



SOLAR RATING  
& CERTIFICATION  
CORPORATION™



SMALL WIND  
CERTIFICATION  
COUNCIL™

3060 Saturn Street, Suite 100  
Brea, CA 92821  
t: 888.ICC.SAFE (422.7233)  
t: 562.699.0543  
f: 562.695.4694

# ICC-SRCC™/ICC-SWCC™ COMPLAINT POLICY

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## 1. INTRODUCTION

The Solar Rating & Certification Corporation (ICC-SRCC™) and Small Wind Certification Council (ICC-SWCC™) (“certification body”) have established this formal process for the handling of complaints and appeals associated with ICC-SRCC and ICC-SWCC certification programs in compliance with ISO/IEC 17065 requirements and applicable certification body policies.

Complaints and appeals are categorized as addressed in ISO 17065, Section 7.13, into three categories.

- Appeals: Formal petition for reconsideration of adverse action issued by the certification body, submitted by an applicant for, or holder of an ICC-SRCC or ICC-SWCC production certification or Laboratory Testing Program approval.
- Challenges: Formal petition for reconsideration of the approval, ratings, performance values or description of an ICC-SRCC or ICC-SWCC certification or the approval of a lab under ICC-SRCC Testing Laboratory Approval Program. Challenges may be submitted by any party.
- Negative Feedback: Complaints, grievances and concerns submitted to the certification body that do not pertain to an adverse action or a challenge to ratings, approvals or certification content issued by ICC-SRCC or ICC-SWCC. Negative Feedback may be submitted by any party.

The policies listed above are the sole and exclusive means by which an interested party files a formal complaint regarding ICC-SRCC and ICC-SWCC certification programs and activities.

## 2. PURPOSE

This procedure defines the manner in which the certification body collects, evaluates, files and responds to complaints submitted in accordance with ISO 17065, Section 7.13. This procedure shall address the receipt, documentation, handling and resolution of complaints filed with ICC-SRCC or ICC-SWCC in compliance with ISO 17065, Section 7.13 and ICC-SRCC policies and procedures.

## 3. REFERENCES

The following documents were used in the creation of, or are referenced within, this policy.

- *ICC-SRCC/ICC-SWCC Confidentiality Policy*
- *ICC-SRCC/ICC-SWCC Corrective and Preventative Action Request Policy*
- *ICC-SRCC/ICC-SWCC Impartiality Policy*
- *ICC-SRCC Quality Manual*

## 4. GENERAL

**4.1 Responsibility.** The ICC-SRCC Vice President of Technical Services shall be responsible for implementation of this procedure. All ICC-SRCC personnel shall be knowledgeable of the procedures for handling all categories of complaints.

**4.2 Parties.** An individual, group, or organization initiating a complaint concerning a participant or approved laboratory, other than the certification body, will be identified as the “complainant”.

**4.3 Confidentiality.** All steps taken by the certification body and its authorized agents in response to a complaint shall be conducted in accordance with the requirements of the *ICC-SRCC/ICC-SWCC Confidentiality Policy* and the following:

- In the event of a challenge of ICC-SRCC or ICC-SWCC certification by a third party, the identity of the complainant shall not be disclosed by the certification body, unless specifically authorized by writing by the complainant.
- All non-final resolutions, proceedings, and materials related to this policy are confidential and private, and will be maintained securely by the certification body and the parties.
- Other than the parties involved and agents authorized by the certification body, no observers or other persons are permitted to participate in the processes established by this policy.

**4.4 Impartiality.** All steps taken by the certification body and its authorized agents in response to a complaint shall be conducted in compliance with the requirements of the *ICC-SRCC/ICC-SWCC Impartiality Policy*. In order to avoid conflict of interest, personnel who have provided consultancy for a client, or been employed by a client shall not review or approve the resolution of a complaint or appeal for that client within two years following the end of the consultancy or employment. The decision resolving a complaint or appeal shall be made by, or reviewed and approved by person(s) not involved in the certification activities related to the complaint or appeal.

**4.5 Information and Proof Accepted.** An authority designated by the certification body shall be responsible for gathering and verifying all necessary information (as far as possible) to progress the complaint or appeal to a decision. Objections relating to the relevance of information and similar issues will be decided by the authority designated by the certification body, and such decisions are not subject to further review or appeal.

**4.6 Failure to Cooperate/Submission of Misleading or False Information.** All parties must behave in a courteous and professional manner when communicating with the certification body representatives and other parties. Any party, including a complainant who is not associated with the certification body, must cooperate with the authority designated by the certification body with respect to the resolution process. Failure to cooperate may result in the imposition of corrective actions or sanctions by the certification body, including the denial or acceptance of a complaint, or other appropriate corrective actions. Similarly, any party who submits false or misleading information to the certification body with respect to a complaint may be subject to appropriate corrective actions or sanctions.

**4.7 Fiduciary Responsibility and Retention of Legal Rights.** Notwithstanding any provision of any corporate policy, consistent with legal fiduciary responsibilities and ICC-

SRCC/ICC-SWCC governing documents, the certification body retains all rights and privileges to: seek any available legal remedies and relief on behalf of itself and authorized representatives; and, defend itself and authorized representatives to the fullest extent permitted by law.

**4.8 Correspondence.** All correspondence and completed forms related to complaints shall be addressed to ICC-SRCC/ICC-SWCC via mail at the following address:

Via mail at the following address; or

ICC-SRCC/ICC-SWCC  
ATTN: Challenge  
3060 Saturn Street, Suite 100  
Brea, CA 92821  
USA

Via e-mail at [srcc@solar-rating.org](mailto:srcc@solar-rating.org)

**4.9 Fees.** Fees shall be assessed in conjunction with the submission of appeals, complaints and challenges in the following cases:

1. Appeals: Where an applicant, participant, lab or inspection provider appeals an adverse determination by the certification body, a fee shall be charged for each appeal submitted as established in the applicable *Fee Schedule*.
2. Challenges: Where a complainant submits a challenge to the approval, ratings, performance values or continued compliance of an active ICC-SRCC or ICC-SWCC certification, a fee shall be charged for each challenge submitted as established in the applicable *Fee Schedule*.

If an appeal or challenge is upheld, the complainant may request a refund of the complaint fee. The certification body may, at its sole discretion, refund or waive the fees listed above. Appeals and challenges subject to fees, as listed above, shall not be initiated until applicable fees are paid in full.

**4.10 Payment.** All payments due to the certification body associated with Section 4.9 shall be remitted in accordance with the methods established in the *ICC-SRCC Fee Schedule*.

## 5. Categories of Complaints

The certification body categorizes complaints and appeals, as addressed in ISO/IEC 17065, Section 7.13, appeals, challenges and other complaints. The procedures and policies for handling each category are established in Sections 6 and 7.

### 5.1 Appeals.

Appeals are formal petitions for reconsideration of adverse action issued by the certification body, submitted by an applicant for, or holder of an ICC-SRCC or ICC-SWCC

production certification or ICC-SRCC Laboratory Testing Program approval. Specific procedures and policies for the handling of appeals are established in Section 6. Appeals may be submitted in the following circumstances:

- a) The complainant was found to be ineligible for certification under any of the ICC-SRCC or ICC-SWCC certification schemes.
- b) The complainant was found to have failed to satisfy a certification or approval requirement for an ICC-SRCC or ICC-SWCC certification program; or,
- c) The respondent otherwise was the subject of an adverse ICC-SRCC or ICC-SWCC certification or approval action or decision.
- d) The complainant was found to be ineligible for inclusion in the ICC-SRCC Testing Laboratory Approval Program;
- e) The complainant was found to have failed to satisfy an approval requirement or condition for the ICC-SRCC Testing Laboratory Approval Program.

## **5.2 Challenges.**

Challenges are formal petitions for reconsideration of the approval, ratings, performance values or description of an ICC-SRCC or ICC-SWCC certification or the approval of a lab under ICC-SRCC Testing Laboratory Approval Program. Challenges may be submitted by any party. Specific procedures and policies for the handling of challenges are established in Section 6. Challenges may be submitted in the following circumstances:

- a) The claimant alleges a rating provided by ICC-SRCC or ICC-SWCC for a given active certification is inappropriate;
- b) The claimant alleges performance data provided by ICC-SRCC or ICC-SWCC for a given active certification is inappropriate; or,
- c) The claimant alleges the product description text or drawings associated with a given active certification is inappropriate.
- d) The claimant alleges the awarding of a given active ICC-SRCC or ICC-SWCC certification is inappropriate.
- e) The claimant alleges that the approval or disapproval of a given testing laboratory for inclusion in the ICC-SRCC Testing Laboratory Approval Program is inappropriate.

**Exception:** Challenges of the failure to obtain approval for certification or inclusion in the ICC-SRCC Testing Laboratory Approval Program brought by the applicant are categorized as Appeals as established in 5.1.

## **5.3 Negative Feedback.**

Complaints submitted to the certification body that do not pertain to an adverse action or a challenge to ratings, approvals or certification content issued by the certification body. Negative Feedback may be submitted by any party. Specific procedures and policies for the handling of Negative Feedback are established in Section 7. Negative Feedback may be received from any number of sources including the following:

- a) Applicants
- b) Certificate holders
- c) Subcontractors
- d) Accreditation bodies
- e) Employees and staff members
- f) Regulator

g) The General Public

## 6. Complaint Receipt and Evaluation

Challenges and appeals shall be submitted formally, in writing via mail or email at the address or e-mail in Section 1.12. Other Complaints may be made formally, in writing, or informally (telephone, face-to-face, etc.).

**6.1 Logging.** Upon receipt of a complaint, the complaint shall be recorded in the Complaint Log. If the complaint was received in an informal manner, the complaint shall be recorded in writing for recording or processing.

**6.2 Acknowledgment.** The certification body shall notify the complainant within 5 calendar days that the company has received the complaint and is investigating the issue. This response may be made orally, via telephone, e-mail, fax or letter. If made orally, a record must be maintained of the notification.

**6.3 Evaluation.** The Vice President of Technical Services or the designated ICC-SRCC representative shall evaluate the validity of the concern and categorize it as a challenge, appeal or other complaint as defined in this Section 5. The certification body representative shall assess the complaint in accordance with the criteria established in Section 6.3.1. Upon determination that the complaint qualifies under the terms established by this policy, the complaint shall then be addressed in accordance with the requirements established for the category assigned. If the Vice President of Technical Services determines that the complaint does not qualify with the requirements of this policy, the complainant shall be promptly notified of the reason for disqualification, and the outcome recorded in the Complaint Log. Decisions to disqualify a complaint shall be final and are not subject to appeal.

6.3.1 Complaint Qualification Criteria. Complaints shall qualify for processing where the following conditions are met:

1. The complaint shall relate to certification activities for which the certification body is responsible.
2. If the complaint is categorized as an appeal, it must be received within 90 days of the adverse action being appealed.

**6.4 Reporting of Complaints Regarding Impartiality.** Complaints received regarding the impartiality associated with ICC-SRCC and ICC-SWCC certification programs shall be reported to the ICC-SRCC/ICC-SWCC Impartiality Committee by the Vice President of Technical Services in accordance with the requirements established in the *ICC-SRCC/ICC-SWCC Impartiality Policy*.

## 7. Challenge and Appeal Process

Complaints categorized as challenges or appeals shall be processed in accordance with the requirements set forth in Section 7.

## **7.1 SRCC First Level Staff Review**

In the first instance, challenges and appeals will be received and considered by the Vice President of Technical Services.

**Exception:** In the event of a possible conflict of interest, or other appropriate basis for referral, the Vice President of Technical Services may reassign the challenge or appeal to a designated Resolution Officer for initial review and resolution.

7.2.1 Staff Review and Actions. The Vice President of Technical Services will conduct a review of the challenge or appeal, including the collection and consideration of all relevant information and materials submitted by the parties or others in possession of relevant information. Following such review, the Vice President of Technical Services may take any of the following actions:

- A. Request or direct that one or more of the parties, or others, provide relevant documents or information necessary to consider and resolve the appeal;
- B. Recommend an informal resolution of the matter;
- C. Recommend a formal resolution of the appeal, which will include a written, First Level Decision including the reason(s) the decision was reached, and may include any appropriate corrective or remedial action(s) and/or disciplinary sanction(s). Among other formal resolution actions, the Technical Director may: affirm an adverse action in whole or in part; or, deny and dismiss an adverse action in whole or in part.
- D. Refer the matter to another designated Resolution Officer, for review, further referral, and/or resolution.

6.2.2 Referral to Other Resolution Officer. In the event that the Vice President of Technical Services refers a matter to a Resolution Office, they shall be provided with all relevant records and materials held by the certification body. The designated Resolution Officer is authorized to exercise the same authorities granted to the Vice President of Technical Services above with regard to the review and resolution of the challenge or appeal.

6.2.3 Approval. The First Level Resolution shall be communicated to the complainant.

## **7.2 Second Level Review Board**

7.2.1 Review Board. In the event that the complainant is dissatisfied with the results of the First Level Staff Review, the complainant may request a Second Level Board Review by means of a written communication to the Vice President of Technical Services, consistent with the requirements of this policy. Upon receipt of a qualified request for a Second Level Board Review, the Vice President of Technical Services shall appoint a Review Board as specified in Section 10.

7.2.2 Time Requirements. A request for a Second Level Review Board must be received by the certification body within thirty (30) days of the date of the First Level Resolution. If no such qualified request received by the certification body, the First Level Resolution will be final and binding upon all parties.



**7.2.3 Contents of Communications to the Review Board.** In order to be considered, the complainant shall provide the following information in an appropriate, clear, and detailed manner:

- a. A statement of the grounds and basis of the challenge or appeal, which specifically explains the reasons for the challenge or appeal;
- b. A statement that describes the portion or portions of the Staff Review Decision disputed by the complainant, including a specific description of any findings, conclusions, or remedial actions which the complainant disputes or believes to be in error;
- c. A statement that describes the findings, conclusions, or remedial actions that the complainant seeks from the Review Board;
- d. References to all certification body policies and rules that the complainant believes may apply to the resolution of the challenge or appeal; and,
- e. Accurate copies of all written documents or other materials that the complainant believes are relevant to, and support, the appeal.

**7.2.4 Access.** The Review Board shall have access to all information necessary to enable it to fulfill its functions.

**7.2.5. Review Board Review and Decisions.** The Review Board will review a qualified challenge or appeal in closed session, usually within sixty (60) days of receipt. Thereafter, the Board will resolve and decide the challenge or appeal based on the record. The Board will consider the relevant information and include a summary of its findings in the Staff Review Decision. The Board may affirm, modify, or reverse a Staff Review Decision based on its findings. The Board will issue its Second Appeal Decision to the parties.

**7.2.6 Finality of Review Board Decisions and Resolutions.** All decisions issued by the Review Board will be final and binding on all parties. No additional or further challenges or appeals on the matter are permitted.

### **7.3 Challenge and Appeal Hearings**

**7.3.1 Hearing Requests.** A complainant may request that a First Level Staff Review or Second Level Board Review, include an informal telephone, or when appropriate, in-person hearing. Such request must be made in a timely manner as directed by the certification body, and must include a statement of the reasons that the complainant believes support the scheduling of a hearing. The decision to grant or deny a hearing request is within the sole discretion of the Vice President of Technical Services or authority designated by the certification body, and is not subject to appeal.

**7.3.2 Hearing Process.** Any hearing authorized or convened under this policy will be informal, and designed to collect and weigh the available, relevant information and proof. The designated ICC-SRCC authority conducting the hearing will have full authority and responsibility to convene, preside over, limit, control, continue, and conclude the hearing in a fair, objective, and efficient manner.

**7.3.3 Hearing Schedule and Location.** Each hearing convened under this policy will be scheduled by the authority designated by the certification body in consultation with

the parties. Each hearing will be held by telephone or web conference, or at a site determined by the authority designated by the certification body.

**7.3.4 Hearing Notice and Participation.** The authority designated by the certification body will schedule the hearing and notify the parties in writing at least thirty (30) days prior to the scheduled hearing date. Any hearing may proceed to a conclusion whether or not the parties are present. Each party will be given the opportunity to participate in the hearing and will be required to provide the following information at least twenty-one (21) days before the scheduled hearing:

- a) Whether the party intends to participate in the hearing, and if such participation is via telephone, the telephone number where the party is to be reached during the hearing;
- b) Whether the party intends to participate in the hearing with an attorney or other representative, and if so, the name, address, email address, and telephone number of such attorney or representative;
- c) Whether the party intends to present witnesses at the hearing, and if so, the name, address and telephone number of each witness and a brief summary of the content of proposed witness testimony; and,
- d) Whether the party intends to present and refer to any written information or other materials during the course of the hearing, and if so, the party should provide a copy of all such materials and a brief description of the relevance of the material at least ten (10) calendar days prior to the hearing.

**7.3.5 Responsibilities and Rights of the Parties.** In addition to other responsibilities and rights, the parties may do, or be required to do, the following:

- a) Participate in the hearing and be present during the testimony of all witnesses;
- b) Present witnesses, written information and argument on their behalf;
- c) Review or inspect all oral or written information presented in the case; and,
- d) Comply with all lawful requirements or directives issued by the designated authority, consistent with the terms of this policy.

**7.3.6 Witnesses.** All witnesses will be excluded from the hearing except during their presentation of information. However, a party may request that a witness remain present during all or part of the hearing. In its sole discretion, the designated authority may grant, modify, or deny such a request, and the ruling will not be subject to appeal.

**7.3.7 Hearing Expenses.** Parties will be responsible for their own expenses associated with the hearing, including costs associated with transportation, witnesses, legal counsel, and the like. The certification body will bear all general hearing expenses and other appeal costs, including costs associated with the participation of certification body representatives.

**7.3.8 Closing of the Hearing Record.** The record of each hearing will be closed following the conclusion of the hearing, unless otherwise directed by the designated authority. Any party may request that the record remain open for thirty (30) days for the purpose of receiving additional documentary information or similar materials. The designated authority will rule on any request, and the ruling will not be subject to appeal.

## 8. Other Complaints

Complaints categorized as Negative Feedback shall be processed in accordance with the requirements set forth in Section 8. There are three possible classifications of Negative Feedback, and each has its own response and processing requirements.

**8.1 Complaint.** A complaint is an issue, which is, or appears to be, valid and related to poor performance by certification body personnel, or to a legitimate product related problem. The issue, if left unresolved, could result in lost business or put the company in a position of potential liability. The issue could affect other applicants or certificate holders. Any safety-related issue with a certified product or system is automatically classified as a complaint and given high priority. The Vice President of Technical Services shall attempt to resolve the complaint immediately, or forward the report to someone within the company who can. If the problem requires more detail or investigation the Vice President of Technical services may appoint a Resolution Officer.

**8.2 Grievance.** A grievance is an issue which is, or appears to be valid, but is only related to the complainant's perception of service or product, and not the result of any action or inaction by the certification body, and therefore is unlikely to affect other applicants or certificate holders and is not related to any verified failure on the part of the certification body.

The company may respond to grievances optionally, depending on the severity of the grievance. Management urges staff to respond to grievances, however, in the same manner as "complaints" above in order to maintain good third-party relations.

**8.3 Concern.** A concern is an issue which cannot be verified by the certification body, and is a statement of opinion by the complainant. Whether valid or not, such perception issues should be recorded and trended as concerns, in the event that a perception is shared with the general public, and could escalate to a grievance or complaint if unaddressed.

Formal response to a concern is not required unless deemed appropriate by the company staff member or management.

## 9. Resolution

Upon resolution of a complaint, the following processes for filing, notification and any subsequent actions shall be completed.

**9.1 Records.** The outcome and resolution of all complaints shall be recorded in the Complaint Log, including the steps undertaken to resolve it and resources considered. All correspondence and reports relating to the complaint shall be archived in the report file.

**9.2 Notification.** The certification body shall provide formal notice of the outcome and the end of the complaint process to the complainant. Notification shall be provided in writing by means of letter, email or fax. A copy of the formal notice shall be archived in the complaint report file.

9.2.1 Regulatory Notification. As applicable to the nature of the complaint and its relation to either accreditation rules or statutory regulations, the certification body reserves the right to notify appropriate regulators or the ISO/IEC 17065 accreditation body of the issue.

### **9.3 Resolutions Indicating Participant Non-Conformity.**

Where the complaint investigation and resolution indicates a high likelihood or obvious non-compliance with the criteria for certification under an ICC-SRCC or ICC-SWCC certification program on the part of an active participant, The certification body shall inform the participant via a non-conformity report. The Participant has the obligation to respond in writing to the Vice President of Technical Services within 30 days, acknowledging the non-conformity, providing a corrective action report, and choosing one of the following options. If a response is not received within this time period, the certification shall be suspended immediately.

9.3.1 Acceptance of Non-Conformity. Where the participant accepts the non-conformity it shall enter into a certification body-guided corrective action program. The program shall seek to resolve the non-conformance under the Participant's corrective action process within 60 day. Failure to correct the non-conformity within that time may result in suspension of the certification(s) or other corrective actions, in accordance with the program agreement and policies associated with the certification program. At its discretion, the certification body may also notify the Participant to contain and address non-conforming product that has entered the marketplace. Inspection(s) and other actions to verify resolution the non-compliance may be conducted by the certification body in accordance with the program agreement and policies associated with the applicable certification program.

9.3.2 Opposition of Non-Conformity. Where the participant opposes the non-conformity, it must submit a formal appeal as established by this policy. Inspection(s) and other actions to investigate the non-compliance may be conducted by the certification body in accordance with the program agreement and policies associated with the certification program.

9.3.3 Failure to Respond. If participant fails to respond to the non-conformity report within the allotted time period, the certification shall be suspended immediately by the certification body.

### **9.3 Resolutions Producing Changes to Certification Content**

Where a challenge results in a resolution producing changes to the content of a certification including ratings, performance data, descriptive text and schematics, the certification body shall:

1. Notify the Participant with the affected certifications of the changes and the reason for each.

2. If applicable provide direction on the update of certification marking, labels or instruction documents.

#### **9.4 Non-Conformities and Opportunities for Improvement**

Where a complaint investigation or resolution indicates findings or nonconformities internal to the certification body or on the part of designated subcontractors, they shall be recorded and reported to the Vice President of Technical Services and addressed in accordance with the *Corrective/Preventative Action Request Policy (CPAR Policy)*.

Substantiated internal and subcontractor findings and non-conformities shall be recorded using the CPAR Form (provided in Appendix A of the *CPAR Policy*). The form shall be submitted, logged and processed in accordance with the *Corrective/Preventative Action Request Policy*.

#### **9.5 Opportunities for Improvements**

Where a complaint investigation or resolution indicates opportunities for improvement for the certification body or subcontractors, they shall also be recorded by means of the *CPAR Form*. The form shall be submitted, logged and processed in accordance with the *CPAR Policy*.

### **10. Review Boards**

Review Boards convened for the purposes of addressing complaints, appeals and challenges shall comply with the following requirements.

#### **10.1 Appointment.**

Review Board candidates shall be comprised of at least three (3), qualified, disinterested representatives of the certification body. Appointment of Review Board members shall be at the sole discretion of the Vice President of Technical Services. Complainants shall be notified of the appointed Review Board members prior to the start of review activities to provide an opportunity to object. Review Boards shall be appointed for each complaint, appeal or challenge, and shall be disbanded upon the resolution of the matter.

#### **10.2 Agreement.**

Review Board appointees shall sign a Conflict of Interest and Confidentiality Agreement requiring compliance with the *Confidentiality Policy* and *Impartiality Policy*. Review Board Appointees shall be required to disclose any potential conflicts of interest with the organizations involved in the complaint prior to the conduct of the Review Board activities. Confidentiality of information associated with and derived from Review Board activities shall be maintained in accordance with the *Confidentiality Policy*.

# Appendix A: Complaint Categorization

