

# American Forest Foundation

## Disputes and Appeals Procedures

### **1. OBJECTIVE**

The objective of this guideline is to describe the responsibilities and actions of the American Forest Foundation (AFF) in relation to the investigation and resolution of complaints and appeals. AFF regards all complaints and appeals as opportunities for continuous improvement and implement corrective and preventive measures. AFF is committed to monitoring and achieving continual improvement in all areas of its activities and those of its members.

### **2. SCOPE**

This guideline details procedures for complaints and appeals to AFF which concern decisions and/or activities of the Center for Family Forestry (CFF) state committees, Independent Standard Review Panel (ISRP) and the National Standard Interpretation Committee (NSIC) and other programs which cannot be dealt with by accreditation or certification bodies. Complaints and appeals relating to the decisions and activities of a certified entity; an accredited certification body or an accreditation body shall be dealt with by the complaints and appeals procedures of the relevant accredited certification body; accreditation body; or by the International Accreditation Forum ([www.iaf.nu](http://www.iaf.nu)).

### **3. DEFINITIONS**

**Complaint:** Written expression of dissatisfaction (other than appeal) by any person(s) or organization(s), including American Indian Tribes, relating to the activities of AFF, CFF and its associated state committees and the ISRP or NSIC.

**Appeal:** Written request by any party (the Appellant) for reconsideration of any decision made by the Board of Directors, or President, AFF where the appellant considers such decisions have been taken in breach of the AFF's requirements or procedures.

**Note:** Such adverse decisions may include but no be limited to:

- Suspension or termination of state committee or its officers or members,
- Suspension or termination of the endorsement of a state program,
- Negative outcome from state committee level dispute resolution process,
- Ruling by the NSIC.

#### **4. COMPLAINTS**

4.1) Complaints submitted to AFF shall be limited to concerns or issues regarding standard setting and other issues relating to AFF, CFF and its state programs' compliance with the AFF's requirements for forest certification schemes or interpretations by the NSIC.

4.2) In the event of a complaint being made about the activities of a CFF state program, AFF's role is an indirect one in that it must ensure that the complaint has been dealt with by the respective state committee through its own complaints / appeals resolution procedures and through direct discussion with the complainant.

4.3) It is the responsibility of the complainant for issues other than standard setting to provide relevant documentation to AFF to demonstrate that the complaint has already been submitted for investigation through the state committee's complaints/appeals resolution procedure and that the state committee has not been able to make satisfactory progress within a reasonable timeframe.

4.4) It is the responsibility of the complainant to submit written information supporting the complaint which can be verified as accurate and correct through an independent source.

4.5) Complaints submitted regarding a specific certified entity shall be referred to the relevant certification body's own complaints/appeals resolution procedure.

4.6) All parties, including American Indian Tribes, shall have access to formal legal mechanisms to resolve disputes over landownership, tenure and use rights through applicable US federal law.

4.7) Complaints submitted regarding a specific accredited certification body shall be referred to the relevant accreditation body's (or bodies') own complaints/appeals resolution procedure.

4.8) Complaints submitted regarding a specific accreditation body shall be referred to the International Accreditation Forum's complaints / appeals resolution procedure ([www.iaf.nu](http://www.iaf.nu)).

4.9) Regardless of the outcome of any complaint, the complainant and AFF will each meet their own costs.

4.10) It is expected that any formally accepted complaint, not requiring an on-site investigation, should normally be resolved within 3 months.

#### **5. APPEALS**

5.1) Appeals submitted to AFF shall be limited to decisions eligible to be made by AFF.

5.2) It is the responsibility of the appellant to submit written information which can be verified as accurate and correct through an independent source.

5.3) Regardless of the outcome of any appeal, the appellant and AFF will each meet their own costs.

5.4) It is expected that any formally accepted appeal, not requiring an on-site investigation should normally be resolved within 6 months.

## **6. COMPLAINTS AND APPEALS ACCEPTANCE**

6.1) All complaints and appeals shall be addressed in writing to the AFF President (hereinafter “the President”).

6.2) The President decides on formal acceptance of:

a) The complaint and its further investigation provided that the complaint is in accordance with 4.1 and 4.2 and the information supporting the complaint can be authenticated as being in compliance with 4.4,

b) The appeal and its further investigation provided that the appeal is in accordance with 5.1 and the information supporting the appeal can be authenticated as being in compliance with 5.2.

6.3) The President shall without delay:

a) Acknowledge to the complainant / appellant (in writing) the receipt and subject of the complaint/appeal or rejection of the complaint/appeal with justification if it is not in accordance with clause 4.1, 4.2 or 4.3 (in case of the complaint) or 5.1 (in case of the appeal).

b) Provide the complainant/appealant with details of AFF’s complaints and appeals procedures to ensure that they are clearly understood and refer the complainant/appealant to other parties responsible for resolving the matter as indicated in clauses 4.5 – 4.7.

## **7. COMPLAINT INVESTIGATION AND RESOLUTION PROCESS**

7.1) If the complaint relates to the activities of a CFF state committee, ISRP or NSIC, the President shall formally bring the complaint and any relevant facts to the notice of the relevant body, and ask the body to provide, within 30 days, a full account of how the complaint has been dealt with and the outcome.

7.2) If the report has not been received from the relevant body, or it has not proved possible to resolve the matter satisfactorily, where the matter relates to AFF, the President shall, in conjunction with the BOD Executive Committee, assign an ad-hoc Task Force Group (TFG), comprising one or more persons to investigate the complaint. The investigator(s) shall have no vested or conflict of interest in the complaint.

7.3) The TFG shall undertake a thorough investigation and seek a resolution. The TFG shall submit, in a timely matter, a detailed written report to the AFF Board of Directors

(Board) Chairman and the President shall present it to the Board. The report shall include a statement indicating whether, or not, the complaint has been substantiated and recommendations on resolving the complaint.

*Note: it is expected that complaints not requiring an on-site investigation should normally be investigated by the TFG within 1 month.*

7.4) The Board shall approve or disapprove the conclusions of the report, including recommendations or remedial actions.

7.5) The President shall inform the complainant and other interested parties about the outcomes of the complaint resolution process in writing and sent through registered mail.

7.6) American Indian Tribes are federally recognized and afforded rights as sovereign nations. As such, American Indian Tribes act as their own negotiating bodies according to U.S. Federal law. If a formal complaint is received from an American Indian Tribe regarding legal ownership, tenure or long-term use rights to a property enrolled in the Tree Farm Program, the President shall direct the involved parties to resolve their tenure and use rights through available legal channels. All ATFS certified forest owners are required to maintain documentation of legal ownership, tenure and long-term use rights to their property.

## **8. APPEAL INVESTIGATION AND RESOLUTION PROCESS**

8.1) The President shall, in conjunction with the Board Executive Committee, assign an ad-hoc TFG, comprising one or more persons, to investigate the appeal. The investigator(s) shall have no vested, or conflict of, interest in the appeal and shall not be involved in the appealed decision.

8.2) The TFG shall proceed with a thorough investigation of the appeal and submit, in a timely manner, a detailed written report, to the Board Chairman and the President who will present it to the Board of Directors. The report shall include a statement indicating whether, or not, the appeal has been substantiated and recommendations on resolving the appeal.

*Note: it is expected that appeals not requiring an on-site investigation should normally be investigated by the TFG within 1 month.*

8.3) The Board of Directors shall make a final decision on the appeal based on the TFG report.

8.4) The President shall inform the complainant/appellant and other affected parties, about the outcomes of the appeal resolution process.