

Complaint and Appeal Investigation Procedures



SCS Forest Conservation Program Complaint and Appeal Investigation Procedures December 3, 2006

Complaint Investigation Procedure¹

For purposes of this procedures document, a “**complaint**” is a written expression of dissatisfaction, other than **appeal**, by any person or organization, to a certification body, relating to the activities of staff of the SCS Forest Conservation Program and/or representatives of a company or entity holding either a forest management (FM) or chain-of-custody (CoC) certificate issued by SCS and duly endorsed by FSC, where a response is expected (ISO/IEC 17011:2004 (E)). In the context of the SCS Complaint Investigation Procedure, functionally equivalent terms include: grievance and dispute. Note, however, that the term “dispute” assumes a distinct meaning and connotation in the event that a complaint cannot be satisfactorily resolved by SCS and, as such, the complainant raises the matter with the FSC. An “**appeal**” is a request by a certificate holder or a certification applicant for formal reconsideration of any adverse decision made by the certification body related to its desired certification status. See section 3.5.7 for SCS appeal procedures.

The SCS Complaint Investigation Procedure functions as a key element of the FSC Informal Dispute Resolution Process. That is, the certification body’s receipt and investigation of complaints is intended to provide a first-stage forum and mechanism for hopefully resolving issues, thereby avoiding the need to involve the FSC. In the event that the SCS Complaint Investigation Procedure proves unsuccessful in resolving the matter, it can be brought forward by the complainant to the FSC for the second stage of the Informal Dispute Resolution Process. This follow-up informal process entails the FSC Executive Director, in collaboration with the Chair of the Dispute Resolution Committee, seeking an informal resolution through additional dialogue and negotiation. In the event that this second stage also proves unsuccessful in resolving the matter, the complainant can then invoke the FSC Formal Dispute Resolution Process. The reader is referred to the FSC web site (www.fsc.org) for additional materials describing dispute resolution.

Availability/Standing

The SCS Complaint Investigation Procedure is available to third party individuals or organizations that perceive a stake in the affairs of the SCS Forest Conservation Program and that/whom have reason to question either the actions of SCS itself or the actions of a SCS

¹ Section 3.5.4 of the FCP Certification Manual and Section 5.5.7 of the FCP Quality Manual

certificate holder. The Appeal Procedure, not this Complaint Investigation Procedure, is available to SCS certificate holders and certification applicants seeking formal reconsideration of an SCS decision that directly affects that certificate holder/applicant's certification. The Complaint Investigation Procedure is applicable to any formal decision rendered under the SCS Forest Conservation Program (e.g., award of certification, denial of certification, termination of certification) or actions taken by a FSC certificate holder, where such actions are believed to conflict with the terms and conditions of certification. Examples include:

- A third party objecting to the fact that SCS has awarded a FSC-endorsed chain of custody (CoC) or a forest management (FM) certificate
- A third party that believes that a certificate holder is taking actions that conflict with the terms and conditions of their certification, such as non-conformance with the FSC Principles & Criteria (relevant to FM certificate holders)

In the case of complaints against the actions of a certificate holder, the complainant must first attempt to resolve the issue with the certificate holder prior to requesting that SCS become involved, pursuant to this Complaint Investigation Procedure.

Complaint Content Requirements

To have standing under this Procedure, the written complaint must:

- Identify and provide contact information for the complainant
- Clearly identify the aggrieved action (date, place, nature of action) and which parties or individuals are associated with the action
- Explain how the action is alleged to violate a FSC requirement, being as specific as possible with respect to the applicable FSC requirement
- In the case of complaints against the actions of a certificate holder, rather than SCS itself, the complainant must also describe efforts taken to resolve the matter directly with the certificate holder
- Propose what actions would, in the opinion of the complainant, rectify the matter.

Written complaints should be submitted to:

Dr. Robert J. Hrubes
Senior Vice-President
Scientific Certification Systems
2200 Powell Street, Suite 725
Emeryville, California, USA 94608
Email: rhrubes@scscertified.com.

Procedural Steps upon Receipt of a Written Complaint

Upon receipt of a written complaint, the SCS Senior Vice-President or his designee will undertake the following actions:

- Provide a written response to the complainant within 4-weeks of receipt of the complaint, informing them as to whether or not the complaint qualifies for investigation under this Procedure; the response letter will also outline the investigation process and the recourse available to the complainant with the FSC, itself
- Forward all timely complaints onto the standing SCS Complaints Committee, of which the Senior Vice-President is the standing Chair, as well as the relevant certificate holder
- Select an individual to investigate the complaint; such individual must be independent of:
 - the certification evaluation at issue
 - the associated certification decision
 - the day to day implementation of the policies of the SCS Forest Conservation program (for FM certificates, this means that the SCS Director, Forest Management Certification cannot conduct the investigation; for CoC certificates, this means that the SCS Director, Chain of Custody Certification cannot conduct the investigation)
- Open a complaint file in which all materials and correspondence associated with the complaint will be maintained.

The assigned investigator will undertake the following tasks:

- Inform the complainant and relevant certificate holder, as appropriate, of their assignment
- Solicit and collect additional information, as appropriate; the investigation is to be based primarily upon written documentary evidence supplied by the complainant—it is the complainant's burden to establish that there has been an action taken in contravention of a FSC requirement. Typically, the investigator will augment the documentary evidence submitted by the complainant with telephone and email interviews. The investigator, if authorized by the SCS Senior Vice-President, may elect to conduct a field inspection to augment the documentary evidence.
- Prepare a written complaint investigation report in which the inspector's findings and recommendations are presented. Under normal circumstances, the complaint investigation report is expected to be completed within 120 days of receipt of the written complaint.
- Convey the written complaint investigation report to the Chair of the standing SCS Complaints Committee

The Chair of the SCS Complaints and Appeals Committee (or designee, if the Chair does not meet the independence requirements) will then:

- Forward the report onto other committee members for review and consultation
- Render a decision as to the proposed disposition of the complaint, including actions such as:

- Denial of the complaint
 - Reversal of the action that is the focus of the complaint
 - Issuance of corrective action requests (CARs) and/or recommendations aimed at rectifying the situation
- Inform, in writing, the complainant and other relevant parties (e.g., certificate holder, FSC) of the disposition of the complaint; at the discretion of the Chair or designee, the complaint investigation report or a summary thereof will be conveyed to all parties along with the final decision; additionally, the written disposition will include a summary of the complainant’s dispute resolution options with the FSC
 - Final disposition of the complaint, and written confirmation thereof, will generally take place within 30 days of receipt of the complaint investigation report.

Costs of the Investigation

While SCS is committed to the principle of broad access to the certification process, including but not limited to the complaints process, undue costs associated with investigating a complaint cannot be borne by SCS. Depending upon the nature of the complaint and the profile of the complainant, SCS reserves the right to request a fee to cover at least a portion of the costs of the investigation. Such fees will only be considered in situations where the time required to investigate the complaint is expected to be substantial.

For complaints against the actions of a certificate holder, SCS reserves the contractual right to charge the certificate holder for time and expenses incurred in investigating the complaint. Failure to agree to pay these additional charges or to otherwise cooperate in the investigation of the complaint can be grounds for termination of certification.

SCS is committed to duly considering substantive complaints from any party that is committed to the long-term goals of the SCS Forest Conservation Program and of the Forest Stewardship Council. However, in the event that the SCS Complaint Investigation Procedure is being employed by a “vexatious litigant” for reasons in conflict with the long term goals of the SCS Forest Conservation Program or the Forest Stewardship Council, SCS reserves the right to turn the matter immediately over to the FSC for further disposition.

Appeal Investigation Procedure²

An “**appeal**” is a request by a certificate holder or a certification applicant for formal reconsideration of any adverse decision made by the certification body related to its desired certification status. A certificate holder or applicant may formally lodge an appeal with SCS against any adverse certification decision taken by SCS, within thirty (30) days after notification of the decision.

² Section 3.5.7 of the FCP Certification Manual and Section 5.5.8 of the FCP Quality Manual

Adverse decisions include:

- Refusal to accept an application;
- Refusal to proceed with an assessment;
- Status of Corrective action requests;
- Changes in accreditation scope;
- Decisions to deny, suspend or withdraw accreditation; and
- Any other action that impedes the attainment of certification.

Appeal Content Requirements

To have standing under this Procedure, the appeal must:

- Identify and provide contact information for the appellant;
- Clearly identify the basis of the appeal (date, place, nature of action) and which parties or individuals are associated with the action;
- Explain how the action is alleged to be inconsistent with FSC requirements, being as specific as possible with respect to the applicable FSC requirement;
- Indicate what steps have been taken to informally resolve the issue;
- Propose what actions would, in the opinion of the appellant, rectify the matter.

Written appeals should be submitted to:

Dr. Robert J. Hrubes
Senior Vice-President
Scientific Certification Systems
2200 Powell Street, Suite 725
Emeryville, California, USA 94608
Email: rhrubes@scscertified.com.

Procedural Steps upon Receipt of a Written Appeal

Upon receipt of a written appeal, the SCS Senior Vice-President or his designee will undertake the following actions:

- Provide a written response to the appellant within 4-weeks of receipt of the appeal, informing them as to whether or not the appeal qualifies for investigation under this Procedure; the response letter will also outline the investigation process
- Forward all timely appeals onto the standing SCS Complaints and Appeals Committee, of which the Senior Vice-President is the standing Chair, as well as the relevant certificate holder
- Select an individual to investigate the appeal; such individual must be independent of:
 - the certification evaluation at issue

- the associated certification decision
- the day to day implementation of the policies of the SCS Forest Conservation program (for FM certificates, this means that the SCS Director, Forest Management Certification cannot conduct the investigation; for CoC certificates, this means that the SCS Director, Chain of Custody Certification cannot conduct the investigation)
- Open an appeal file in which all materials and correspondence associated with the appeal will be maintained.

The assigned investigator will undertake the following tasks:

- Solicit and collect additional information, as appropriate; the investigation is to be based primarily upon written documentary evidence supplied by the appellant—it is the appellant’s burden to establish that there has been an action taken in contravention of Forest Conservation Program certification procedures. Typically, the investigator will augment the documentary evidence submitted by the appellant with telephone and email interviews. The investigator, if authorized by the SCS Senior Vice-President, may elect to conduct a field inspection to augment the documentary evidence.
- Prepare a written appeal investigation report in which the inspector’s findings and recommendations are presented. Under normal circumstances, the appeal investigation report is expected to be completed within 60 days of receipt of the written appeal.
- Convey the written appeal investigation report to the Chair of the standing SCS Complaints and Appeals Committee

The Chair of the SCS Complaints and Appeals Committee (or designee, if the Chair does not meet the independence requirements) will then:

- Forward the report onto other committee members for review and consultation
- Render a decision as to the proposed disposition of the appeal, including actions such as:
 - Denial of the appeal
 - Reversal of the action that is the focus of the appeal
 - Propose an alternative solution
- Inform, in writing, the appellant of the disposition of the appeal; the appeal investigation report or a summary thereof will be conveyed to the appellant with the final decision; additionally, the written disposition will include a summary of the appellant’s dispute resolution options with the FSC.
- Final disposition of the appeal, and written confirmation thereof, will generally take place within 30 days of receipt of the appeal investigation report.

Costs of the Investigation

Undue costs associated with investigating an appeal will not be borne by SCS. Depending upon the nature of the appeal and the profile of the appellant, SCS reserves the right to request a fee to cover at least a portion of the costs of the investigation. Such fees will only be considered in situations where the time required to investigate the appeal is expected to be substantial.