



OSAC Registry Approval Process: RA-1800 Appeals

Introduction

The *Organization of Scientific Area Committees (OSAC) for Forensic Science Registry Approval Process* evaluates whether documents approved for addition to the *OSAC Registry* are fit-for-purpose and based on sound scientific principles. The registry approval process includes a 30-day open comment period during which interested parties can provide feedback and recommendations on the proposed addition. These comments are reviewed and adjudicated prior to Forensic Science Standards Board (FSSB) making a decision to add a document to a registry.

This *OSAC Registry Approval Process: RA-1800 Appeals*, would be initiated after the FSSB approves a document for addition to the *OSAC Registry*, and follows these general guidelines:

1. The appeals process is only for occasions when a commenter feels that their comments weren't fully addressed by the SAC subcommittee/Virtual SAC or that the adjudication process wasn't completed in accordance with the adjudication procedure (see *RA-700 Adjudication of Public Comments Procedure*).
2. A successful appeal would result in the SAC Subcommittee/Virtual SAC being asked to perform a secondary adjudication of the comment (this step could include communication between the commenter and SAC Subcommittee/Virtual SAC).
3. Following a secondary adjudication, a document would then move forward through the approval process unless sufficient reason was identified to prevent the document from being approved (see *RA-700*).
4. If an appeal is denied, the process to add the document to the OSAC Registry will proceed.

Purpose

This document outlines the process for a commenter to appeal the results of comment adjudication performed by a SAC Subcommittee or Virtual SAC, as well as the process for how the appeal will be addressed.

Scope

Appeals may only be submitted by an individual or by a representative from an OSAC Resource Committee that provided a comment during the open comment period and would like to appeal the results of adjudication of that comment. Submitted appeals must relate to the comment adjudication *process*, not technical issues. Examples of reasons for appeals include but are not limited to:

- The adjudication does not appear to address the entire comment
- The belief that the original comment was misunderstood or misinterpreted
- There is evidence or reason to believe that the SAC Subcommittee or Virtual SAC did not follow *RA-700 Adjudication of Public Comments Procedure* when adjudicating the comment



OSAC Registry Approval Process: RA-1800 Appeals

Responsibility

An Independent Review Panel, which consists of two Quality Infrastructure Committee (QIC) members, one OSAC Affairs member, and two technical experts (technical expert should not from the originating SAC or SAC Subcommittee), will review and adjudicate all appeals.

Appeals Process

A. Submission of Appeals

1. The appeals process is opened for a 30-calendar day period. Those individuals that submitted a comment during the comment period will be notified of the adjudication results and provided with an opportunity to appeal.
2. Appeals shall be submitted only by the person or group that provided the comment.
3. Submitted appeals must relate to the comment adjudication process, not technical issues. Appeals shall be submitted only if they relate to a comment(s) that was provided during the 30-day comment period of the document being considered.
4. Appeals shall include, at a minimum:
 - a. Name of appellant
 - b. Identification of the comment submitted
 - c. Copy of the adjudication
 - d. Rationale for appeal (see Scope for examples)
 - e. Objective evidence to support appeal (optional)
5. After 30 calendar days, the appeals submission process will be closed. If applicable, appeals received after the 30-day appeals period will be acknowledged, identified as "without standing" and closed.
6. Appeals received that do not meet requirements A.2, 3, and 4.a-e listed above will be identified as "without standing" and closed.
7. Following the 30-day appeal period, all appeals will be acknowledged and referred to the QIC Independent Review Panel task group.

B. Review of Appeals

1. Upon closure of the 30-day appeal period, all appeals are forwarded to the QIC. The QIC notifies the originating SAC or Virtual SAC, SAC Subcommittee, and FSSB of the appeal(s) and forwards the appeal(s) to the Independent Review Panel Chair.
2. Independent Review Panel
 - a. The Independent Review Panel task group consists of two members of the QIC, one member of OSAC Affairs and two technical experts chosen from available OSAC members and affiliates.
 - b. Panel membership is a semi-permanent appointment by the QIC, OSAC Affairs as applicable and will consist of:
 - i. Two QIC members selected by the QIC will review all appeals.
 - ii. One OSAC Affairs member will review appeals to FSSB decisions.



OSAC Registry Approval Process: RA-1800 Appeals

- c. Panel membership also includes two technical experts who will be selected from a pool of interested OSAC members and affiliates who have the requisite knowledge in the subject area of the appeal. Technical expert panel members may remain on the panel for more than one appeal evaluation if their knowledge base is relevant to the document being reviewed.
 - i. Recruiting technical expert membership may require outreach to FSSB, OSAC Affairs, and QIC chairs to request nominations.
 - ii. Where needed, OSAC Affairs may assist in identifying new affiliates to sit on the Panel.
 - d. In instances where a Panel has not yet been formed, the QIC Panel representative will contact the QIC Chair, and OSAC Affairs to request the appointment of a Panel member. The QIC and OSAC panel members will then identify and select the technical expert panel members based on the technical needs of the appeal.
 3. For each appeal received, the Independent Review Panel will be notified and provided with a copy of the appeal. The Independent Review Panel is then provided with 15 days to select and establish full membership and schedule time to review the appeal and supporting documentation.
 - a. The Panel shall not include any members from the originating SAC, Virtual SAC, where applicable, or Subcommittee, nor the Appellant.
 4. All appeal(s) must be reviewed and a final determination made within approximately 45 calendar days of closure of the appeal period.
 5. In addition to those items listed in section A.4, the Panel may request additional documentation from the SAC, Virtual SAC, SAC Subcommittee, or from the Appellant to assist in the review of the appeal.
- C. **Document Results of Appeals.** All Panel determinations will be documented in a final report, see appendix A, and the results provided to the originating SAC and Appellant.
 1. To provide for the free discourse of all appeals, comments, and comment adjudication – notes or summaries of discussions had will not be included in the final report.
 2. A successful appeal would result in the SAC Subcommittee/Virtual SAC being asked to perform a secondary adjudication of the comment. The SAC Subcommittee/Virtual SAC is encouraged to communicate with the appellant, where possible, with the goal of addressing their concern or providing clarification.
 3. Following a secondary adjudication, a document would then move forward through the approval process unless sufficient reason was identified to prevent the document from being approved.
- D. **Finalize Appeals.** Adjudication of comments received during an open comment period may only be appealed once and all determinations made by the Panel are final.



OSAC Registry Approval Process: RA-1800 Appeals

- E. **Close Appeals.** The Appeal Panel Chair will provide the Panel Final Report to the SAC/Virtual SAC, SAC Subcommittee, QIC, and FSSB as appropriate. The Panel Final Report is also saved in the proper folder in Kavi.

- F. Next Steps.
 - a. In the case of a successful appeal: Upon receipt of notice from the Appeal Panel Chair, the applicable SAC Subcommittee/Virtual SAC is asked to perform a secondary adjudication of the comment in accordance with RA-700.
 - b. In the case of all appeals submitted in relation to a document being found to be non-persuasive: Upon receipt of notice from the Appeal Panel Chair, the FSSB will forward the document through final approval to be added to the OSAC Registry.



OSAC Registry Approval Process: RA-1800 Appeals

Appendix A – Draft Panel Final Report



[NAME]
OSAC SAC/Virtual SAC Chair [SAC NAME]
[DATE]

Add for Subcommittee comment adjudication:
[NAME]
OSAC SAC Subcommittee Chair, [Subcommittee NAME]

Subject: Final Determination of the Ad hoc Independent Review Panel

The Ad hoc Independent Review Panel has completed its evaluation of comments, adjudication response, and appeal(s) received for the document listed below in accordance with RA-1800 Public Appeals.

- [STANDARD # and Title], Comment adjudication completed on [DATE(s)]

A summary of each appeal, comments from the Ad hoc Panel, if any, and final determination are as follows.

1. Summary of Appeal:
 - a. Comments from the Ad hoc Panel:
 - b. Final Determination:
2. Summary of Appeal:
 - a. Comments from the Ad hoc Panel:
 - b. Final Determination:
3. Summary of Appeal:
 - a. Comments from the Ad hoc Panel:
 - b. Final Determination:



OSAC Registry Approval Process:
RA-1800 Appeals

Sincerely,

[NAME]

Ad hoc Panel Chair

Panel Members:

Cc: QIC Chair, SAC/Virtual SAC Chair, SAC Subcommittee Chair, FSSB Chair (as appropriate)