

Appealing a Data Demographic Collection Tool Exclusion Decision

POLICY: Certifying bodies seeking inclusion of their credential in the Magnet Demographic Data Collection Tool™ (DDCT) will have an opportunity to appeal exclusion decisions.

- I. Scope.
 - A. Appealable decisions.
 1. Denial of request for inclusion
 2. Removal from inclusion list
 - B. Non-appealable issues. The following may not be appealed and may not serve as the basis for appeal:
 1. Inclusion criteria; and
 2. Inclusion scoring system, passing score and setting of passing score.
- II. Appeal Process.
 - A. Timing. Certifying bodies wishing to appeal an adverse inclusion decision as set forth in Section I must submit a written Appeal within ten (10) business days of the date of the adverse decision. Failure to timely appeal will result in automatic dismissal of the Appeal. For the purpose of this policy, a “Certifying Body” is any organization claiming to offer a “certification” that it seeks to have included on the DDCT.
 - B. Content of Appeal. Appealing Certifying Bodies must send a written Appeal to the attention of the Director, ANCC Magnet Recognition Program (Director).
 1. Contents. The Appeal must contain the following information:
 - a. The name, title and contact information of the person who will serve as the Certifying Body’s contact for the Appeal;
 - b. The basis for the Appeal;
 - c. Facts and documentation supporting the Appeal; and
 - d. Signature of the Certifying Body’s point of contact for the Appeal.
 - e. **The Appeal and supporting documentation may not contain new evidence. New evidence will not be considered by the Appeal Panel.**
 - f. **The Appeal and supporting documentation may not be supported by information regarding another organization in the same or a different system. Information about other Certifying Bodies will not be considered by the Appeal Panel.**
 2. Effective Date. The Appeal is effective upon receipt by the Director.
 3. Delivery. The Appeal and all supporting documentation must be delivered by email to the Director.
 - C. Referral to the Commission on Magnet® Recognition (COM)
 1. Within a reasonable time after receiving the Appeal, the Director or Director’s designee will forward the matter to the COM, which shall serve as the appeal review body.
 2. Conflicts.
 - a. Disclosure. Members of the COM who have an actual or potential conflict

of interest shall disclose such conflict to the Director prior to considering the appeal Panel. The Director shall inform the appealing organization of the conflict.

- b. **Objection by Appealing Organization.** The appealing organization may notify the Director of an actual or potential conflict with any member of the COM at the time it submits its supporting documentation or within (5) business days from the date of notice by the Director that a member of the COM disclosed a conflict. Objections must be submitted by email to the Director and must state the nature of the alleged conflict. If the Director determines that there is a conflict, the conflicted COM member shall be recused from the appeal proceedings.
 4. **Contact with the COM.** Contact between any member of the Appealing Organization and any member of the COM during the appeal process is strictly prohibited and may be the basis for immediate dismissal of the appeal.
 5. **The Director or Director's designee will forward the Appeal and supporting documentation submitted by the appealing organization, along with any other information deemed relevant by the Director to the Appeal (Other Relevant Information) (together, Appeal Information), to the COM. A copy of all Other Relevant Information that is provided to the COM also will be provided to the appealing organization.**
 6. **The COM will consider the matter at its next regularly scheduled telephonic or face to face meeting. However, the time for review may be extended by the Director or Director's designee, at ANCC's sole discretion.**
- D. **Review of Appeal**
1. **To facilitate its review of the appeal, the COM may request clarifying information from the appealing organization or from one or more members of the team that reviewed and decided the request for inclusion. The COM may also seek guidance from legal counsel.**
 2. **Appealing organization's participation. The appealing organization is not entitled to participate in the review of appeal.**
 3. **No hearing. There will be no appeal hearing.**
- D. **Deliberations, Voting, and Disposition**
1. **Deliberations. Deliberations will take place during the meeting at which the COM reviews the appeal.**
 1. **Voting. Votes will be cast verbally and the outcome of the vote will be recorded in the minutes.**
 2. **Disposition. The COM shall decide, by a majority vote, whether to uphold or reverse the initial inclusion decision. For the decision to be reversed, the COM must find that the certification meets each inclusion criterion.**
 - a. **Reversed. If the COM reverses the initial decision, the certification that is the subject of the appeal will be added to the DDCT when it is next updated.**
 - b. **Upheld. If the COM upholds the initial decision, the certification will not be included on the DDCT.**
 3. **Notification. The appealing organization will be notified of the outcome of the appeal by in writing via letter signed by the Director and sent using certified mail. The inclusion review team will be notified by any means deemed appropriate by the Director or Director's Designee.**
 4. **Finality of Decision. The decision of the COM is final.**