



## **ACADEMY STANDARDS BOARD PROCEDURES FOR THE DEVELOPMENT OF AMERICAN NATIONAL STANDARDS**

Mission: The Academy Standards Board develops consensus based forensic science standards within an American National Standards Institute accredited framework, and provides training to support those standards. Our work enhances the mission of the American Academy of Forensic Sciences to empower the forensic, criminal justice, and legal communities.

### **1 INTRODUCTION**

The American Academy of Forensic Sciences (AAFS, Member) is a global, multidisciplinary membership community that provides collaborative research, quality education, and recognized leadership to advance forensic science and to inform its application to the law.

The American Academy of Forensic Sciences Standards Board, LLC (Company) is a subsidiary of AAFS and is the Standards Developing Organization. Standards developed by the Company address specific standardization needs of the national and international forensic communities that supplement standards promulgated by existing accredited Standards Developing Organizations.

AAFS operates its standards activities through the Company in accordance with procedures outlined in the *ANSI Essential Requirements: Due Process Requirements for American National Standards (ANSI Essential Requirements* <sup>1</sup>). Developed in accord with ANSI's due process requirements of openness, balance, and consensus, the Company's standards serve and protect the public.

The Academy Standards Board (Standards Board) provides policy and procedural oversight for the Company. The Standards Board is made up of individuals appointed by the AAFS Board of Directors. The Secretariat and staff ("Secretariat" within this document) direct the operations of the Company.

### **2 ORGANIZATION OF THE STANDARDS BOARD AND CONSENSUS BODIES**

#### **2.1 The Standards Board**

##### **2.1.1 Appointment, Terms, and Resignations**

Refer to the Amended and Restated Operating Agreement of American Academy of Forensic Sciences Standards Board, LLC, Article VI.

##### **2.1.2 Responsibilities and Voting of the Standards Board**

In performing the following duties, the Standards Board is subject to voting rules stipulated in the Amended and Restated Operating Agreement of American Academy of Forensic Sciences Standards Board, LLC, Article VI. Refer to the Operating Agreement for establishing quorum and definition of a majority.

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<sup>1</sup> <https://www.ansi.org/essentialrequirements/>



- a) Establishing and maintaining the Academy Standards Board Procedures for the Development of American National Standards (“*Procedures*”) to ensure continued compliance with the ANSI Essential Requirements, by two-thirds majority vote.
- b) Selecting and removing members of the consensus bodies (CB), by majority vote.

The Standards Board is responsible for determining the membership of the CBs for proposed standards development. The Standards Board strives for balance so that no single interest category constitutes more than one-third of the membership of a CB. Each CB shall be sufficiently diverse to ensure reasonable balance in accordance with *ANSI Essential Requirements*. In order to establish balance and diversity, the Standards Board and Secretariat shall reach out to organizations and groups who may have an interest in serving on a CB.

- c) Approving the following CB activities, by majority vote:
  - proposals for standards [Project Initiation Notification System (PINS)] or standards-related projects,
  - revision of standards,
  - withdrawal of standards or standards-related projects, or
  - other projects within the interest of the Standards Board.

NOTE See Section 3.5.4, which defines that approval of a Standard is a function of the CBs.

- d) Reviewing and approving by majority vote Board of Standards Review (BSR-9) forms, to ensure the *ANSI Essential Requirements* have been followed, as required by ANSI procedures prior to designating a standard as an American National Standard (ANS).
- e) Adopting policies and procedures for interpretations of the standards developed by the CBs (see Section 8).
- f) Appointing appeals panels as required (see Section 5).
- g) Performing actions as needed to maintain and uphold ANSI accreditation based on compliance with *ANSI Essential Requirements* and in the best interest of the Company.

## **2.2 Responsibilities of the Secretariat**

Refer to the Amended and Restated Operating Agreement of American Academy of Forensic Sciences Standards Board, LLC, Article V for additional information on the appointment, duties, and management powers of the Secretariat.

- a) Overseeing each CB’s compliance with ANSI procedures.
- b) Maintaining a roster of each CB and a list of standards for which the CB is responsible.



- c) Support the Standards Board with meeting preparation, CB member appointments and removals, ballots for standards actions, maintaining policies and procedures, and other tasks as needed.
- d) Support the CBs and working groups (WG) with roster maintenance, balloting, document layout and editing, handling meeting arrangements, maintaining adequate records and documentation.
- e) Submitting to the Standards Board and ANSI candidate document PINS notifications based on new work proposals developed and approved by each consensus body. Preparing and submitting BSR-8 to ANSI in compliance with all ASB and ANSI procedures.
- f) Preparing and submitting to the Standards Board and ANSI, BSR-9 forms containing all required documentation of standards development demonstrating compliance with all ASB and ANSI procedures.
- g) Performing other administrative functions as required by these procedures and the Operating Agreement.

### **2.3 Responsibilities of the Consensus Body**

See Section 3 for procedures related to consensus body activities.

- a) Creating and approving consensus standards, and technical reports including the revision, reaffirmation, or withdrawal thereof.
- b) Electing officers (chair, vice chair, and secretary) of the CB.
- c) Conducting standards development in accordance with these procedures and the requirements of *ANSI Essential Requirements* for balance, lack of dominance, due process, consensus, and right of appeal.
- d) Performing actions as needed to maintain and uphold ANSI accreditation based on compliance with *ANSI Essential Requirements* and in the best interest of the Company.
- e) Considering comments, views, and objections, and resolving all negative comments.
- f) Responding to requests for interpretations of standards.
- g) Other matters requiring CB action as provided in these procedures.

### **2.4 Interest Categories**

**2.4.1** All appropriate interests that are directly and materially affected by the standards activity of the AAFS Standards Board, LLC have the opportunity for fair and equitable participation. Interest categories shall be discreetly defined, cover all materially affected parties, and differentiate each category from the others. The definitions of the interest categories are outlined in Section 2.4.4. Each applicant shall propose their own interest category as appropriate and in accordance with the established categories. Applicants may be contacted by the Secretariat and/or Standards Board to reconsider their interest category if it is determined that their qualifications are more applicable or equally appropriate to another interest category. The interest categories are established or revised



by a vote of the Standards Board. The rationale for the selection of categories shall be included in the Standards Board ballot and submitted to ANSI as part of the accreditation requirements.

**2.4.2** CB members, including consultants, typically are classified in accordance with the business or other interests of their employers or the sponsors they represent in connection with the standards development activity. In cases where a CB member receives funding from other entities to serve on the CB, that information shall be disclosed to determine if it will impact the member's interest classification.

**2.4.3** Groups applying for an organizational membership (only applies to the General Interest, Jurisprudence and Criminal Justice, or Producers interest categories) shall provide a letter from the organization designating the primary and alternate voters. A new letter shall be provided for any change in the primary or alternate members.

**2.4.4** Interest categories include the following:

**Academics and Researchers** – Instructors or researchers from accredited institutions of learning, especially those with curricula or programs relating to forensic sciences, foundational sciences, public health, and other applicable disciplines. Researchers in fields related to forensic sciences not affiliated with an academic institution. Excludes non-teaching students and full or part time instructors who also currently serve as law enforcement or jurisprudence professionals. (Category includes: professors, advanced graduate students, statisticians, private sector and government researchers, etc.)

**General Interest** – All materially impacted parties not included in other interest categories, includes only those whose business or other interests are not covered by another discretely defined interest category. May include organizations with missions and activities directly related to forensic sciences, research, activities, education, practices, and policies; certification and accreditation organizations; advocacy organizations involved in forensic procedures, processes, and outcomes. These would be organizations that represent diverse interests and do not align with a specific interest category. Can also include individuals not directly involved in forensics, non-practicing individuals with 5 or more years of experience in forensic or forensic-related practices, activities, research, or policy implementation. Membership category may be organization or individual. (Category includes: regional, national, international, and advocacy organizations; retired forensic practitioners; retired academia, etc.)

**Jurisprudence and Criminal Justice** – Persons involved in jurisprudence or law enforcement activities. Includes non-practitioner law enforcement, practicing and retired attorneys (civil and criminal), and practicing and retired judges. Also includes victim advocates and current and retired legal and jurisprudence professionals teaching (non-research) at accredited educational institutions. Membership category may be organization or individual. (Category includes: detectives, sexual assault nurse examiners, attorneys, etc.)

**Producer** – Industries or companies that design, manufacture, or otherwise support product development and application relative to forensic sciences and activities. Membership category may be organization or individual. (Category includes: instrument/equipment manufacturers, reference material producers, proficiency test manufacturers, quality control product producers, evidence collection kit manufacturers, chemical manufacturers, etc.)



**User - Government** – Persons from government entities currently involved with forensic-related case work activities. Includes laboratory, coroner, and medical examiner personnel; laboratory managers and policy-makers; forensic analysts; and crime scene investigators. (Category includes: forensic scientists, friction ridge examiners, footwear and tire examiners, coroner and medical examiner personnel, forensic odontologists, forensic anthropologists, etc.)

**User - Non-Government** – Persons from non-government entities currently involved with forensic-related case work activities. Includes non-governmental laboratory, coroner, and medical examiner personnel; laboratory managers and policy-makers; forensic science consultants; forensic analysts; and crime scene investigators. (Category includes: private forensic scientists, friction ridge examiners, footwear and tire examiners, coroner and medical examiner personnel, forensic odontologists, forensic anthropologists, etc.)

The Standards Board may vote to change these according to need as long as the *ANSI Essential Requirements* for openness, balance, and due process are upheld.

## **2.5 Communications**

### **2.5.1 General**

Standards-related correspondence of the Standards Board, the Secretariat, and CB chairs should be on Company letterhead. If communication is by electronic means and not in the format of a letter or memorandum, it must be clear that the writer is communicating in the role of an officer of the Standards Board, as a member of the Company, the Secretariat, or a member of the CB.

### **2.5.2 Formal Internal Communication**

If correspondence between CBs or WGs involves issues or decisions on non-routine matters and affecting other CBs or WGs, copies shall be sent to all affected chairs, the Secretariat, and the Standards Board.

### **2.5.3 External Communications**

Inquiries relating to the activities of the Standards Board and its CBs shall be directed to the Secretariat and/or CB officers. All replies to inquiries may be drafted by the Standards Board, CB officers, or Secretariat and responses shall be through the Secretariat within 30 days.

### **2.5.4 Calendar Days**

All timelines in these procedures are in calendar days.

## **3 Consensus Body (CB) Activities**

### **3.1 Consensus Body (CB) Officers**

Each CB shall appoint one officer for each position of chair, vice chair, and secretary from their membership subject to the approval of the CB. The chair and vice chair shall be responsible for developing agendas, conducting meetings, establishing timeframes for the development and completion of standards, appointing subgroups as needed, upholding voting procedures, leading



the body toward consensus, communicating with the Secretariat, and other actions as needed to bring standards activities to successful completion.

The secretary shall be responsible for the minutes of the meetings, presenting the minutes of the previous meeting for approval, recording attendance at all meetings, handling matters related to members not meeting participation requirements, and recording votes during meetings.

The officers shall each serve two-year renewable terms, subject to approval by the CB. If an officer steps down prior to the end of the two-year term, they shall submit their resignation in writing to the Secretariat. They shall serve out the term until his or her successor is duly appointed. A newly appointed officer will begin a new two-year term.

### **3.2 Consensus Body (CB) Membership**

#### **3.2.1 General**

CB members are volunteers. Interested parties shall submit an application for membership on a CB. Members of a CB shall consist of organizations, companies, government agencies, and individuals having a direct and material interest in the activities of the Company, forensic sciences, law enforcement, legal and other actions impacted by forensics and forensic standards. The Standards Board shall oversee the initial establishment of each CB, striving to achieve balance in the process.

The selection and addition of members following the establishment of the initial CB shall be subject to the review of the Secretariat and a majority vote of the total number of voting members of the Standards Board. The termination of any member of a CB shall be subject to the review of the Secretariat and majority vote of the voting members of the Standards Board.

The selection and addition of members to each CB shall strive for no fewer than 7 and no more than 25 members and shall be constituted to ensure compliance with *ANSI Essential Requirements*.

Appointment as a CB member (individual or organizational) is for a 5-year term. There are no term limits. Members must reapply at the end of their 5-year term if they wish to continue on the CB. A member whose term has expired but has reapplied may continue to serve as a full CB member until the Standards Board has acted upon their application. A CB member may step down at any time, and at the time of resignation, they will be removed from the CB roster as a voting member.

Members are required to inform the Secretariat of any relevant professional changes or change in contact information in order to properly re-identify the appropriate interest category and to ensure the members are receiving information relevant to the activities of the CB. The Secretariat shall maintain documentation of the dates of appointments and resignations of each member.

#### **3.2.2 Application**

Individuals and Organizations seeking membership or membership renewal on a CB shall complete a CB application form and submit it to the Secretariat. A request for membership shall indicate the applicant's direct and material interest in participating on a CB, and the applicant's affiliation, qualifications, and willingness to participate actively. If the applicant is an organization, it shall identify a representative and, if desired, an alternate. All organizational members shall provide a letter from the organization designating the primary and alternate voters; a new letter is required



for renewals. The applicant's form may be revised by the Secretariat and/or Standards Board, as needed with the approval of the applicant.

### **3.2.3 Selection**

The Secretariat's recommendations and the Standards Board final decision consider the following when selecting members (both new applicants and renewals):

- 1) need for active participation by each interest category;
- 2) potential for achieving or maintaining balance; and
- 3) extent of interest expressed by the applicant and the applicant's commitment to participate actively; for renewals, the applicant's past participation level may be considered.

The Secretariat and/or Standards Board may consult with CB Officers or other knowledgeable parties as applicable.

### **3.2.4 Review of Membership**

The Secretariat shall review each CB membership list at least annually with respect to the criteria of Section 3.2.5. Members are expected to fulfill the obligations of active participation and respect for consensus.

Where a member is found in default of the obligations in Section 3.2.5, the chair, and/or an officer on the chair's behalf shall direct the matter to the Secretariat for appropriate action, which may include termination of the membership on the CB.

### **3.2.5 Consideration of Removal of Consensus Body (CB) Membership**

CB members may temporarily lose voting rights, or be removed for the following, but not necessarily all inclusive, reasons:

- a) failure to attend three consecutive meetings, where attendance includes in-person, telephonically, or electronically; or
- b) failure to return three consecutive letter ballots (ballots requiring a 2/3 majority); or
- c) obstructive behavior that inhibits or prevents the mission or processes of the CB.

NOTE Removed CB members may still participate in the standards development process through open CB meetings, public comment, etc.

In the first two scenarios, the Secretary of the CB shall correspond with the member to ask if the member is interested in continuing membership and forward the response (if any) to the Secretariat. If a member in violation of the attendance requirements (3.2.5 a) requests to continue, they may be placed in non-voting status and only regain voting status upon attendance at two consecutive meetings. The CB Chair may approve one excused absence for extenuating circumstances during this period. If the member does not attend both of the consecutive meetings





of the CB following notification by the chair, the Standards Board may act to remove the member from the CB.

If a CB member is placed in non-voting status twice, in a 5-year term, for failure to attend meetings, the Standards Board may remove the member from the CB. If a member in default of the voting requirements (3.2.5 b) requests to continue, they must vote on the next three consecutive letter ballots. If the member fails to meet this voting requirement, the Standards Board may remove the member from the CB. The Standards Board may remove a CB member who habitually does not participate in meetings and/or voting regardless of the member's interest in continuing to serve.

In the case of obstructive behavior, the CB chair, with a 2/3 majority vote by the eligible voting members of the CB, can request through the Secretariat that the Standards Board remove the member for cause.

### **3.2.6 Membership rosters**

The Secretariat shall maintain a current and accurate CB roster and shall distribute it to the members and their CB representatives upon request. The roster shall include the following:

- a) title of CB;
- b) scope of the CB;
- c) officers: chair, vice chair, and secretary;
- d) members: name of person, organization, or agency, its representative and alternate as applicable, and business affiliations; or name and business affiliation of each member;
- e) interest category of each member; and
- f) tally of interest categories: total of voting members and subtotals for each interest category.

### **3.3 Working Groups (WG) Created by the Consensus Body (CB)**

WGs are subgroups of the CB and may be formed to expedite the work of the CB. WGs serve an advisory function and the final approval of a document as an ANS rests with the relevant CB. WGs may be made up of members of the CB and/or other experts from outside the CB.

WGs meetings may be scheduled at any time. The meetings are not required to be posted on a public calendar (see Section 3.4.2) and are not open to the public.

### **3.4 Consensus Body (CB) Meetings**

#### **3.4.1 General**

CB meetings shall be held as decided upon by the CB, the chair, or by petition by a majority (51% rounded up to the next whole number) of the eligible voting members of the CB. Meetings may be in-person, telephonic, or electronic.





CB meetings are run in accordance with *Robert's Rules of Order*<sup>2</sup>.

### **3.4.2 Open Meetings**

Meetings of the CB shall be open to all members and others having a direct and material interest. The Secretariat shall maintain a calendar on the Company website of CB meetings.

At least three weeks' notice of regularly scheduled meetings of the CB shall be given by the Secretariat in media designed to reach directly and materially affected interests. The notice shall describe the purpose of the meeting and shall identify a readily available source for further information.

All attendees shall identify themselves during roll call and if making a comment. Non-voting observers may participate by indicating a desire to speak and then being recognized at the discretion of the chair.

### **3.4.3 Quorum**

A quorum as defined by *Robert's Rules of Order*<sup>3</sup>, "a minimum number of members who must be present—is required for a meeting to conduct substantive business." "When no quorum is present the meeting can do only a very limited number of things, such as set the time and place for another meeting."

A majority (51% rounded up to the next whole number) of the eligible voting members of the CB shall constitute a quorum for conducting business at a meeting.

### **3.4.4 Observers**

Observers shall be advised of the CB activities, may attend meetings, and may submit comments for consideration, but shall have no vote and have no meeting obligations.

## **3.5 VOTING – Consensus Bodies (CBs)**

### **3.5.1 General**

Votes may be obtained by recorded votes at a meeting, or by electronic means. All eligible members have the right to vote on actions defined in Sections 3.5.3 and 3.5.4.

### **3.5.2 Vote**

#### **3.5.2.1 Voting Positions**

Except in regard to votes on officer-related issues, each eligible member shall vote one of the following positions:

- a) Yes;

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<sup>2</sup> *Robert's Rules of Order Newly Revised*, 11<sup>th</sup> ed. 2011. Da Capo Press. [www.robertsrules.com](http://www.robertsrules.com)

<sup>3</sup> *Robert's Rules of Order Newly Revised*, 11<sup>th</sup> ed. 2011. Da Capo Press. [www.robertsrules.com](http://www.robertsrules.com)



- b) Yes, with comment;
- c) No, with comment(s). The reason(s) for a no vote shall be given and, if possible, should include specific wording or actions that would resolve the objection. No votes not accompanied by reasons or not related to the proposal under consideration shall not be considered. When a no vote without reason is submitted contrary to the stated ballot requirement to include a reason, the vote shall be recorded as “no without comment” for the purposes of establishing quorum but resolution is not required. No response is necessary to the submitter of a no vote without reason, and no recirculation of the no vote is required; or
- d) Abstain, with comment(s); the reason(s) for an abstention shall be given.

For votes on officer-related issues, the yes/no/abstain method of voting shall be followed.

#### **3.5.2.2 Vote of Alternate**

For organizational members, the designated alternate’s vote may be counted only if the primary representative does not vote.

#### **3.5.2.3 Single Vote**

No representative shall have more than one vote.

#### **3.5.2.4 Voting Period**

The voting period for letter ballots shall end 30 days from the date of issue. An extension may be granted at the chair’s discretion when warranted.

#### **3.5.2.5 Communication for Ballots**

The notification of a ballot being initiated shall be sent to members and alternate members upon the opening of the ballot.

A follow-up communication shall be sent ten calendar days before the ballot closes to members and alternate members whose votes have not been received.

### **3.5.3 Actions Requiring Approval by a Majority, Excluding Abstentions (Procedural Vote)**

The following actions require approval by a majority (51% rounded up to the next whole number) of the eligible voting members of the CB. The vote may be at a meeting or electronic ballot:

- a) approval of a new work proposal to move forward to the Standards Board for a vote;
- b) approval of a document to move forward for public comment;
- c) approval of resolutions of comments to a standard;
- d) approval of a designation change to a proposed document (e.g., Standard to Best Practice Recommendation);



- e) withdrawal of a new work proposal already processed through the ANSI PINS process; and
- f) approval of CB officers.

### **3.5.4 Actions Requiring Approval by a Two-Thirds Majority, Excluding Abstentions**

The following actions require approval by a two-thirds majority (67% rounded up to the next whole number) of the eligible voting membership of the CB by electronic letter ballot:

- a) approval of a new standard;
- b) approval of a revision or addendum to part or all of a standard;
- c) approval of the reaffirmation of an existing standard;
- d) approval of withdrawal of an existing standard; and
- e) issuance of an interpretation to a standard.

For ballots involving the approval of a new, revised, reaffirmed, or addendum to a standard, a CB member may change their vote following the disposition of views and objections. This shall be done in writing to the Secretariat within 30 days.

### **3.5.5 Authorization of Letter Ballots**

Letter balloting shall take place electronically. A letter ballot may be authorized by any of the following:

- a) majority vote (51% rounded up to the next whole number) of the eligible voting members of the CB;
- b) the chair (or vice chair in the absence of the chair);
- c) the Secretariat; or
- d) petition of the majority (51% rounded up to the next whole number) of the eligible voting members of the CB.

### **3.5.6 Report of Final Review**

The final report of the voting shall be reported, by interest categories, to the CB. For standards intended to become an ANS, the final report shall also be provided to ANSI in the BSR-9 form.

## **4 NOTIFICATION OF STANDARD DEVELOPMENT AND COORDINATION**

### **4.1 General**

In addition to notification of AAFS Standards Board, LLC standards activity in *ANSI Standards Action*, notification of standards development activity shall be announced in suitable media as



appropriate to allow for participation by all directly and materially affected persons who wish to contribute.

Notification of standards development, including response to comments received from the filing of PINS and the BSR-8 forms with ANSI, and from coordination, shall comply with the requirements in Clauses 2.5 and 2.6 of the *ANSI Essential Requirements*.

For the purpose of this document, Best Practice Recommendations and Guidelines are considered Standards. Technical Reports do not require notifications to ANSI, though they will follow the same internal Standards Board Procedures.

## **4.2 Project Initiation**

### **4.2.1 Development and Approval**

The Standards Board, upon request (submitted on ASB New Work Proposal form) from a CB, approves the initiation of a proposed new standard, or a revision or reaffirmation of a standard, or the withdrawal of a standard. Following CB and Standards Board approval, the Secretariat submits a PINS for proposed new, revised, and national adoptions; a PINS is optional for reaffirmations and withdrawals of an existing ANS.

### **4.2.2 Notification of ANS/PINS**

In addition to the Company's public notice of standards development activities, at the start of each project intended for approval as an ANS, a PINS form shall be submitted to ANSI by the Secretariat for publication in *ANSI Standards Action*. The information supplied to ANSI by the Secretariat shall include all relevant material as required by the *ANSI Essential Requirements*.

### **4.2.3 PINS Deliberation**

If the Secretariat receives written comments within 30 days from the publication date of a PINS announcement in *ANSI Standards Action* and said comments assert that a proposed standard duplicates or conflicts with an existing ANS or candidate ANS previously (or concurrently) announced, a mandatory deliberation of representatives from the relevant stakeholder groups shall be held within 90 days from the comment deadline.

Such a deliberation shall be organized by the Secretariat and the commenter and shall be concluded before the Company may submit a proposed standard for public review. If the deliberation does not take place within the 90-day period and the Company can demonstrate that it has made a good faith effort to schedule and otherwise organize it, then the Company will be excused from compliance with this requirement. The purpose of the deliberation is to provide the relevant stakeholders with an opportunity to discuss whether there is a compelling need for the proposed standards project.

The outcome of a PINS deliberation shall be conveyed in writing (the "Deliberation Report") within 30 days after the conclusion of the deliberation by the Secretariat to the commenter and ANSI. Upon submission of the Deliberation Report, the Company may continue with the submission of the proposed standard for public review. If additional deliberations take place, they should not delay the submission of the proposed standard for public review, and an updated Deliberation Report shall be conveyed within 30 days after each deliberation. Any actions agreed upon from the



deliberations shall be carried out in a reasonably timely manner, but normally should not exceed 90 days following the deliberation. Subsequently, the Secretariat shall include all of the Deliberation Report(s) with the BSR-9 submittal to the ANSI BSR for consideration should the Company ultimately submit the subject standard to ANSI for approval. Stakeholders who were involved in the PINS deliberation process may also file separate Deliberation Report(s) with ANSI and the Company within 30 days after conclusion of any deliberation for consideration by the BSR, if the standard is submitted to ANSI for approval. While the outcome is not binding, unless binding provisions are agreed to by the Company, participants are encouraged to develop a consensus on whether and how the standards development project should proceed.

#### **4.3 Public Review of Standards and Technical Reports**

Each proposed new ANS and proposal to revise, reaffirm, or withdraw approval of an existing ANS shall be transmitted to ANSI using the BSR-8 form for listing in *ANSI Standards Action* in order to provide an opportunity for public comment on the standard. In addition, efforts shall be made to announce public reviews in suitable media as appropriate to allow for participation by as many affected persons (e.g., through professional organizations). Technical Reports do not require notifications to ANSI, though they will follow the same public review procedures.

The proposed standard under public review shall be available to the general public via the Company website. The comment period shall be a minimum of 45 days, or 30 days if the text of the limited revision under public review is five pages in length or less. If the proposed standard cannot be published on the website, a suitable alternative will be provided and communicated through *ANSI Standards Action* and other suitable media. When applicable, a statement of intent to submit the standard for consideration as an ISO, IEC, or ISO/IEC JTC-1 standard shall be included as part of the description of the scope summary that is published in *ANSI Standards Action*.

Public review commenters shall submit their comments on the comments template posted on the Company website, it may also be requested from the Company directly. Public commenters shall provide the section of the document they are commenting on, a comment detailing the issue on the section, and should provide a proposed resolution of how to fix the issue. If the commenter does not submit comments on the comment template, the Company will return the comments and request a resubmission by the comment deadline or within 10 calendar days, whichever is later.

CB members shall submit their comments on the comments template added to the CB ballot, it may also be requested from the Company directly. CB members shall provide the section of the document they are commenting on, a comment detailing the issue on the section, and should provide a proposed resolution of how to fix the issue. If the commenter does not submit comments on the comment template, the Company will return the comments and request a resubmission by the comment deadline or within 10 calendar days, whichever is later.

Public review may be requested at any stage in the development of the proposed standard (subject to CB approval) and may be concurrent with final balloting. However, any substantive change subsequently made in a proposed ANS requires listing of the change in *ANSI Standards Action*. Depending on the extent of revisions from balloting and/or public review, a proposed standard may go through this process more than once.



#### **4.4 Disposition of Views and Objections**

**4.4.1** Upon close of public review period and/or balloting, prompt consideration shall be given to all written views and objections, including those resulting from the public review announcement in *ANSI Standards Action*.

**4.4.2** Objections shall be reviewed with the CB voters and good faith efforts made to resolve the objections.

**4.4.3** If clear instruction is provided on the CB ballot, and a no vote unaccompanied by reasons/comments related to the proposal is received notwithstanding, no further resolution shall be required, the vote shall be counted and recorded as “no without reason”.

No votes accompanied by reasons not related to the standard under consideration need not be resolved, and the vote shall not count. Such votes (i.e., no vote without reasons/comments or no vote accompanied by reasons/comment not related to the standard) shall not be factored into the numerical requirements for consensus. The CB is not required to solicit any reasons/comment from a no voter. The CB is not required to conduct a recirculation ballot of a no vote submitted without reasons/comment or with reasons/comments not related to the proposal.

**4.4.4** If comments not related to the standard are submitted, the comments shall be documented and need to be considered as a proposal for a new document.

**4.4.5** Substantive changes made in a proposed standard shall be recirculated to the entire CB in order to afford all members the opportunity to respond, reaffirm or change their vote. This recirculation ballot should take place within 30 days of CB approval of comment resolution. The Secretariat will open a new recirculation 30-day ballot and public review period of 45 days, or 30 days if appropriate if the text under public review is five pages in length or less. Any substantive change shall also be announced for public comment in *ANSI Standards Action*.

A rebalot of the entire document may be issued. In the case of a rebalot, the Secretariat will advise the CB, through the ballot, that the ballot is a new ballot and previous votes and comments will not count towards the new ballot. The CB members will be advised that they will need to submit a new vote and comments for consideration.

Non-substantive changes made in a proposed standard shall be recirculated to the entire CB within 30 days. The Secretariat shall obtain confirmation, from the chair of the WG or the chair of the CB, that the modifications made to the document are non-substantive. This confirmation may be done in a CB meeting and recorded in the minutes, or by email to the Secretariat/Company Staff.

A substantive change in a proposed standard is one that directly and materially affects the use of the standard. Examples of substantive changes are as follows:

- “shall” to “should” or “should” to “shall”;
- addition, deletion, or revision of requirements or recommendations, regardless of the number of changes;
- addition of mandatory compliance with referenced standards.



Comments on a recirculation may only be accepted on revised sections of a document.

If comments on a recirculation not related to the revised sections of the document are submitted, the comments shall be documented and do not need to be addressed.

Modifications made to the boilerplate content of the document are non-substantive changes and do not need to be approved by the CB.

**4.4.6** If an item has had prior discussion, with substantially the same comment being repeated that was previously made on the same issue within the same revision cycle of a particular standard, it shall not be necessary to reconsider it unless new information has been introduced. If no new information is introduced, the previous decision of the CB shall stand, and the objector(s) so advised.

**4.4.7** The objector(s) will be advised by email of the disposition of the objection(s) and the reasons therefore within 30 days after attempts to resolve each round of comments by the CB.

If the consideration of the written views and objections is anticipated to take longer than 6 months, the Secretariat will notify the public review objector(s) by email of the continued work of the CB to resolve all comments. The CB members will be notified during CB meetings of the status of the resolutions.

**4.4.8** Unresolved objections, attempts at resolution, and any substantive change made in a proposed standard shall be reported to the entire CB within 30 days of CB approval of comment resolution in order to afford all voting members of the CB an opportunity to respond, reaffirm, or change their vote. Any substantive change shall also be announced for public comment in ANSI *Standards Action*. Each no vote and objection submitted by a voting member of the CB and/or public review objector that is not resolved must be reported to the ANSI BSR as part of the final BSR-9 submittal to ANSI after the appeals process has concluded.

**4.4.9** The unresolved CB and/or public review objector will be informed in writing (including electronic communications) of the right to file a procedural appeal with the Company (see Section 5).

The CB unresolved objector will have 10 days from the distribution of the letter to change their vote based on the resolutions of the comments. If no response is received, they will remain on record as an unresolved objector. They will then have 30 days from the distribution of the letter to file a written complaint in order to initiate the appeals process. The CB objector who would like to change their vote shall do so in writing (electronic or mail is acceptable) to the Secretariat.

The public review objector will have 10 days from the distribution of the letter to remain on record as an unresolved public commenter. If no response is received, their comments will be considered resolved and they will not have the right to a procedural appeal. If they remain on record as an unresolved public commenter, they will have 30 days from the distribution of the letter to file a written complaint in order to initiate the appeals process.





#### **4.5 Submittal of Proposed ANS to ANSI**

In accordance with the ANSI Essential Requirements section 4.2, a proposed new ANS or a proposed revision or reaffirmation of an ANS to be approved by the BSR shall be submitted to the secretary of the BSR within one (1) year from the close of the comment period listed in Standards Action using the appropriate form provided by ANSI, unless the standards developer notifies the secretary of the BSR in writing of good cause for a different schedule for submittal. Failure to make the submittal within two (2) years from the close of the comment period listed in Standards Action shall require consideration by the BSR, i.e., withdrawal, extension for cause, or another listing in Standards Action.

### **5 COMPLAINTS AND APPEALS**

#### **5.1 General**

Parties who are directly and materially interested who have been or will be adversely affected by a procedural action or inaction of the CB or the Secretariat shall have the right to appeal. Appeals shall be based on perceived procedural actions or inactions of the CB. Technical content as such is not subject to the appeals process.

#### **5.2 Complaint**

The appellant may initiate the appeals process by filing a written complaint with the Secretariat within 30 days after the date of notification of action or at any time with respect to inaction. See 4.4.9 for additional time frames related to objections from unresolved comments (e.g., 10 days to remain on record as an unresolved public commenter).

The complaint shall state the nature of the objection(s) including:

- a) any adverse effect;
- b) the Clause(s) of these procedures or the standard that is at issue; and
- c) actions or inactions that are at issue, and the specific remedial action(s) that would satisfy the appellant's concerns.

Previous efforts to resolve the objection(s) and the outcome of each shall be noted.

#### **5.3 Response**

The Secretariat shall advise the CB of the complaint and collaborate as needed with the CB and/or WG to formulate a response to the complaint. Within 30 days after receipt of the complaint, the Secretariat shall respond in writing to the appellant, specifically addressing each allegation of fact in the complaint, in an attempt to resolve the matter informally in a manner consistent with these procedures. The appellant will have 10 days from the Secretariat's response to indicate if the complaint has been resolved, or if they would like the complaint to move forward to a hearing. If no response is received by the Secretariat within 10 days, the complaint will be considered closed.



## **5.4 Hearing**

If the appellant requests a hearing, the Secretariat shall schedule a hearing with an appeals panel on a date established by the Secretariat, giving at least 14 days' notice. The Secretariat shall strive to accommodate any extraordinary circumstances impacting the appellant and the respondent that impact selection of a date. However, a timely resolution to the complaint is a priority.

## **5.5 Appeals Panel**

The appeals panel shall consist of three individuals, selected by the Secretariat, who have not been directly involved in the matter in dispute, and who will not be materially or directly affected by any decision made or to be made in the dispute. At least two members shall be acceptable to the appellant and at least one shall be acceptable to the respondent. If the appellant and respondent cannot agree on the composition of the appeals panel, the Standards Board shall appoint the panel by a majority vote (51% rounded up to the next whole number). The panel members shall select a chair.

## **5.6 Conduct and Format of the Hearing**

The chair of the appeals panel will conduct the hearing. The appellant has the burden of demonstrating adverse effects, improper actions or inactions, and the efficacy of the requested remedial action. The respondent (generally represented by the Secretariat and/or CB chair) has the burden of demonstrating that the CB and the Secretariat took all actions in compliance with these procedures and that the requested remedial action would be ineffective or detrimental. Technical content of a standard is not the subject of an appeal but rather the procedural actions or inactions of the CB.

The hearing will be scheduled using a poll to find a time when the Company staff, appellant, respondent, and panel can all attend. The hearing will be scheduled for 90 minutes and will be held over a teleconference platform only; no in-person attendance is necessary.

The following schedule will be followed:

Section 1 Opening Remarks and Introductions (Chair - 5 Minutes)

Section 2 Review Conduct and Format of the Hearing (Chair - 5 minutes)

Section 3 Hearing

3.1 Appellant Case (20 Minutes)

3.2 Respondent Case (20 Minutes)

3.3 Appellant Response (10 minutes)

3.4 Respondent Response (10 minutes)

3.5 Questions from the Panel (10 Minutes)

Section 4 Review Decision Process/Next Steps ) (Chair - 5 Minutes)



## Section 5 Adjournment (Chair - 5 minutes)

All appeals hearings will be recorded through the teleconference platform and made available to all participants after the hearing upon request. No written transcript will be provided.

Each side (appellant and respondent) may invite two additional people to speak on their behalf. The additional people may be counsel. The additional people may only speak to the procedural issues relevant to the hearing and must speak within the allotted appellant or respondent's time. Notification of who will be participating in the hearing shall be provided to the Secretariat no less than two weeks prior to the hearing. The Secretariat shall notify all appeal participants of the attendees.

Members of the relevant CB may submit statements ahead of time through either the appellant or the respondent for panel review.

Additional members of the relevant CB or stakeholders may attend as observers, but they shall not be permitted to speak.

Any supporting documentation to the appeal, CB members statements, and presentations shall be submitted to the Secretariat a minimum of two weeks prior to the hearing. Submitted presentations will be presented on the screen during the speaker's discussion for all attendees logged into the teleconference to see.

It is expected that all participants in the hearing conduct themselves in a professional and courteous manner and respect all other participants. The chair of the appeal panel may remind any participant not conducting themselves in a professional manner to respect the other participants.

### **5.7 Decision**

The appeals panel shall render its decision in writing within 30 days, stating findings of fact and conclusions, with reasons therefore, based on a prevalence of the evidence presented to the appeals panel. Consideration may be given to the following positions, among others, in formulating the decision:

- a) finding for the appellant, remanding the action to the CB or the Secretariat with a specific statement of the issues and facts in regard to which fair and equitable action was not taken;
- b) finding for the respondent, with a specific statement of the facts that demonstrate fair and equitable treatment of the appellant and the appellant's objection(s); or
- c) finding that new, substantive evidence has been introduced, and remanding the entire action to the CB or the Secretariat for appropriate reconsideration.

### **5.8 Notification**

The Secretariat shall notify the appellant, the Standards Board, and the CB of the decision of the appeal panel in writing within 10 days of the panel providing the written decision to the Secretariat.



## **6 RECORDS**

**6.1** All records related to the approval, revision, reaffirmation, or withdrawal of a standard as an ANS, including, but not limited to, minutes, ballots, correspondence, CB membership, and other relevant material shall be filed with the Secretariat. Records shall be accessible to directly and materially interested parties, subject to reasonable conditions of time, location, cost, and convenience. Records will be maintained, at a minimum, until the next scheduled ANSI audit.

**6.2** Records concerning new, reaffirmed, or revised standards shall be retained for at least one complete cycle (until the standard is reaffirmed, revised, or withdrawn).

**6.3** Records concerning withdrawn standards shall be retained for at least five years from the date of withdrawal.

## **7 POLICIES**

### **7.1 Metric**

**7.1.1** Measured and calculated values may be expressed in metric units (SI) and in U.S. customary units (USC). The choice of units may be dictated at any point by the general acceptance of one or the other.

**7.1.2** USC units may be indicated in parentheses following the SI units, SI units may be indicated in parentheses following the USC units, or the equivalent may be provided in a table in an informative annex.

### **7.2 Commercial Terms and Conditions**

Each Company sponsored ANS will follow the ANSI procedures for and will strictly adhere to ANSI's Commercial Terms and Conditions as it is stated in Item 3.2 of *ANSI Essential Requirements*.

### **7.3 Patent Policy – Inclusion of Patents in American National Standards**

Each Company sponsored ANS shall be in compliance with ANSI's patent policy as stated in Item 3.1 of *ANSI Essential Requirements*.

### **7.4 Antitrust Policy**

Each Company sponsored ANS shall be developed in accordance with applicable antitrust and competition laws and meetings amongst competitors to develop an ANS are to be conducted in accordance with these laws.

## **8 INTERPRETATIONS**

**8.1** Formal interpretations are for providing formal explanations of the meaning or intent of the CB on any specific provision or provisions of any document.

**8.2** A statement, written or oral, that is not processed in accordance with these procedures shall not be considered the official position of the Standards Board or any of its CBs or WGs, and shall not be considered, nor relied upon, as a formal interpretation.



**8.3** All requests for interpretation or clarification shall be submitted in writing to the Secretariat who will register and review the request before action by any CB or WG is initiated. The Secretariat shall issue an interim acknowledgement of the inquiry within 7 days of receipt.

**8.4** Simple requests for information about a standard shall be answered by the Secretariat, in consultation with the relevant CB chair, as appropriate.

**8.5** Other requests shall be forwarded by the Secretariat to the chair of the CB that developed the standard with a notification to the Standards Board. If the CB is no longer active, the Secretariat shall request not less than four members or former members of the originating CB or WG or other available experts to serve as an ad hoc advisory group to consider the request.

**8.6** The CB chair or the Secretariat shall take the following actions on the request:

- a) schedule the request on the agenda for the next meeting of the CB;
- b) once the draft response is prepared, the response will be circulated to the CB and the originator of the request will be invited to the meeting at which the inquiry will be discussed along with the recommended response.

**8.7** After appropriate discussion, approval of the technical recommended response shall be by letter ballot, and must be approved by the CB as per 3.5.4.

**8.8** The CB chair shall return the recommended response to the Secretariat with the following documentation:

- a) transmittal letter summarizing the response by the CB;
- b) debate, if any (including minority views);
- c) resulting motions;
- d) the interpretation in response to the technical question(s); and
- e) a record of the vote by member interest category.

**8.9** Upon completion of the previous step, the Secretariat shall transmit a copy of the interpretation to the originator of the request. The Secretariat shall also publish the interpretation to the general public.

## **9 MAINTENANCE AND PUBLICATION OF AMERICAN NATIONAL STANDARDS**

Each ASB standard approved as an ANS shall be published within six months of approval as such, unless an extension has been granted by ANSI. Each ANS shall be kept current by means of timely revision or reaffirmation in accordance with the *ANSI Essential Requirements*. Obsolete standards shall be withdrawn.

Periodic maintenance is defined as the maintenance of a standard by review of the entire document and action to revise or reaffirm it on a schedule not to exceed five years from the date of its approval as an ANS.

If an ANS is no longer supported by a CB, the Secretariat shall notify ANSI immediately and the standard will be withdrawn as an ANS and announced as such in *ANSI Standards Action*.

If the Standards Board, at its own discretion and without a vote of the relevant CB, decides to abandon the processing of a proposed new or revised ANS or portion thereof, it shall notify ANSI immediately and an announcement shall be placed in *ANSI Standards Action*.