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## PL710 Appeals

### Introduction

This document describes the policy and procedures for handling appeals by the certification body against accreditation decisions as well as challenges to decisions by third parties.

PL710 is distributed to CBs with the initial accreditation decision and whenever there are changes to the policy. It is also distributed to the COABC Board of Directors and COABC Accreditation Board. Other interested parties may obtain a copy on request.

This policy is approved by the COABC Board of Directors. The Director of the Accreditation Board is responsible to review the policy for appropriateness periodically and to make recommendations for revisions as necessary.

## 1. Appeal by Certification Bodies

### 1.1. Two Step Process

- 1) Certification Bodies have the right to appeal decisions of the COABC Accreditation Board. The appeal procedure is a two step process. CB's must pursue the step 1 process before initiating the step 2 process.

### 1.2. Dispute Resolution

- 1) The "**Dispute Resolution Process**" is used by the Accreditation Board as a friendly alternative to a formal appeal course. The dispute resolution process encourages detailed discussions of the case and endeavours to reach a decision at the conclusion of the process that is both equitable and clearly defensible.
- 2) The Accreditation Board shall appoint a Chair of the Dispute Resolution Committee from among its number. The Dispute Resolution Committee shall convene only when there is a need for its services. The Chair of the committee shall appoint two COABC Accreditation Board members on the Dispute Resolution Committee.

### 1.3. Appeals Procedure Step 1

- 1) The first avenue for appeal of a decision of the COABC Accreditation Board by a Certification Body shall be to appeal directly to the COABC Accreditation Board. The Certification Body shall:
  - a) File the notice of appeal within thirty days of receiving the decision from the COABC Accreditation Board.
  - b) In order for an appeal to be admissible, the certification body must give evidence to a justifiable procedural error, misinterpretation, or inconsistency relative to the Board's previous decisions.

- c) Challenges to individual points of compliance are considered objections not appeals. These are dealt with by the Director and are brought to the Accreditation Board for review.
- 2) Upon receipt of an appeal by a CB regarding a decision of the COABC Accreditation Board, the Director will ensure that the Accreditation Board Dispute Resolution Committee is provided with the necessary information about the appeal.
- 3) The Director will convene a meeting of the Dispute Resolution Committee with the disputant within 30 days of receipt of the appeal. This meeting may take place in person or through teleconference, but shall always include both the dispute resolution committee and the disputant.
- 4) The disputant will be given the opportunity to state his or her case, and the Dispute Resolution Committee may question the disputant and endeavour to reach agreement:
  - a) to change a previous ruling;
  - b) to ask the COABC to amend the criteria;
  - c) to refer the dispute to the COABC Board;
  - d) To make some other decision.
- 5) The Dispute Resolution Committee shall make a decision and inform the appellant in writing within 10 days following the committee meeting.

#### **1.4. Appeals Procedure Step 2**

- 1) In the event that the certification body still does not agree with the COABC Accreditation Board, they may pursue an appeal to the COABC Board of Directors.
- 2) Certification bodies shall proceed as follows:
  - a) It shall request in writing, an emergency meeting of the COABC board at which the appeal will be heard.
  - b) A deposit of \$250.00 shall accompany this request.
  - c) The deposit is returned only if the COABC board finds the COABC Accreditation Board has not provided a fair process for the assessment of the certification body in question.
  - d) The director representing the certification body is not eligible to vote on its appeal.
  - e) The COABC Board is restricted in its decisions on appeals of the COABC Accreditation Board to determining only whether a fair process was in place with regards the accreditation decision of the certification body in question.
  - f) If the COABC Board finds that fair process was in place during the accreditation review in question, then the affected certification body has no further right of appeal.
  - g) If the COABC Board finds that a fair process did not take place during the accreditation review of the certification body in question, the COABC Board may:
    - i. Direct the COABC Accreditation Board to repeat the accreditation process of the certification body in question.
    - ii. In extraordinary circumstances, the COABC Board may remove and replace appointments to the COABC Accreditation Board. This may only take place by action on an appeal to the COABC Board by a

certification body, or because of verified evidence that an Accreditation Board member has not acted according to Accreditation Board policy.

#### **1.5. Records of Appeals**

- 1) The COABC Accreditation Board and the COABC Board of Directors will keep records of all appeals, of final decisions and of follow-up actions taken. The records shall be available for inspection and audit by BCMA.

#### **1.6. Corrective Actions**

- 1) When an appeal is upheld, the COABC Board shall determine whether the initial decision was a result of a failing on the part of the Accreditation Board and if so determine appropriate corrective actions.
- 2) Any corrective actions shall be implemented as soon as possible and before the next meeting of the Accreditation Board.