



## Appeal Policy and Procedures

**As amended by the Board of Directors, April 2006, October 2008, September 2011,  
July 2012 and November 2014.**

### Appeal Procedure

- A. All correspondence and inquires with regard to adverse decisions or appeals is to be submitted in writing to the Executive Secretary of the AVDC.
- B. In order for a person adversely affected by a decision of the AVDC to appeal the decision, s/he must submit a **petition**, in writing, to the Executive Secretary of the AVDC. The petition shall include a statement of the grounds for reconsideration and documentation, if any, in support of the petition.
- C. **Grounds for an Appeal:** The affected party may petition for reconsideration or review of the AVDC's decision on the grounds that the AVDC has ruled erroneously by:
  - a. Disregarding the established AVDC criteria for certification or approval.
  - b. Failing to follow its stated procedures.
  - c. Failing to consider relevant evidence and documentation presented.
- D. The petition must be received by the Executive Secretary within **20 days** of the date on which AVDC informed the affected party of the AVDC adverse decision.
- E. An appeal fee of US\$100 is to accompany the appeal; the check is to be made out to "AVDC". The appeal fee is non-refundable.
- F. **Board Action Following Receipt of an Appeal by AVDC:** Appeals of adverse decisions shall initially be considered by the Board of Directors, who may make a summary decision in favor of the petitioner. If a summary decision in favor of the petitioner is not made by the Board, the appeal is referred by the Board to the Appeals Committee.
- G. The **Appeals Committee** shall investigate appeals of adverse decisions referred to it by the Board of Directors. As per By-Laws Article II, Section 2, item A, the Appeals Committee shall be composed of four members appointed by the AVDC Board of Directors, one of whom shall be appointed as Chairperson. No member of the Appeals Committee may be an AVDC Officer or Member of the Board of Directors, and no diplomate directly involved with the adverse decision or the petitioner may be a member of the Appeals Committee panel for that appeal. If a member of the Appeals Committee has to be recused from participation in the review of an appeal for any reason, the Board of Directors shall appoint another diplomate to the Appeals Committee panel for that appeal.
- H. The Appeals Committee panel shall be charged by the Board of Directors within **5 days** of receipt of the petition.
- I. The petitioner may request a **hearing**. The Appeals Committee, at its discretion, may choose to invite the petitioner to attend a hearing of the Appeals Committee on the appeal at a mutually convenient time and place, providing reasonable notice of the time and place to the petitioner by certified mail. AVDC will not reimburse travel expenses resulting from a hearing incurred by the petitioner.

- J. **Decision on the Appeal:** After reviewing the petition of appeal, supporting documentation and other relevant material, and following a hearing if held, the Appeals Committee panel shall make a decision on the appeal in a report to the Board of Directors within a time period which shall not exceed **21 days**.
- K. **Board action following receipt of the report:** The Board of Directors will review the Appeals Committee report. In the case where the decision of the Appeals Committee is to deny the appeal, the Board retains the right to override the Appeals Committee decision for cause, in which case the final AVDC decision on the appeal is to reverse the original adverse decision. If the Appeals Committee decision is to sustain the appeal, the Board of Directors is required to accept the Appeals Committee decision. The Board of Directors shall direct the Executive Secretary to report the final decision on the appeal to the petitioner.
- L. The Executive Secretary of the AVDC shall notify the petitioner of the AVDC's final decision in writing by certified mail within **5 days** of receipt of the report from the Appeals Committee (maximum of **31 days** from receipt by AVDC of the petition to reconsider).
- M. If the AVDC declines to reconsider or amend its decision to the satisfaction of the petitioner, the petitioner may request **mediation** by the American Board of Veterinary Specialties (ABVS). The Chairman of ABVS may call a meeting of the parties or their representatives. The meeting may be held at the American Veterinary Medical Association (AVMA) headquarters and may be chaired by the Chairman of the ABVS. The parties would be guided to seek equitable solutions. Neither the AVMA nor the AVDC will provide travel funds to the parties in dispute.

<b>Time Permitted for Appeals Processes</b>	<b>Number of Days Permitted Per Step</b>	<b>Maximum Cumulative Days From Transmission of Adverse Decision to Petitioner</b>	<b>Maximum Cumulative Days From Receipt of Appeal</b>
Transmittal of adverse decision by AVDC to petitioner	-	-	-
Preparation of the appeal by the petitioner and submission to AVDC	<b>20</b>	<b>20</b>	-
Initial AVDC Board consideration of the appeal and transmittal of charge to Appeals Committee	<b>5</b>	<b>25</b>	<b>5</b>
Appeals Committee consideration of appeal and transmittal of report to Board	<b>21</b>	<b>46</b>	<b>26</b>
Board consideration of report from Appeals Committee and transmittal of decision to the petitioner.	<b>5</b>	<b>51</b>	<b>31</b>