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STANDARDS & CERTIFICATION

## **OPERATING PROCEDURES ISSUE 8.4**

### **BOARD ON CONFORMITY ASSESSMENT**

**Approved by the Board on Conformity Assessment on 02-14-2017**  
**Approved by the Board on Council Operations on October 6, 2018**

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**The American Society of Mechanical Engineers  
Two Park Avenue  
New York, NY 10016**

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## 1 SCOPE AND PURPOSE

- 1.1 The Board on Conformity Assessment (Board) supervises the accreditation and certification activities of the Society relating to Codes and Standards activities.
- 1.2 The Board assesses the needs for standards<sup>1</sup> related to accreditation and certification activities, recommends the scopes and purposes to address the need, assures that proposed standards are developed in accordance with procedures providing for consensus<sup>2</sup> and due process,<sup>3</sup> provides a vital link for procedural due process, and approves standards on behalf of the Society.
- 1.3 The Consensus Committees are consensus groups responsible to the Board. Standards Committees shall operate in accordance with the Procedures for ASME Codes and Standards Development Committees.
- 1.4 Except when otherwise recommended by the Consensus Committee and approved by the Board, the codes and standards developed by Standards Committees supervised by the Board are intended to be submitted to the American National Standards Institute to become American National Standards. Criteria, conduct and guidance documents are not submitted as American National Standards.
- 1.5 Except when otherwise recommended by the Standards Committee and approved by the Board, Standards Committees shall provide interpretations of standards under their jurisdiction.

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<sup>1</sup> A standard, as developed by Committees is a set of technical and administrative definitions, guidelines, and requirements developed to ensure uniform accreditation and certification.

<sup>2</sup> Consensus means substantial agreement has been reached by directly and materially affected interest categories. This signifies the concurrence of more than a simple majority, but not necessarily unanimity. Consensus requires that all views and objections be considered, and that an effort be made toward their resolution.

<sup>3</sup> Which shall include authority to direct entities under the Board's supervision to take such procedural actions as are deemed necessary to assure due process, except that consensus standards writing activities, are subject to recommendations for consideration only.

## 2 ORGANIZATION

- 2.1 The Board is responsible to the Council on Standards and Certification which shall ensure that the Board is acting within its assigned duties and authority.
- 2.2 The Board may establish at its discretion an Executive Committee and other subordinate groups to assist in the discharge of its duties. If an Executive Committee is established, its function shall be only advisory.
- 2.3 The Board may establish at its discretion a Resource Development Group. Consistent with “C&S “Guide on Implementing Resource Development Groups”. Membership on the Resource Development Group shall consist of individuals seeking membership on conformity assessment accreditation / certification committee or a standards committee reporting to BCA but have not yet identified an appropriate committee or received the endorsement from the committee’s Chair or cannot attain committee membership due to the membership cap or balance of interest. Resource Development Group members shall have access to meetings and ballots for the committee on which they are seeking membership. Such access of Resource Development Group members to meetings and ballots shall be provided without vote. The Resource Development Group provides a structure for C&S Connect and process training, as well as C&S Connect account access for its members. Appointments to the Resource Development Group shall require BCA approval. Appointment to an individual conformity assessment accreditation / certification committee or a standards committee reporting to BCA shall require approval from the Chair of the committee of interest and BCA.

### **3 DUTIES OF THE BOARD**

- 3.1** The duties of the Board within the stated charter assigned by the Council on Standards and Certification shall be to:
- 3.1.1** Manage the development and maintenance of standards and criteria for conformity assessment programs developed by Standards Committees under its jurisdiction.
  - 3.1.2** Assess the need for codes, standards and related conformity assessment programs. (See Codes and Standards Policy CSP-49, Guide for Establishing New Codes or Standards Projects.)
  - 3.1.3** Recommend for Council approval the establishment of new Standards Committees and related conformity assessment programs.
  - 3.1.4** Recommend new and revised Standards Committee charters for approval by the Council.
  - 3.1.5** Approve new and revised procedures for Standards Committees and other Committees under its jurisdiction.
  - 3.1.6** Approve member classification systems appropriate to the subjects of the Standards Committees reporting to the Board.
  - 3.1.7** Approve appointments, reappointments, and discharge of Standards Committee personnel and other Committees reporting directly to the Board.
  - 3.1.8** Approve for ASME all codes, standards, and conformity assessment criteria prepared by Standards Committees under its jurisdiction. Approval by the Board of a specific code, standard, or conformity assessment criteria shall be based on assurance that the ASME Committee which developed the code or standard or conformity assessment criteria has
    - (a) operated under procedures that conform with the Procedures for ASME Codes and Standards Development Committees; and
    - (b) achieved consensus.
  - 3.1.9** Approve new and revised scopes of standards. Approval may be obtained prior to initiation of the standard development process or as part of the Board's action on approval of the code or standard, as deemed appropriate by the Board.
  - 3.1.10** Approve withdrawals of existing codes and standards and report to the Council for information or action, as deemed appropriate by the Board.

- 3.1.11** Recommend for Council approval the sunsetting of Standards Committees and conformity assessment programs.
- 3.1.12** Develop recommended Standards and Certification policies for consideration by the Council.
- 3.1.13** Develop recommended ASME positions with interfacing bodies, including regulatory agencies, with implementations subject to the approval of the Council.
- 3.1.14** Determine the Society's position on documents related to the Board's charter submitted to ASME for review.
- 3.1.15** Approve granting of Certificates of Award (e.g., Certificates of Appreciation, Acclamation, Achievement).
- 3.1.17** When the Council determines that an established accreditation or certification program shall be discontinued, the Board is responsible for ensuring that the Standards Committee and its Supervisory Board have provided for
- (a) proper and public notification of the affected industry;
  - (b) a phase-out period; and
  - (c) due process to the date of the program's termination.
- 3.1.18** Oversee the operation of accreditation and certification programs. Provide recommendations, as appropriate, to either the Council or to the Accreditation or Certification Committee and its Standards Committee.
- 3.1.19** Approve the selection criteria and procedures for ASME designees and ASME designated organizations as well as the selection of ASME designees by delegation to the BCA Committee on Designees.
- 3.1.20** Provide a link for procedural due process for all Standards Committees under its direction, and Accreditation and Certification Committees.
- 3.1.21** Supervise the internal audit program.
- 3.1.22** Develop policy for and establish measures for the protection of ASME marks.

- 3.2** When deemed necessary to preserve the integrity of the standards development process and/or to protect the interests of ASME, the Board may take administrative action necessary to fulfill its oversight obligations. Actions may include membership actions resulting from an appeal decision and delay or suspension of a Standards Committee action, including revisions to standards. Such actions are subject to due process provisions established by the Council.

## **4 MEMBERSHIP**

**4.1** The Board shall consist of the Chair, Conformity Assessment and a Vice Chair, members-at-large, and ex-officio members as approved by the Council on Standards and Certification. The total membership of the Board shall not exceed 25.

### **4.2 Chair**

**4.2.1** The Chair, Conformity Assessment, shall be appointed by the Council on Standards and Certification for a three year term commencing July 1<sup>st</sup> and expiring on June 30th. The Chair may not be appointed to consecutive terms.

**4.2.2** Nominations for the Chair shall be by secret letter ballot. Before January 15th of the year in which the Chair's term of office expires, the Secretary shall send out to members a list of the names of all members of the Board eligible for and desiring consideration, with a request that each member mark, in order, a preference for Chair by the numerals 3, 2, 1. Qualification requirements for Chair to include broad conformity assessment, management and engineering experience. Ten working days will be allowed for reply. Upon closure and receipt of votes from a majority of members, the names of the two candidates receiving the weighted highest number of votes or three names if there is a tie for second shall be the nominees. Should the weighted ballot result in fewer than two nominees, the officers of the Board will select eligible nominees from Committees reporting to the Board. The Secretary shall issue a secret letter ballot to members with a list of the two nominees, requesting that each member mark their preference for Chair. Ten working days will be allowed for reply. Upon closure and receipt of votes from a majority of members, the nominee receiving the highest number of votes shall be the Chair nominee and will be submitted to the Council on Standards and Certification for appointment.

**4.2.3** The Chair may serve simultaneously as Chair and ex-officio member, but shall have only one vote.

**4.2.4** The Chair may not serve simultaneously as Chair and member-at-large.

### **4.3 Vice Chair**

**4.3.1** The Vice Chair shall be an ASME member selected from the voting membership of the Board. The Vice Chair shall be elected by the weighted ballot of the Board, subject to confirmation by the Council.



**4.3.2** The election of the Vice Chair shall be by secret ballot, following the Council appointment of the Chair, Conformity Assessment. A written ballot, containing a list of the names of all members of the Board eligible for and desiring consideration, shall be submitted to all members for voting within ten working days. The ballot will include a request that each member mark, in order, their preference for Vice Chair by the numerals 3, 2, 1. Two names receiving the weighted highest number of votes for first choice or three names if there is a tie for second, shall be placed in a run-off secret ballot for which ten working days will be allowed for reply. The member receiving the plurality of votes cast shall be submitted to the Council for appointment as Vice Chair.

**4.3.3** The Vice Chair may serve simultaneously as Vice Chair and member, regardless of membership class, but shall have only one vote.

**4.3.4** The term of office for Vice Chair shall be concurrent with the term of office of the Chair.

#### **4.4 Secretary**

**4.4.1** The Secretary shall be designated from the ASME Standards and Certification Directorate.

**4.4.2** The Secretary is a nonvoting member of the Board.

#### **4.5 Members-at-Large**

**4.5.1** Members-at-large shall be selected by the Board and recommended to the Council for appointment or reappointment to the Board for a term not to exceed five years. The number of consecutive terms for members-at-large shall be limited to two. This limit can be exceeded for special circumstances if approved by the Council on Standards and Certification.

**4.5.3** The terms members-at-large shall expire June 30th.

**4.5.4** Representation of an absent member-at-large at a meeting may be by a representative. A representative is a person selected by a member to attend a meeting to observe and express the member's views. Such a representative may vote at a meeting provided they have signed an agreement to adhere to the Society's code of ethics and conflict of interest policy, but is not privileged to cast a letter ballot. An absent member may not select another voting member of the Board as their representative. However, the member may request another member to express their views on items before the Board.

#### **4.6 Ex-Officio Members**

- 4.6.1** Ex-officio members shall be chosen from the Chairs of Subordinate Committees, Standards Committees reporting to the Board on Conformity Assessment, and Accreditation and Certification Committees.
- 4.6.2** The Chair of the Board Committee on Hearings and Appeals shall be an ex-officio member of the Board, if not currently serving in another capacity. Normally, the Committee Chair should be the most recent, qualified and available past Chair, Conformity Assessment. The Chair of the Committee shall be appointed by the Board for a term concurrent with the Board Chair.
- 4.6.3** Ex-officio members shall serve on the Board during their tenure as Chair, subject to confirmation by the Council. If the Chair is unable to serve on the Board, a member of the particular Committee may be nominated by that Committee for appointment to the Board, subject to confirmation by the Council, to serve in the place of the Chair during the term of office of the Chair.
- 4.6.4** Ex-officio members may nominate a permanent alternate from the Committee they represent. The appointment is subject to approval by the Council.
- 4.6.5** The operating procedures of each Committee reporting to the Board shall reflect the requirement to represent their Committee at Board meetings and in the letter ballot process. These procedures also must reflect that occasional absences will be replaced by a written report to the Board Secretary of the Committee activities since the last Board meeting.

#### **4.7 Liaison Representatives**

Liaison representatives are nonvoting members of the Board unless they otherwise serve as Chair, Vice Chair, member-at-large, or ex-officio member.

#### **4.8 Other Membership Provisions**

- 4.8.1** A member may act in more than one of the above categories, but shall have only one vote.
- 4.8.2** The Board may add to or subtract from the list of Board members with the concurrence of the Council. The Board may also recommend the discharge of any member.

- 4.8.3** The duty of each member is to give thorough consideration to each subject brought before the Board for action, to vote on approval or disapproval of each proposal, to contribute their expertise in codes, standards, accreditation, and certification matters, to advise on personnel for membership on the Board and subsidiary Committees, and to assist generally in carrying out the functions of the Board. Such duties will be carried out by attendance at meetings, by correspondence, by voting, by telephone, teleconference and by other electronic means.
- 4.8.4** Members do not represent particular companies or organizations, but are individual members who shall have recognized background and experience in the field addressed by the scope and purpose of this Board.
- 4.8.5** If an ex-officio member, or a member-at-large or their representative, is not present or represented by an alternate for three consecutive meetings, the Board Secretary will contact the member to determine the reasons for the absence. The reasons will be reported to the Board Chair, who may decide to place the issue on a meeting agenda for discussion.
- 4.8.6** The Chair will examine the attendance record, voting responses, correspondence and other participation of Board members annually to assure members are executing their duties in accordance with 4.8.3. The Chair may remove a Board member for cause under 4.8.3, with a vote of the membership, after notifying the Council on Standards and Certification of the Chair's intent to do so and the reason(s) why. Any member so removed may exercise all rights of the Society's appeal process.
- 4.9 Honorary Members**
- 4.9.1** The Board may appoint a former member to Honorary Membership. Such member shall not have the right to vote. There is no expiration date.
- 4.9.2** Honorary membership may be conferred upon a former Board member only after ten years of dedicated service during which time the member shall have made significant contributions to the activities of the Board. At least five of the ten years shall have been as a member of the Board.
- 4.9.3** Election to Honorary Membership shall be discussed in administrative session of the Board. Following discussion, the Chair shall determine if a secret ballot can be conducted at the meeting based on attendance of listed membership present at the meeting, or be conducted by ballot. A ninety percent affirmative vote of the listed membership is required for election to Honorary Membership. Final approval by the Council is required.
- 4.9.4** Upon election, a Certificate is issued.
- 4.9.5** Honorary members may take part in Board affairs in accordance with their individual desires, under the following procedure:

- (a) They are invited to submit individually or jointly, to the Chair, recommendations on any matter which they believe would benefit the activities of the Board.
- (b) They may be appointed to any special Committee, or constituted into a temporary advisory Committee to handle a special subject.
- (c) Upon request, they will receive notices of meetings of the Board and copies of agendas and minutes.

## **5 BOARD OFFICERS AND THEIR DUTIES**

**5.1** The Officers of the Board shall be the Chair, Vice Chair, and Secretary.

### **5.2 Chair**

**5.2.1** The Chair shall be the executive officer of the Board, shall preside at meetings, and shall perform such duties as customarily attached to such an office.

**5.2.2** The Chair may, and to the extent consistent with ASME established policy, speak for the Society on issues within the scope of the Board.

**5.2.3** The Chair shall serve on the Council unless in some extenuating circumstance the Chair cannot serve. In this case, another member of the Board will be designated by the Board to serve instead of the Chair. The Chair shall also be an ASME member.

### **5.3 Vice Chair**

The Vice Chair shall, in the absence of the Chair, fulfill the duties of the Chair's office as related to the Board, and shall perform other duties as may be designated by the Chair.

### **5.4 Secretary**

**5.4.1** The Secretary shall record and distribute agenda and minutes of all meetings of the Board to all members of the Board and, if so directed by the Chair, to guests at the meetings. The Secretary shall receive and maintain all documents relative to the Board, distribute items for voting, correspond with interfacing organizations or individuals in the name of the Board, maintain rosters of the Board, transmit to the Council those matters which may require Council consideration or action, and perform other secretarial functions as requested by the Chair.

**5.4.1** In the absence of the Chair and Vice Chair at a meeting of the Board, the Secretary shall take the chair for the purpose of nomination and election of a Chair pro tem, who shall then preside at that meeting.



## **6 BOARD ACTIONS**

### **6.1 Board Actions**

Board actions are of three types.

**6.1.1** Approval of standards actions (see 6.2).

**6.1.2** Approval of accreditation and certification programs, Committee charters and scopes of codes and standards, procedures, and related criteria, conduct and guidance documents.

**6.1.3** Approval of administrative items such as personnel, recommendations relating to Council policy or ASME positions, Board and Committee policies, and granting of Certificates of Award (see 6.4).

### **6.2 Approval of Standards Actions**

**6.2.1** When a proposed standards action of the type described in 6.1.1 has been approved by the Consensus Committee, it shall be submitted to the Board, along with a tally of the voting in the Consensus Committee, for a two week period given in which the Board members shall have opportunity to express opposition to the proposed standards action. The tally shall contain the reason for any unresolved disapprovals still remaining and the Consensus Committee's consideration and treatment of these positions. Any expressions of opposition shall be submitted to the Secretary of the Board via letter, fax or electronic means.

**6.2.2** Board review of standards actions during this period shall be limited to verification that the action is consistent with approved procedures, policies, and scope, and that the Consensus Committee has adequately addressed all comments. Board members are encouraged to provide technical comments on draft proposals during the appropriate review and comment period, before Board review noted in 3.1.8.

**6.2.3** Objections from Board members received within the prescribed time limit shall be submitted to the pertinent Standards Committee for resolution. Objections that are withdrawn as a result of the Standards Committee response require no further action and the item may proceed toward final action. When the objections are not resolved or withdrawn, the item shall be submitted along with documented resolution attempts, to the Board for another two week period in which the Board members shall have the opportunity to support the outstanding objections. An item is considered approved if a majority of votes are cast by the Board membership and one-third or fewer of the Board membership supports the objection.

**6.2.4** Council on Standards and Certification approval is required prior to:

- (a) submittal of ASME copyrighted standards to ISO or IEC for approval consideration by these international bodies; and
- (b) submittal of ISO or IEC copyrighted standards to an ASME Committee for approval consideration as an ASME standard.

Upon receipt of a recommendation from a Standards Committee to proceed as per (a) or (b), the Board shall take action on approval of the recommendation for submittal to the Council. Action may be taken in accordance with 6.3, or at a meeting where the item shall proceed upon approval by a majority of those members present and eligible to vote provided a quorum is present.

### **6.3 Approval of Accreditation and Certification Actions**

**6.3.1** When a proposal for other than standards actions of the type described in 6.1.2 has been approved by the Consensus Committee, it will be sent to the Secretary of the Board, along with a tally of the voting by the Standards Committee. The tally shall include the reason for any remaining negative positions and the Committee's consideration and treatment of those positions.

**6.3.2** Proposals presented for approval may be acted upon, at the Chair's discretion, during a Board meeting, or through the voting procedures described in 6.5.

**6.3.3** The primary basis for these actions is review for adherence to approved procedures, policies, and scope.

### **6.4 Approval of Administrative Items**

**6.4.1** Proposals of the type described in 6.1.3 may be acted upon, at the Chair's discretion, during a Board meeting or through the voting procedures described in 6.4.

**6.4.2** Each member or alternate shall exercise his/her voting privilege within prescribed time limits. An alternate's vote shall be counted only if the member's vote is not returned.

**6.4.3** All members shall have the opportunity to vote.

**6.4.4** .-Votes shall be recorded in C&S Connect.

**6.4.5** Voting periods shall be closed upon receipt of all responses but not later than four weeks after the date of issue unless the Board or the Chair extends the voting period. Voting members of the Board are encouraged to vote as soon as possible.

**6.4.6** Votes received by the Secretary after the close of the voting period will not be considered, unless an extension of the period has been established by the Chair.

**6.4.7** At the close of the voting period, any disapproved ballots submitted during first consideration letter ballot shall be circulated to members of the Board for consideration. The item shall proceed upon approval by majority recorded vote of the Board or at a Board meeting provided a quorum is present.

## **6.5 Voting Procedure**

**6.5.1** The Secretary shall submit the ballot to the Board through the ASME electronic voting system.

**6.5.2** Ballots shall allow for the following types of votes: "Approved," "Disapproved with reason," "Abstain with reason," and "Not voting with reason."

**6.5.3** A response of "Not voting with reason" signifies neither approval nor disapproval, but the total voting membership is reduced by one for each "Not voting with reason" ballot for a particular action. A "Not voting with reason" action shall be used when the member determines that voting on the item would create a conflict, or an apparent conflict of interest.

**6.5.4** A response of "Abstain with reason" signifies neither approval nor disapproval, but the total Committee voting membership remains unaffected by such action.

**6.5.5** Voting periods shall be closed upon receipt of all responses but not later than four weeks after the date of issue unless the Board or the Chair extends the voting period. For situations where there are time constraints, the voting period may be expedited to two weeks. At the Chair's discretion, the voting period may be extended up to sixty days.

**6.5.6** Ballots received by the Secretary following the close of the voting period will not be considered in the evaluation of the ballot. There is no reduction in the total Board voting membership for unreturned ballots. An alternate's vote shall be counted only if the member's vote is not returned.



**6.5.7** On first consideration, the proposed action is approved if at least two-thirds of the members qualified to vote have voted approval and if there are no disapprovals cast.

Comments received on ballots shall be forwarded to the originating Committee for disposition. In the event that one or more disapproval votes, accompanied with reason, are received, the action does not proceed. A tally of the Board votes, including a copy of disapprovals and comments received, shall be sent by the Secretary to members of the Board.

**6.5.8** If the Board fails to approve an action, the developer of the proposed action shall be notified of the Board's disapproval and reasons therefore, and requested to respond. A copy of the response shall be sent to the Board member(s) casting the disapproval(s). Following review of the response, the Board member(s) shall advise the Secretary, within fourteen days after receipt of the response, as to whether they elect to withdraw their original disapproval or retain it with, or without, comment on the response received.

**6.5.9** If all disapprovals on action are withdrawn, the Secretary shall advise the Board of such withdrawals and the item proceeds.

**6.5.10** A second consideration Board ballot shall be conducted on actions for which first consideration disapprovals remain. A copy of the action, the first consideration disapproval, the developer's response, and any comments on the response submitted by the Board member shall accompany the second consideration ballot. Second consideration may also be acted upon during a Board meeting.

**6.5.11** When substantive revision is made to the proposed action, as may result from consideration of Board disapprovals, a new first consideration ballot of the substantive changes shall be conducted. Nonsubstantive changes may be incorporated into the proposed action for recirculation ballot.

**6.5.12** The basis for a negative vote on a second consideration ballot shall be limited to procedural matters, support of any first consideration negative which the member feels was not adequately resolved, or on revisions made after the initial ballot. In those cases in which a negative on a second consideration ballot is not based on the above, the Chair may rule that the negative is invalid and that it be forwarded as comments to the developer of the action for consideration for possible future revision.

**6.5.13** On second consideration, the proposed action is approved upon receipt of at least two-thirds affirmative vote of the members qualified to vote. If two-thirds affirmative votes of the members qualified to vote are not received on second consideration ballot, the action is defeated.

**6.5.14** Results of all voted actions shall be reported to the Board by the Secretary.

## 7 MEETINGS

- 7.1** Meetings of the Board shall be held not less than two times per year on dates and at locations determined by the Board, or by the Chair for the convenience of the Board. Meetings may be held through teleconference.
- 7.2** The Chair may rule that all or a portion of a meeting be in executive session.
- 7.3** At any meeting of the Board, a quorum shall consist of at least fifty percent of the voting members.
- 7.4** Agenda for the meetings shall be prepared by the Secretary with suggestion or recommendations by any member of the Board and after consultation with the Chair.
- 7.5** Items for agenda may be
- (a) Administration
  - (b) Policy
  - (c) Personnel
  - (d) Recommendations
  - (e) Proposed standards
    - (1) New submittals for discussion only
    - (2) Those which had received disapproved votes or comments through voting procedures.
  - (f) Progress reports from:
    - (1) Standards Committees
    - (2) Conformity assessment activities and subcommittees
    - (3) Other Committees reporting to Board
    - (4) Liaison Representatives
  - (g) Internal Audits
  - (h) Other

## **8 APPEALS**

### **8.1 Types of Actions**

The procedures of each Standards Committee under the jurisdiction of the Board and each Accreditation, Registration, and Certification Committee shall provide for consideration of appeals in the Standards Committee or Accreditation and Certification Committee itself and reference to procedures for appeal to the Board.

**8.1.1** Actions and proposals by Standards Committees under the jurisdiction of the Board may be appealed to the Board, other than accreditation, registration and certification matters, provided the action has been thoroughly considered in the respective Standards Committee and which remain objectionable to any party concerned with the action.

**8.1.2** Accreditation and Certification Committee procedures shall include provisions for appeal of Committee actions. Accreditation and certification actions by all Accreditation and Certification Committees may be appealed to the Board.

### **8.2 Appeals of the Type in 8.1.1**

**8.2.1** Appeals shall first be directed to the originating Standards Committee.

**8.2.2** Appeals which cannot be resolved at the level of the Committee which originated the action, may be referred to the Board.

**8.2.3** If the Board Hearing Panel cannot reach a mutually acceptable solution, an appeal may be submitted to the Board on Hearings and Appeals of the Council on Standards and Certification, which may decide at its discretion whether or not to consider such a further appeal.

### **8.3 Appeals of the Types in 8.1.2**

**8.3.2** Appeals shall first be directed to the cognizant Standards Committee.

**8.3.3** Appeals which cannot be resolved at the level of the Standards Committee may be referred to the Board.

**8.3.4** If the Board Hearing Panel cannot reach a mutually acceptable solution, an appeal may be submitted to the Board on Hearings and Appeals of the Council on Standards and Certification, which may decide at its discretion whether or not to consider such a further appeal.

## 8.4 Board Hearing Panel Considerations

The Hearing Panel may consider:

- (a) in general, that procedural due process has been provided to the appellant;
- (b) applicable policies and procedures have been properly followed;
- (c) in connection with appeals regarding the promulgation of new or revised codes or standards, that consensus has been developed;
- (d) regarding technical, as opposed to procedural appeals, the Hearing Panel may consider submitting suggestions and/or questions for consideration and follow-up by the Standards Committee. However, it must be recognized that only the balanced Consensus Committee can modify or revise a standard within its jurisdiction. A Hearing Panel considering a technical appeal may require a Standards Committee to report back to the Hearing Panel in response to suggestions and/or questions and may put a hold on, or suspend, appealed actions pending satisfactory resolution of the issues raised;
- (e) regarding accreditation and certification appeals, the Hearing Panel may grant or deny a certificate to an applicant and may submit suggestions and/or questions for consideration and follow-up by the cognizant Accreditation or Certification Committee;
- (f) regarding appeal allegations involving a conflict of interest disqualification consideration, the Hearing Panel may consider the conflict issue in the first instance if it was the appointing body for the challenged Committee member(s). However, Society Policy P-15.8 on Conflicts of Interest shall be adhered to and final authority regarding conflict of interest appeals, if unresolved by the Hearing Panel decision, is the responsibility of the ASME Ethics Committee. Nevertheless, even if the Supervisory Board is not the appointing body, since alleged conflict of interest is often intertwined with other reasons for an appeal, the Hearing Panel may hear related arguments and rule as to whether related policies and/or procedures have been properly followed, provided that Society Policy P-15.8 is followed; and/or
- (g) such other matters that may arise.

## 8.5 Procedures for Appeal

- 8.5.1** Within ten working days after the date of the mailing of the response to an appeal to the Standards Committee or Accreditation or Certification Committee, written notice, (by certified mail or equivalent communication) of intent to appeal to the Board shall be filed with the Secretary of the Board.

**8.5.2** Within twenty working days after the date of mailing the notice of intent to appeal, an official written appeal statement shall be submitted to the Secretary of the Board with statements of the item(s) in question, the cognizant Standards Committee or Accreditation or Certification Committee's action with reason why the action should be modified, and the Appellant's suggested modification of the action. The Secretary shall distribute copies of the official appeal statement to the Board Chair and members of the Board Committee on Hearings and Appeals. The Standards Committee or Accreditation or Certification Committee shall be notified of the request for appeal and shall be given fifteen working days after receipt of such notification to comment in writing on the appeal.

## **8.6 Hearing Panels**

The Committee on Hearings and Appeals shall act as the Hearing Panel for Board hearings. At the option of the Board, the Hearing Panel may be increased to include additional members up to and including the entire Board.

### **8.6.1 Committee on Hearings and Appeals**

- (a) The Chair of the Committee shall be appointed by the Board for a term concurrent with the Board Chair. Normally, the Chair should be the most recent, qualified and available past Board Chair, Conformity Assessment.
- (b) The members of the Committee shall be the members-at-large of the Board.
- (c) The Secretary of the Board shall act as Secretary of the Committee.

**8.6.2** No individual shall serve on a Hearing Panel where there is an apparent or actual conflict of interest, or who has voted at previous hearings on the appeal in question.

**8.6.3** Because of potential conflict of interest, individuals who fall into one or more of the following categories are not eligible to vote on any action pertaining to a hearing concerning an accreditation or certification matter:

- (a) employees of the Applicant/Certificate Holder;
- (b) consultants and the employees of consultants to the Applicant/Certificate Holder;
- (c) any participants in the review, survey, audit, investigation or examination in question.

**8.6.4** When there are less than five qualified members of the Committee for a hearing or appeal, the Chair of the Board shall nominate from present or former members of the Board, the necessary qualified individuals to have five members on the Hearing Panel.

**8.6.5** A staff member other than the Board Secretary may act as Secretary for a Hearing Panel if the Board Secretary has had previous involvement in the matter under appeal.

**8.6.9** All concerned parties shall be notified of the hearing at least fifteen working days in advance of the date set for hearing the appeal. At the time of the notification of an appeal hearing, the Secretary of the Board shall provide the parties with a list of the members of the Appeals Panel, in order to allow any concerned the opportunity to object should they perceive the existence of conflict of interest. Any such objections should be submitted to the Secretary of the Board at least ten working days prior to the scheduled date of the hearing 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. If such an objection is raised concerning Board membership, it should be addressed in a manner consistent with Society Policy P-15.8, Conflicts of Interest. Objections to members of an Appeals Panel should be resolved, if possible, prior to the convening of the Panel. In the event that any such objection cannot be resolved by the Board Chair's selecting alternative Panel members, the appeal shall be heard by the Board.

## **8.7 Hearing Panel Procedures**

**8.7.1** Call to Order

**8.7.2** Opening Statement by the Panel Chair including introduction of members of the Hearing Panel and the Secretary for the hearing.

**8.7.3** Introduction of attending personnel.

**8.7.3.1** Attendees for the presentation shall be limited to

- (a) members of the groups affected by the appeal;
- (b) Hearing Panel members;
- (c) ASME legal counsel;
- (d) Hearing Panel Secretary;
- (e) other staff members as authorized by Board Secretary;
- (f) for accreditation or certification hearings, a member of the ASME Team preferably, Team Leader.

**8.7.4** Presentation of position

**8.7.4.1** The order of presentation shall be determined by the Chair of the Hearing Panel prior to the hearing and announced in the agenda distributed in advance of the hearing.

**8.7.4.2** Groups affected by the appeal may be represented by a maximum of three individuals.

**8.7.4.3** Time allowance for each group's initial presentation shall be a maximum of thirty minutes.

**8.7.4.4** Time allowance for each group's rebuttal shall be a maximum of twenty minutes.

**8.7.5** Questions by members of the Hearing Panel.

**8.7.6** Re-rebuttal, if called for, shall be limited to ten minutes for each group.

**8.7.7** Executive Session – The Chair will announce the Executive Session.

**8.7.7.1** Attendees for the executive portion of the hearing shall be limited to

- (a) Hearing Panel members;
- (b) ASME legal counsel;
- (c) Hearing Panel Secretary;
- (d) other staff members as authorized by Board Secretary.

**8.7.7.2** Possibility of questions by the members of the Panel to clarify points. During such questioning, representatives of each affected group shall be present.

**8.7.7.3** When a decision has been arrived at through majority vote, the Secretary shall record this decision. The Panel Chair shall not vote except to break a tie.

**8.7.8** Recall of attendees for presentation session.

**8.7.9** The Panel Chair shall read the decision and advise of the right of appeal to the Board on Hearing and Appeals of the Council on Standards and Certification.

#### **8.7.10 Adjournment**

The Secretary of the Board or the Hearing Panel Secretary shall notify the appellant, and the Chair of the concerned Standards Committee, or Accreditation or Certification Committee and others concerned in writing within seven working days of the hearing. This notification shall be sent by certified mail, return receipt requested, or equivalent communication. The notification shall advise that, should the Board's decision remain objectionable to any party concerned with the action, they may request an appeal, based upon matters relating to procedural due process, to the Council on Standards and Certification Board on Hearing and Appeals, which may decide at its discretion whether or not to consider such a further appeal. To request a further appeal, written notice of intent to appeal must be filed by certified mail with the Secretary of the Board on Hearings and Appeals within ten working days after receipt of the notification of the results of the Board appeal.

### **9 CERTIFICATES OF AWARD**

### **9.1 Certificates of Appreciation**

Certificates of Appreciation are Society awards issued in accordance with Society Policy P-1.2 to selected individuals for outstanding leadership and/or especially effective service in the development of codes and standards. Criteria for issuance shall be included in the Standards Committee procedures approved by the Board. On behalf of the Council on Standards and Certification, the Board shall vote on issuances of Certificates of Appreciation recommended by Committees under its jurisdiction.

### **9.2 Certificates of Achievement**

Certificates of Achievement are Council awards which are available annually to each Standards Committee for recognition of significant personal achievement. The candidate must be unanimously accepted by the Committee granting the Certificate, and endorsed by the Board on behalf of the Standards and Certification Board of Directors.

### **9.3 Certificates of Acclamation**

Certificates of Acclamation are Council awards which are available annually to each Standards Committee for recognition of excellence in the development of a specific work product [e.g., new document, major revision] and are presented to an individual or a small group of individuals most responsible for the work product. Nominations of individuals to be recognized and the specific achievement shall be made by Standards Committee Chair to the Board, who shall vote on such issuances on behalf of the Council.

### **9.4 Issuance of Certificates**

The provisions for administrative items, as described in 6.5 of these operating procedures, shall apply for Board actions on recommendations from Standards Committees for the issuance of Certificates of Award. The Board shall exercise control to maintain the integrity of the awards and ensure nonproliferation. Appendix A provides sample procedures for Certificates of Award.

### **9.5 Board Nominations**

Recommendations made by the Board for issuances of Certificates of Awards to Board members for service on the Board shall be submitted to the Council.



**10      ROBERTS' RULE OF ORDER**

On questions of parliamentary procedure not covered in these operating rules, Roberts' Rules of Order shall be used.

## 11 RECORDS

Records shall be retained in accordance with Codes and Standards Policy CSP-38, Document Retention.

## 12 AMENDMENTS OF PROCEDURES

Amendments to these procedures require the approval of the Board and approval of the Board on Codes and Standards Operations.

## **APPENDIX A SAMPLE STANDARDS COMMITTEE PROCEDURES FOR HONORARY MEMBERSHIP AND CERTIFICATES OF AWARD**

### **A.1 Honorary Member - Standards Committee**

- A.1.1** The Standards Committee may appoint a former member to Honorary Membership. Such member shall not have the right to vote. Honorary Membership is continuous; there is no expiration date.
- A.1.2** Honorary membership may be conferred upon a former Standards Committee member only after ten years of dedicated service during which time the member shall have made significant contributions to the activities of the Committee. At least five of the ten years shall have been as a member of the Standards Committee.
- A.1.3** Election to Honorary Membership shall be discussed in administrative session of the Standards Committee. Following discussion, the Chair shall determine if a secret ballot can be conducted at the meeting based on attendance of listed membership present at the meeting, or be conducted by letter ballot. A ninety percent affirmative vote of the listed membership is required for election to Honorary Membership. Final approval by the Board on Conformity Assessment is required.
- A.1.4** Upon election, a Certificate is issued.
- A.1.5** Honorary members may take part in Committee affairs in accordance with their individual desires, under the following procedure:
- (a) They are invited to submit individually or jointly, to the Chair, recommendations on any matter which they believe would benefit the activities of the Committee.
  - (b) They may be appointed to any special Committee, or constituted into a temporary advisory Committee to handle a special subject.
  - (c) Upon request, they will receive notices of meetings of the Committee and copies of agenda and minutes.

### **A.2 Honorary Member – Conformity Assessment**

- A.2.1** The Conformity Assessment Committee may appoint a former member to Honorary Membership. Such member shall have no access to confidential material and shall not have the right to vote. Honorary Membership is continuous. There is no expiration date.
- A.2.2** Honorary Membership may be conferred upon a former Conformity Assessment Committee member only after ten years of dedicated service during which time the member shall have made significant contributions to the activities of the Committee.

**A.2.3** Election to Honorary Membership shall be based on a recommendation from the Conformity Assessment Committee and discussed in administrative session of the Consensus Committee. Following discussion, the Chair shall determine if a secret ballot can be conducted at the meeting based on attendance of listed membership present at the meeting, or be conducted by letter ballot. A ninety percent affirmative vote of the listed membership is required for election to Honorary Membership. Final approval by the Board on Conformity Assessment is required.

**A.2.4** Upon election, a Certificate is issued.

### **A.3 Certificates of Appreciation**

**A.3.1** The Standards Committee and other Committees reporting to the Board may make recommendations to the Board on Conformity Assessment for the issuance of Certificates of Appreciation to individuals who have given meritorious service to the Committee. The following guidelines, although not mandatory, should be used in making these recommendations:

**A.3.2** The wording of the Certificate should refer in a general way to service to the activities of the Committee, rather than to service on specific sub-tier Committee(s).

**A.3.3** The usual times for the Committee to consider the recommendation of a Certificate should be either ten years after the date of an individual's first formal appointment to a Committee activity, or at the time of their resignation from Committee activities.

**A.3.4** Factors to be considered in the decision of whether or not a recommendation should be made are length, continuity and diligence of service. Except for an unusually meritorious contribution, a Certificate should not be recommended at the time of the resignation of any person whose total service to the Committee has been less than one term (five years).

**A.3.5** No more than one Certificate for general service should be recommended for any individual. A Certificate for general service may be recommended for an individual who has already received a Certificate for a specific service, but only if it is believed that the specific service mentioned on the existing Certificate does not cover a significant portion of their actual contribution.

### **A.4 Certificates of Acclamation**

**A.4.1** Annually, the Committee Chair of Standards Committees and other Committees reporting to the Board may make nomination to the Board on Conformity Assessment for the issuance of Certificates of Acclamation.

- A.4.2** This award is intended to recognize excellence in development of a new or revised code or standard. It is not intended to be a general service award. The form of the award consists of a Certificate and commemorative.
- A.4.3** The Committee Chair may solicit recommendations from the Committee membership, including subtier Committee Chairs.
- A.4.4** The nomination shall consist of the name(s) of an individual or a small group of individuals most responsible for the development of a specific Committee work product (e.g. new document, major revision).
- A.4.5** A member may receive more than one Certificate of Acclamation, if so deserving.
- A.4.6** Approval by the Board on Conformity Assessment, acting on behalf of the Council on Standards and Certification is required. The Board exercises control to maintain the integrity of the award.

#### **A.5 Certificates of Achievement**

Annually, the Standards Committee and other Committees reporting to the Board may make recommendation to the Board on Conformity Assessment for the issuance of a Certificate of Achievement to an individual for significant personal achievement in the development and promulgation of codes, standards or other documents under the Committee's jurisdiction. The nomination shall be unanimously voted by the Committee and forwarded to the Board on Conformity Assessment for final approval on behalf of the Council on Standards and Certification.

#### **A.6 Membership**

Membership in the Society is not a requirement for Honorary Membership, Certificates of Appreciation, Certificates of Acclamation or Certificates of Achievement

