



Setting the Standards for
Home Energy Efficiency

Proposed Standard Revision

Date Approved: December 20, 2018	MINHERS Addendum 40f
Date Effective: January 20, 2019	
Proponent: Standard Development Committee 900	
Organization: RESNET	

Justification:

The current process allows for either the person making the appeal or RESNET to gain a majority vote on the appeals panel on the final decision. This is process needs to be amended so that both sides have an equal vote.

Note:

Addendum 40f is unchanged from Addendum 40i. Final addenda "f" and replace the interim addendum 30 days after its final approval.

Modifications to the chapter are given below in underline/strikeout format

Chapter Nine RESNET Standards

912 Appeals

912.1 Procedures

912.1.1 Appeals shall be made first to the RESNET Ethics and Appeals Committee, then to the RESNET Ethics and Appeals Panel.

912.1.2 Within five (5) business days after receipt of an appealable action by RESNET, the Appellant shall notify the RESNET Executive Director of their intent to appeal. The Appellant shall then have ten (10) business days after the date of notice to submit appeal documentation to the RESNET Executive Director.

912.1.3 Appeals shall include all relevant information and documentation and be sent in writing by electronic mail to the RESNET Executive Director.

912.1.4 During the appeals process, all parties to the appeal may petition the RESNET Ethics and Appeals Committee for a stay of action upon expiration of the appeals process. A decision on the petition shall be rendered by the hearing body not later than ten (10) business days after receipt of the petition. In the event that additional information is requested, an extension of ten (10) business days may be applied in order to allow the appellant sufficient time to respond.

912.1.5 At the time of noticing its appeal to the RESNET Ethics and Appeals Committee, the Appellant may request a telephonic hearing, which gives the Appellant the opportunity to provide oral arguments in favor of their appeal. In such an event, RESNET shall, not later than ten (10) business days after the filing of the notice of appeal, notify all parties to the appeal of the date of the hearing, which shall be held as expeditiously as possible, but not later than twenty (20) business days after the receipt of the notice of appeal.

912.1.6 Within ten (10) business days of receiving the appeal, or the date of a hearing, the Ethics and Appeals Committee shall render a decision on the appeal. In the event that additional information is requested, a one-time extension of ten (10) business days may be applied in order to allow the appellant sufficient time to respond.

912.1.7 Within five (5) business days after receipt of the decision of the RESNET Ethics and Appeals Committee, the Appellant shall notify the RESNET Executive Director of their intent to appeal the decision of the RESNET Ethics and Appeals Committee to an independent hearing by a RESNET Ethics Appeal Panel. The Appellant shall then have ten (10) business days after the date of notice to submit appeal documentation to the RESNET Executive Director.

912.1.7.1 A hearing shall be scheduled at a time convenient to all participants within a thirty (30) day period. At least a ten (10) business days' notice shall be provided.

912.1.7.2 The Ethics Appeal Panel shall comprise ~~three (3)~~ four (4) voting members ~~and one alternate~~ who have not been directly involved in the dispute and who will not be materially or directly affected by the result of the decision made in the appeal.

912.1.7.3 ~~At least t~~Two (2) persons shall be selected by the Appellant and ~~at least~~ two (2) persons shall be selected by RESNET as represented by the RESNET Executive Director, the RESNET Standards Manager and a member of the RESNET Board of Directors who will not be materially or directly affected by the result of the decision made in the appeal.

912.1.7.4 In cases where the Appellant does not wish to appoint any persons to the Ethics Appeal Panel, RESNET as represented by the RESNET Executive Director, the RESNET Standards Manager and a member of the RESNET Board of Directors shall appoint the members of the Ethics Appeal Panel.

~~912.1.7.5 The four (4) members selected shall hear the appeal. One (1) of the four (4) members shall be selected randomly as the alternate by the RESNET Standards Manager by a blind drawing. In the case that one of the three (3) voting members are unable to serve, this alternate will serve as the third voting member.~~

912.1.7.65 All decisions of the Ethics Appeal Panel shall be ~~final determined by a two thirds (2/3) majority. To prevail, the Appellant must receive a majority vote.~~ The Appellant shall have the burden of proof to demonstrate the fault of the RESNET Ethics and Appeals Committee decision. RESNET shall have the burden of proof to demonstrate that all actions taken were in compliance with the due process procedures of this standard.

912.1.8 Within thirty (30) business days of the date of a hearing, the RESNET Ethics Appeal Panel shall render a written decision on the appeal. In the event that additional information is requested, a one-time extension of ten (10) business days may be applied in order to allow the Appellant sufficient time to respond.

912.1.9 All parties to the appeal shall be informed by electronic mail of the decision.

912.1.10 All appeals documentation received by RESNET shall be handled in strict confidence by RESNET staff, the Ethics and Appeals Committee and the Board of Directors.