **Attendance**

An attendance sheet will be passed around by the Secretary. All present shall sign in.

(e) **Opening Statement by ASME Staff Secretary**

The Secretary may wish to add background information on the appeal at this time.

The Secretary shall, at a minimum, advise all participants that the recording, in any format, of hearings is prohibited by anyone except ASME staff for the purpose of serving as a backup for the preparation of notes. The rules regarding recording of committee meetings in Codes and Standards Policy CSP-34 shall apply. The Secretary shall also explain how the hearing will be conducted and that the allotted times will be adhered to. The time allowed for each party will be monitored by a member of the hearing panel and the party with the floor will be notified of time remaining (e.g. 5 minute and 1 minute warnings). Time will be called when the time is expired.

Any other necessary directions are to be provided by the Secretary at this time.

(f) **Introduction of Those Present**

The Officers shall introduce themselves and allow for self-introductions:

- (i) Introduction of Hearing Panel and ASME Staff
- (ii) Introduction of the Appellant(s)
- (iii) Introduction of the Respondent(s)
- (iv) Introduction of other attendees (if applicable)

**(g) Opening Procedural Remarks by the Chair**

The Chair of the Hearing Panel shall, at a minimum, read ASME's policy on due process [CSP-20(g), as referenced in CSP-51(c)] prior to the hearing of the appeal.

**(h) Presentation of Position**

**(i) Appellant and/or Representatives (15-30 minutes maximum)\***

At this point the Chair will give the floor to the Appellant to present their position. Once time is called, or the presentation of position has concluded, the floor will then be given to the Respondent.

**(ii) Respondent and/or Representatives (15-30 minutes maximum)\***

At this point the Chair will give the floor to the respondent. Once time is called, or the presentation of position has concluded the floor will be given back to the appellant to present their rebuttal.

During the presentation of positions, rebuttals and closing remarks, neither questions nor comments are permitted.

At the hearing, speakers are not permitted to make assertions about facts or issues not in the record (e.g. the appeal or response statements, inclusive of exhibits).

\*The Standards Committee Officers will determine the length of time afforded for the presentation of positions. The duration shall be noted on the agenda. An individual on the hearing panel should be assigned to keep track of the time during the presentations, and notifications of time remaining may be provided to the appellant and respondent (e.g. 5 minute and 1 minute warnings).

**(i) Rebuttal**

**(i) Appellant and/or Representatives (10 minutes maximum)\***

After the position statements have been presented, the appellant will be given the opportunity to rebut the respondent's statement.

**(ii) Respondent and/or Representatives (10 minutes maximum)\***

Once time has been called or the appellant's rebuttal has concluded, the floor will be given to the respondent to present their rebuttal.

**(j) Questions by the Hearing Panel**

The Chair will at this point let all parties present know that the time has arrived to allow for the Hearing Panel to ask questions. A time limit for the question period may be imposed (e.g. 30 minutes, 1 hour) if desired.

Only members of the Hearing Panel shall be permitted to ask questions. Members of the Hearing Panel should be instructed to raise their hand and to wait to be acknowledged before presenting their question. The Chair will recognize one member at a time and will ask that the member identify to whom the question will be addressed (Appellant or Respondent) prior to asking the question. The applicable party (Appellant or Respondent) will then be given the



opportunity to respond. This exercise will be repeated until all questions are answered or until the allocated time has elapsed.

### (k) Closing Remarks

#### (i) ***Appellant and/or Representatives (5 minutes maximum)\****

Once the question/answer session has been completed, the appellant will be given an opportunity to present their final or closing remarks.

#### (ii) ***Respondent and/or Representatives (5 minutes maximum)\****

Following the conclusion of the appellant's closing statement the respondent will present their closing remarks.

### (l) Executive Session

Once the closing remarks have been completed, the Chair shall advise all in attendance that the Hearing Panel will now go into an executive session to consider arguments and take a voted action on (denying or upholding) the appeal. The appellant and respondent should also be advised that there remains a possibility of questions by members of the Hearing Panel to clarify points, and that a representative of each party should be available for recall. If it is necessary to recall one party for such questioning, all parties shall be recalled.

Attendees during the executive Session shall be limited to the following:

- (i) Members of the Hearing Panel (those committee members eligible to vote\*\*)
- (ii) Pertinent ASME Staff
- (iii) ASME legal counsel (when required)

\*\* Those not allowed to vote include:

- Alternates whose members are part of the Hearing Panel
- Members who are appellants or respondents
- Members who have withdrawn themselves for apparent conflict of interest
- Members who have been identified as having a conflict of interest

### (m) Voted Action

Should any party not be present at the hearing, the decision of the Hearing Panel shall be based on the presentations made by the parties that are present at the hearing, in addition to the written submissions on record.

The Hearing Panel is to deliberate until a voted action to either uphold or deny the appeal is approved. Action will be taken by the Hearing Panel in accordance with the relevant ASME Procedures. For standards committees the voting criteria is as follows:

- (i) For appeals relating to administrative or personnel actions, the appeal shall be upheld or denied by a majority affirmative vote of those hearing the appeal.
- (ii) For appeals relating to technical issues the appeal shall be upheld or denied by 2/3 affirmative vote of those hearing the appeal.

### (n) Recall of All Parties and Reading of Decision Statement

The decision statement (the approved voted action) may be read at the hearing, by the Chair, if all parties are present. Rationale statements for the voted action are not required, however, if included they should be kept brief and be approved by the group hearing the appeal.

If either the appellant or respondent are not present, the decision statement will be transmitted to both parties in writing, within 7 working days following the hearing.

**(o) Statement by Chair Regarding Further Due Process Procedures**

The Chair shall read the following statement:

“The decision will be officially transmitted to the appellant by letter under the Secretary’s signature. Should the appellant or respondent be aggrieved by the ruling, the letter will contain information on submitting a request for an appeal hearing before this committee’s supervisory body.”

NOTE: If parties are not going to be recalled, this statement should be read prior to entering executive session.

**(p) Adjournment**

The hearing shall be adjourned immediately after the decision statement is read or executive session concluded, whichever is applicable.

## **7 Notification of Appeal Decision**

### **7.1 Preparation of the Decision Statement**

The appeal decision will be prepared by the Staff Secretary on ASME letterhead and sent to the appellant, the respondent, the Chair of the standards committee, the Chair of the Hearing Panel (when other than the Chair of the standards committee) and other concerned parties within 7 working days of the conclusion of the appeal hearing.

### **7.2 Contents of the Decision Statement**

The written decision statement shall include at a minimum the following:

- (a) Date of appeal hearing
- (b) Voted action (upheld or denied)
- (c) Right to further appeal and time constraints to file additional appeal request.

## **8 Appeal Hearing Notes**

### **8.1 Distribution of Notes**

- (a) Notes shall be prepared by the Staff Secretary.
- (b) Notes should be distributed no later than 30 working days after the hearing.
- (c) Notes shall be distributed to only the Hearing Panel, pertinent ASME Staff, and at the discretion of the applicable Director, ASME legal counsel.

### **8.2 Contents of Notes**

At the discretion of the Secretary, a general summary of the discussions may be included. Any inclusion of discussion should be limited to the essence or final outcome of the consideration of the appeal. Hearing notes shall contain the following items:

- (a) Name of the committee;
- (b) Place and date of the hearing;

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- (c) Time of call to order;
- (d) Record of attendance;
- (e) A record of all the voted actions
- (f) Time of adjournment; and
- (g) Name and contact information of Secretary.

## ANNEX 1

### Appeal Timeline Record

The intent of this ANNEX is to provide a consolidated form containing the applicable milestones required for processing an appeal, as well as a place to record the dates each milestone was achieved in order to aide in the processing of an appeal. It should be noted that some of these milestones may be accomplished within the same communication (See **ANNEX 2**).

Item	EVENT	Required Date Range	Date Received	Date Completed
<b>1</b>	Intent to file appeal from appellant received	Within 20 working days after notification of the action.		
<b>2</b>	Acknowledgment of intent to appeal sent	ASAP		
<b>2a</b>	Determine that a hearing is in order. Evaluate if the appeal is valid (e.g. Has the time lapsed on appeal of a standards action?)  NOTE: This could take place after the appeal statement is received.	ASAP		
<b>3</b>	Appeal statement from appellant received	Within 10 working days after intent to appeal has been sent.		
<b>3a</b>	Receipt of request for extension to file appeal statement (if applicable)			
<b>4</b>	Acknowledgment of appeal statement or extension to appeal request	ASAP		
<b>5</b>	Notification of the request for an appeal hearing sent to the standards committee.	No specified date range requirement.		

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Item	EVENT	Required Date Range	Date Received	Date Completed
<b>6</b>	<ul style="list-style-type: none"> <li>- Selection of the proponent/respondent (by standards committee officer(s)).</li> <li>- Selection of ASME Staff to attend the hearing. (by ASME management)</li> <li>- Decision of ASME legal counsel involvement at the hearing. (by ASME management)</li> </ul>			
<b>7</b>	Determination of Hearing Date	<p>Earliest practicable scheduled meeting after the date of request,</p> <p>OR</p> <p>At a meeting of a hearing on a date mutually agreeable to all parties.</p>		
<b>8a</b>	- Appellant, Hearing Panel, and others concerned are notified of the hearing date.	20 working days prior to the scheduled hearing date (minimum)		
<b>8b</b>	- List of Hearing Panel members provided to the appellant(s) and respondent(s).			
<b>9</b>	Receipt of response statement from the respondent.	15 working days prior to the date of any scheduled hearing (minimum).		
<b>10</b>	Receipt of written request from any party involved with the hearing to conduct hearing in a closed session.	Within 10 working days after receipt of notification of hearing date (item 8)		
<b>11</b>	Appellant and/or respondent identifies individuals having a conflict of interest.	Within 10 working days after receipt of list of members hearing the appeal (item 8)		

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Item	EVENT	Required Date Range	Date Received	Date Completed
<b>12</b>	Individuals being challenged (item 11) must respond to the challenge and a decision made prior to the hearing date.	Prior to hearing  Any objection should be addressed prior to the hearing in a manner consistent with Society Policy P-15.8, Conflicts of Interest.		
<b>13</b>	Transmittal of appeal statement and response statement to all concerned parties. (Agenda may be distributed at the same time.)	15 working days prior to the date of any scheduled hearing (minimum).		
<b>14</b>	<b>Hearing Date</b>	<b>See item 7.</b>	<b>[INSERT DATE]</b>	
<b>15</b>	Transmittal of decision to appellant, respondent, Chair of the standards committee and others concerned	Within 7 working day of the hearing.		
<b>16</b>	Distribution of Appeal Hearing Notes	Within 30 working days of conclusion of the hearing.		

## **ANNEX 2**

### **Sample Communications**

#### **1. Acknowledgement email for receipt of intent to appeal (ANNEX 1, Items 1 & 2)**

**a) If received in the correct amount of time per procedures:**

I have received your intent to appeal. The appeal statement submittal needs to comply with Section 11.3 of the Procedures for ASME Codes and Standards Development Committees (*add link to procedures*).

Please note that you have (x) working days to submit your appeal statement. If I do not receive your appeal statement by (date) then I will assume that you have withdrawn your appeal.

**b) If received outside of the time limits provided in the procedures:**

In reviewing your intent to appeal, I noted that this is not in compliance with the Procedures for ASME Codes and Standards Development Committees (*add link to procedures*). The noted action took place on (date) and the procedures require that all notifications of appeal be submitted within (number) working days of the action. Therefore, the committee will not be considering this appeal.

#### **2. Acknowledgement email for receipt of Appeal Statement (ANNEX 1, Item 4)**

**a) If received in the correct amount of time and in compliance with procedures:**

I have received your appeal statement and note that it is in compliance with Section 11.3 of the Procedures for ASME Codes and Standards Development Committees. The hearing will be held at the earliest practicable date that is agreeable to all parties.

**b) If received within time limits but not in compliance with procedures:**

I have received your appeal statement and note that it is in not in compliance with Section 11.3 of the Procedures for ASME Codes and Standards Development Committees. If you can revise the statement to be in compliance with Section 11.3 of the procedures, please do so and resubmit by MMMMMMM, DD, YYYY. (Original submittal deadline).

**c) If received outside of the time limits or out of compliance with procedures:**

I have received your appeal statement, however I wish to advise you that the deadline to submit the appeal statement was MMMMMMM, DD, YYYY. Your submittal is not in compliance with Section 11.3 of the Procedures for ASME Codes and Standards Development Committees, and the Committee will not be considering the appeal.

**3. Notification of Appeal Hearing and Date to the Appellant and Respondent (ANNEX 1, Item 8a & 8b)**

The appeal notification has been sent to the consensus committee. As agreed by both Appellant and Respondent, the date of the appeal hearing has been set for *(date and other relevant info e.g. during the next scheduled meeting)*. Should any party not be present at the hearing, the decision of the committee shall be based on the presentations made by the parties that are present at the hearing, in addition to the written appeal and/or response statement(s).

In accordance with the most recent Procedures for ASME Codes and Standards Development Committees, a list of the members hearing the appeal is being provided in order to allow any concerned party the opportunity to object should they perceive the existence of a conflict of interest. Any such objections shall be submitted to the Secretary no more than 10 working days after receipt of the list, and shall then be distributed by the Secretary to the individual(s) being challenged in advance of the hearing, who shall then have the opportunity to respond prior to the hearing.

Sincerely,

**Attachments:**

- 1) List of standards committee members or members of the hearing panel.

**4. Notification of Appeal Hearing and Date to those hearing the Appeal (ANNEX 1, Item 8a)**

(Applicable standards committee) members,

This e-mail is to inform you that an appeal has been filed by *(appellant)* on *(subject of appeal, e.g. record number, section of standard or personnel action/inaction)*. The appeal was filed within the required timeline outlined in the Procedures and is scheduled to be heard during the *(selected date and time e.g. next committee meeting on X date starting at approximately Y time)*.

Further information will be sent to you prior to the Appeal Hearing.

Sincerely,



**5. Transmittal of Appeal Statement and Response Statement to all Parties Concerned (ANNEX 1, Item 13)**

*(Applicable standards committee)* members,

The Appeal Statement from the Appellant (*Name*) and Response from the Respondent (*Name*) may be found attached. [The Agenda for the Hearing which is scheduled for (*date and time*) may also be found attached.]

Sincerely,

Attachments:

1) Appeal Statement

2) Response Statement

[3) Appeal Hearing Agenda] – optional to include in this communication, may also be separate email.

**6. Transmittal of decision to appellant, respondent, Chair of standards committee and others concerned (ANNEX 1, Item 15)**

*(Applicable standards committee)* Chair (*name*), *(Applicable Hearing Panel)*, Appellant (*name*) and Respondent (*name*)

This e-mail is to notify you of the *(Applicable)* Standards Committee decision regarding the *(appeal name)*. The decision may be found in the attached letter.

Sincerely,

**Attachment:** Appeal Decision Statement Letter in PDF format, see below.

### **SAMPLE DECISION STATEMENT LETTER:**

The appeal decision letter shall be written by ASME staff in ASME letterhead. The following template is encouraged to be used:

Date (Month day, Year)

RE: ASME (applicable standards committee) Appeal Decision concerning Appeal Hearing held on Month day, year regarding item X or Standard Y

Dear Mr. Z,

On Month day, Year (same as in the Re section), the ASME (applicable standards committee), having heard the appeal, and considered the matter before it, voted and approved the issuance of the following decision:

- [INSERT APPROVED DECISION AND OPTIONAL RATIONALE STATEMENT FROM HEARING “Accordingly, the ASME (applicable standards committee) (upholds or denies) the appeal. [Insert optional rationale statement.]”

Per the procedures of ASME Codes and Standards Development Committees, for any subsequent appeal to the Board on [Applicable Supervisory Board], written notice by certified mail or equivalent communication of intent to appeal must be filed with the Secretary of the Board on [insert applicable supervisory board], [insert applicable contact information], within 20 working days of the date of this letter, no later than [insert date].

Sincerely,

NAME OF STAFF SECRETARY

Secretary, (applicable standards committee)

Phone: (212)xxx-xxxx

E-Mail: xxxxx@asme.org

Cc: [Applicable Director]  
[Applicable standards committee officers]  
[ASME Legal (at the discretion of the Associated Director)]  
[Respondent]

**7. Transmittal of Appeal Hearing Notes to those who heard the Appeal (ANNEX 1, Item 16)**

**(NOTE that this shall only be distributed to those hearing the appeal in the executive session. Members and alternates who were not in attendance do not receive the notes.)**

The Appeal Hearing Notes from the (applicable standards committee) appeal hearing on (Appeal title) may be found attached.

These notes are only distributed to those who heard the appeal and participated in Executive session and shall not be distributed further.

If you have any questions, please let me know.

**ANNEX 3**  
**Sample Appeal Hearing Agenda**

**APPEAL HEARING AGENDA**

[Name of Standards Committee]

[Identify the address where the Hearing will be conducted]

[Indicate the date of the hearing in the format, Day, Month, Date, Year]

[Indicate the start and end time in 12 hour or 24 hour format]

**1. Call to Order**

The hearing is scheduled to begin at 9:00 AM

**2. Attendance**

**3. Opening Statement by ASME Staff Secretary**

**4. Introduction of Those Present**

**5. Opening Procedural Remarks by the Chair**

**6. Presentation of Positions**

6.1 Appellant and/or Representatives (XX minutes)

6.2 Respondent and/or Representatives (XX minutes)

**7. Rebuttal**

7.1 Appellant and/or Representatives (YY minutes)

7.2 Respondent and/or Representatives (YY minutes)

**8. Questions by the Hearing Panel**

**9. Closing Remarks**

9.1 Appellant and/or Representatives (ZZ minutes)

9.2 Respondent and/or Representatives (ZZ minutes)

**10. Executive Session**

Attendees during the executive Session shall be limited to the following:

(i) Members of the Hearing Panel

- (ii) Pertinent ASME Staff
- (iii) ASME legal counsel (when required)

**11. Voted Action**

The Hearing Panel shall deliberate until a voted action is approved.

**12. Recall of All Parties and Reading of Decision Statement**

The decision statement (the approved voted action) may be read, by the Chair, if all parties are present.

**13. Statement by Chair Regarding Further Due Process Procedures**

NOTE: If parties are not going to be recalled, this statement should be read prior to entering executive session.

**14. Adjournment**

The meeting is scheduled to adjourn at 12:00 PM

Respectfully submitted,

XXXXXX XXXXX

Secretary, XYZ Standards Committee

(212)-591-XXXX

[XXXXXX@asme.org](mailto:XXXXXX@asme.org)

**ANNEX 4**  
**Sample Appeal Hearing Notes**

**APPEAL HEARING NOTES**

[Name of Standards Committee]

[Identify the address where the Hearing will be conducted]

[Indicate the date of the hearing in the format, Day, Month, Date, Year]

[Indicate the start and end time in 12 hour or 24 hour format]

**1. Call to Order**

The hearing was called to order at 9:02 AM

**2. Attendance – Page XX** (attach record of attendance)

**3. Opening Statement by ASME Staff Secretary**

The Secretary advised all participants that the recording, in any format, of hearings is prohibited by anyone except ASME staff for the purpose of serving as a backup for the preparation of notes. The rules regarding recording of committee meetings set forth in Codes and Standards Policy CSP-34 shall apply for recording of hearings by ASME staff. The Staff Secretary also explained how the hearing was conducted and that the allotted times will be adhered to. The time allowed for each party will be kept by the Secretary and the party with the floor will be reminded when there are 5, 2 and 1 minutes left, respectively. When time is called the speaker shall end their presentation.

**4. Introduction of Those Present**

Self-introductions were made.

Members of the Hearing Panel:

...

ASME Staff:

...

Appellants:

...

Respondents:

...

Guests:

...

**Opening Procedural Remarks by the Chair**

The Chair advised the attendees that ASME's policy on due process affords the opportunity for the appellant and respondent to be heard at several levels. Should the appellant or respondent be aggrieved by this Hearing Panels's final decision, the aggrieved party will have an opportunity to request an appeal hearing before the supervisory board. As a participant in this hearing you are prohibited from communicating with the appellant and respondent at all levels of the appeals until the results of such hearings conducted by this Hearing Panel and above have been transmitted by ASME staff in a written communication.

**5. Presentation of Positions**

**6.1 Appellant and/or Representatives**

Mr. \_\_\_\_\_ presented his position.

**6.2 Respondent and/or Representatives**

Mr. \_\_\_\_\_ presented his position.

**6. Rebuttal**

**7.1 Appellant and/or Representatives**

Mr. \_\_\_\_\_ presented his rebuttal.

**7.2 Respondent and/or Representatives**

Mr. \_\_\_\_\_ presented his rebuttal.

**7. Questions by the Hearing Panel**

A question and answer session was held.

**8. Closing Remarks**

**10.1 Appellant and/or Representatives**

Mr. \_\_\_\_\_ presented his closing remarks.

**10.2 Respondent and/or Representatives**

Mr. \_\_\_\_\_ presented his closing remarks.

**9. Executive Session**

Attendees during the executive session were limited to the following:

- (i) The Hearing Panel
- (ii) Pertinent ASME Staff
- (iii) ASME legal counsel (when required)

**10. Voted Action**

[Insert the decision statement]



**Recall of All Parties and Reading of Decision Statement**

All individuals were recalled into the room.

The decision statement was read by the Chair. The hearing panel unanimously voted to [uphold/deny] the appeal.

**11. Statement by Chair Regarding Further Due Process Procedures**

The Chair advised that the Hearing Panel's decision will be officially transmitted to the appellant by letter under the Secretary's signature. Should any party be aggrieved by the ruling, the letter will contain information on submitting a request for an appeal hearing before this committee's supervisory body.

**12. Adjournment**

The meeting was adjourned at 1:15 PM

Respectfully submitted,

XXXXXX XXXXX

Secretary, XYZ Standards Committee

(212)-591-XXXX

[XXXXXX@asme.org](mailto:XXXXXX@asme.org)

## Appendix A

### Document Information

General	
<b>Title</b>	<b>Guidelines for Appeal Hearings</b>
<b>Owner (Individual)</b>	<b>Managing Director or Senior Director of Standards</b>
<b>Owner (Department)</b>	<b>Standards</b>
<b>Contributor(s)</b>	
<b>Approver(s)</b>	<b>Review by Directors and Approved by MD or Senior Director Standards</b>
<b>Users</b>	<b>All Standards Development Staff</b>
<b>Access Levels</b>	<b>Staff, committee members and public</b>
<b>Review Cycle</b>	<b>Annual Review</b>
<b>Date of Next Review</b>	
<b>Repository</b>	<b>T:\Technical\S&amp;C Policies, Procedures and Guides\3 Guides\Guideline for Appeals Hearings</b>

Version History		
<b>Version</b>	<b>Approved on</b>	<b>Change Summary</b>
Rev. 1	June 2001	
Rev. 2	June 2010	
Rev. 3	November 2017	Completely revised
Rev. 4	Posted February 2020	Format Editorially Revised