

CMTCA Appeal of Accreditation Decision Policy

Purpose

To establish the process for appealing accreditation decisions including appropriate steps to be taken by CMTCA regarding appeals by massage therapy education programs of accreditation decisions made by CMTCA following a site-visit to such program.

Policy

It is the policy of CMTCA to require all programs that proceed through the accreditation process to meet the Accreditation Standards as set out in the current policies. Any program that has had a site-visit following which CMTCA made a determination that such program did not meet the Accreditation Standards may appeal such determination (the "**Initial Decision**"), by following the procedures set out in this Policy. For greater clarity, only accreditation determinations made by CMTCA following a site-visit may be the subject of an appeal. In this Policy, the term "business day" refers to a day on which chartered banks are open for business in Toronto, Ontario.

Appeal Panel

Appeals will be determined by a panel of three members (the "**Appeal Panel**"). Appeal Panel members ("**Panelists**") will be chosen by CMTCA from a pool of candidates, selected by CMTCA, who will be former and/or current standards advisory committee members or surveyors who did not participate in the site-visit, each of whom will have knowledge of accreditation standards, policies and procedures.

Panelists will receive training on their roles for the appeals process as well as updates on current policies and procedures from the Executive Director. All Panelists are subject to conflict of interest and confidentiality policies.

Procedure

- 1) An education program wishing to appeal an Initial Decision (an "**Appellant**") must submit a written request for appeal (the "**Notice of Appeal**") to CMTCA within 15 business days of receiving the Initial Decision following a site-visit. The basis for the appeal must be clearly stated and directly related to specific accreditation standards, criteria or processes. The Notice of Appeal is to be sent electronically to the Executive Director at [**Kathrina.loeffler@cmtca.ca**], along with a non-refundable administrative fee of \$1000.00 payable to CMTCA ("**Administrative Fee**").
- 2) Once the Notice of Appeal and the administrative fee have been received, and the CMTCA has determined that the Notice of Appeal relates to an appealable Initial



Decision, the Executive Director will notify the Appellant that the appeal has been accepted for consideration ("**Confirmation of Appeal**"). If the CMTCA determines that a Notice of Appeal relates to any matter which is not an appealable Initial Decision, the Executive Director will notify the education program which submitted the Notice of Appeal that the circumstances described therein are not subject to appeal, and that the appeal will not be heard.

Where an appeal has been accepted for consideration by the CMTCA, an Appellant's previous accreditation status immediately prior to the Initial Decision under appeal, if any, shall remain in full force and effect until the Appeal Panel referred to below issues its decision and the result is provided to the Appellant.

- 3) Within 10 business days following receipt of the Notice of Appeal, the CMTCA will convene an Appeal Panel comprised of three Panelists, and name two reserve Panelists, and provide the names of the Panelists and reserve Panelists to the Appellant in writing. If the Appellant has sufficient reason to believe that an appointed Panelist should not hear the appeal, it must notify CMTCA immediately in writing, providing reasons of its objection. If CMTCA determines that the Panelist should not hear the appeal, it will substitute one of the named reserve Panelists.
- 4) Within 30 business days of the Confirmation of Appeal, the Appellant must provide specific evidence of the Appellant's adherence to the Accreditation Standards and/or in support of the appeal of the Initial Decision, for review by the Appeal Panel. The Appeal Panel will consider evidence in the following circumstances:
 - a. Evidence presented relates to facts and circumstances that existed at the time of the Initial Decision and was not previously submitted as part of the accreditation process
 - b. Relevant, existing facts or documents which were not presented to surveyors during the site-visit because of a misunderstanding on the part of the Appellant; (for greater clarity any evidence considered under this section must be shown to have existed at the time of the site-visit, to the Panelists' reasonable satisfaction).
 - c. CMTCA has not followed specific applicable CMTCA accreditation standards, criteria or processes in reaching the Initial Decision.
- 5) Each Panelist will individually examine the following documents:
 - Preliminary accreditation submissions, including self-assessment results and evidence
 - The site-visit report, including recommendations
 - Any new evidence submitted by the Appellant relevant to the appeals process
 - Written comments by the surveyors responsible for the site-visit
- 6) Each Panelist will consider, analyse and evaluate the Appellants appeal based on the totality of the evidence submitted.
- 7) The Appeal Panel will set a date to discuss their individual review and assessment of the evidence described in Section 5 above and shall, by majority vote, decide the

outcome of the appeal. The meeting will occur within 30 business days of receiving the documents described in Section 4) above.

- 8) The Appeal Panel will prepare a written decision that outlines the evidence and rationale for the Appeal Panel's decision. The decision shall be provided to the CMTCA within 15 business days following the meeting.
- 9) The decision of the Appeal Panel, based on the Panelists' review of the documents set out in Section 5) and discussion and vote as set out in Section 6), may either:
 - Uphold the Initial Decision of CMTCA; or
 - Amend the Initial Decision of CMTCA.
- 10) Within 10 business days of receiving the Appeal Panel decision, CMTCA will give notice in writing of the result of the Appeal to the Appellant.
- 11) If the Appeal Panel upholds the original decision of CMTCA, the Administrative Fee shall be retained to cover the administrative cost of the review. If the Appeal Panel materially amends the decision of CMTCA, the Administrative Fee shall be refunded.
- 12) The decision of the Appeal Panel is final, and is not subject to further appeal by the Appellant in any circumstances.