



ASAR

Australian Sonographer
Accreditation Registry

POL012 Appeal Against an ASAR Board Decision

1. Preamble

For the purposes of appealing a decision of the ASAR Board, the rules set out in **Section 12 of the ASAR Constitution: Appeals against removal from the Registry** shall apply in conjunction with the requirements set out in this policy and process document.

Note: Appeals against Course accreditation decisions made by the ASAR Board are NOT covered by this policy.

Appeals against Course accreditation decisions must follow Policy & Process 7 - Lodging an Appeal against an Accreditation Decision.

Examples of decisions covered in this policy include but are not limited to: being placed in CPD Default with the requirement to submit 30 CPD points per year for three years, refusal of an application for entry onto the Registry as an Accredited Medical or Student Sonographer.

2. Policy Principles

The purpose of this Policy and Process is to ensure that ASAR Board decisions meet the principles of procedural fairness and that any appeals against an ASAR Board decision are brought to a satisfactory resolution in a timely manner.

3. Scope

This policy applies to:

- Individuals directly affected by the ASAR Board decision
- ASAR Staff
- ASAR Position Holders

4. Definitions

4.1. Individuals as defined in Section II.10b) 1) and 2) of the ASAR

Constitution:

Excerpt from ASAR Constitution

- 1) individuals who meet specified standards and criteria related to the use of medical sonography that are required for them to be accredited by ASAR as medical sonographers to be included on the Registry and to maintain their accreditation;

and
- 2) individuals who meet specified standards and criteria related to training in the use of medical sonography that are required for them to be accredited by ASAR as student medical sonographers to be included on the Registry and to maintain their accreditation.



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4.2. ASAR position holders:

4.2.1. ASAR Board of Directors

The ASAR Board of Directors is the body appointed by the members of the company to take responsibility for achieving ASAR's objects

The number and nature of Directors is defined in section V. of the ASAR Constitution.

4.2.2. Members of ASAR (the company)

Members of ASAR (the company) are defined in section 14a) of the ASAR Constitution:

The Members of ASAR are the individuals who are Accredited Medical Sonographers on the Registry in accordance with rule 10.b) 2) who are interested in the Objects of ASAR, who agree to become Members and who the Board in its absolute discretion admits to membership in accordance with this Constitution.

4.2.3. Members of Board Committees

The ASAR Board may form committees to further the objects of ASAR. Members of Board Committees must adhere to this policy.

4.3. ASAR Secretariat

The Secretariat is the ASAR office management

Australian Sonographer Accreditation Registry (ASAR)

ASAR accredits ultrasound courses offered by various providers, and establishes the criteria against which all courses are to be assessed. ASAR also maintains a register of accredited medical and student sonographers, with the continuing professional development (CPD) activities of accredited medical sonographers recorded and monitored.

ASAR Constitution

Sets out the rules governing the conduct of the organisation

Notice of Appeal

A written notice requesting an appeal against a decision of the ASAR Board of Directors.

Proper Notice

All correspondence, notices, and other materials exchanged between the participants of an appeal shall be by Certified Mail-Return Receipt Requested or by next day delivery, or in the case of electronic correspondence the time and date stamp on the email will be the evidence of when the correspondence was sent and received.

Panel

The Panel will be comprised of appropriately qualified and skilled individuals, and will include an impartial expert advisor.

Written submission

The substance of the appeal by the individual comprised of the entire, point-by-point basis upon which the individual believes the ASAR Board's resolution should be reversed.



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5. Appeals

5.1. Notice of the Resolution

Secretariat must give written notice to the individual:

- I. setting out the resolution and the grounds upon which it was based; and
- II. stating that the individual has 30 calendar days from the date of the notice to give written submissions to the Board in response to the resolution.

5.2. Written submissions

The individual may provide written submissions to the Board within 30 calendar days of receiving notice of the resolution.

5.3. No written submission

If a written submission is not received within the time specified in 5.2 in response to the resolution, the Board will proceed with the resolution.

5.4. Consideration of Written Submissions

If the individual gives written submissions in response to the resolution then the Board must consider those submissions at its next scheduled meeting.

5.5. Notice of Board's decision on written submission

The Secretariat must then give the individual written notice as to whether or not the Board still intends to proceed with the resolution.

5.6. ASAR Board decision to proceed with Resolution

If, after review of the written submissions, the ASAR Board intends to proceed with the resolution, the Secretariat informs the individual that they have 21 calendar days from the date of the notice to advise the Board that the individual requires that the matter be referred to appeal.

5.7. No notice of Appeal

If the individual does not give advice in writing within the time specified in 5.6 in response to the resolution, the Board may proceed with the resolution.

6. Panel

6.1. Panel

The tribunal panel will be comprised of three appropriately qualified individuals.

Within 30 calendar days of ASAR receiving written notice of appeal of the resolution, the names of three individuals who meet the requirements of an Appeal Panel member are to be sent to the appellant.

Within ten calendar days of receipt of the list, the appellant is to:

- confirm their acceptance of the three individuals listed who will become the members of the Appeal Panel in writing

The ASAR Board shall designate one of the Panel members to be the Chairperson.



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7. Conduct of the Appeal

7.1. Documentation

Within ten working days after constituting the Appeal Panel, each Panel member is to be provided with the written submission and notice of appeal and all other documentation relevant to the appeal.

7.2. Timeframe

A hearing is to be scheduled as soon as feasible, preferably within 45 days after the Panel is constituted. Once scheduled, notice of the date, time, and location of the Tribunal is to be sent to the members of the Panel and the appellant.

7.3. Expenses

Expenses incurred by the appellant as a consequence of the appeal shall be borne by the appellant. An application fee is payable with all notices of appeal. If the appeal is upheld, the appeal application fee lodged with the notice of appeal will be refunded to the appellant.

Expenses incurred by ASAR in the selection of the Panel, the arrangements for the hearing, and other expenses of the Panel shall be borne by ASAR.

7.4. Representation

At the conduct of any appeal, the appellant:

- a. may appear before the tribunal represented by a person, who may or may not be legally qualified, and
- b. may make oral or written submissions as he or she thinks fit.

The Panel may request that the appellant submit additional written materials to support any verbal argument within 14 calendar days of the hearing.

At any time prior to the hearing date, the appellant may inform ASAR in writing that they waive the right to appear and chooses to have the appeal decided on the written submission only.

8. Appeal Decision

Within 21 calendar days of the adjournment of the Hearing or the receipt of additional written materials from the appellant (whichever is later), the Panel will submit its written report to the ASAR Board.

The panel must address each point raised by the appellant and shall recommend to the ASAR Board that the appeal be upheld or dismissed.

The ASAR Board will review the report from the panel and make the final decision on whether the appeal is upheld or dismissed.

The ASAR Board's decision will be binding on all parties.



9. Appeal Procedures Summary

Trigger	Timeframe	Appellant Action	ASAR Action	Responsibility
ASAR Board resolution or decision	Within 30 days from the date of notification of the resolution, Individual advised to give written submissions to the Board	Individual provides written submission	Provide details of the appeals process and templates	ASAR Secretariat
Individual does NOT give written submission	Within 30 days	No action	Resolution or Decision Stands	ASAR Board ASAR Secretariat
Individual Gives written	Within 30 days	GIVES written submission	Acknowledge receipt	ASAR Secretariat
			ASAR Board reviews the written decision	ASAR Board
			ASAR Board decides: Resolution or decision stands Individual notified	ASAR Board ASAR Secretariat
Individual appeals	Within 21 days	Notify ASAR that the matter be referred to appeal		Appellant
			Acknowledge notice of appeal	ASAR Secretariat
		Appellant provides basis for appeal and supporting evidence to ASAR	Acknowledge receipt	ASAR Secretariat
	Within 30 days		Appoint impartial expert to the Appeal Panel Send names of three individuals selected by the ASAR Board for the Appeal Panel to the	ASAR Board ASAR Secretariat
	Within 10 days	Confirm their acceptance of the three individuals who will become the members of the Appeal Panel		
	Within 10 days of Panel being constituted		Provide panel with appeal documentation	ASAR Secretariat



	Within 45 days of panel being constituted		Panel meets to hear appeal	Appellant Panel Members
	Within 21 days of the adjournment of the Hearing or the receipt of additional written materials from the appellant		Panel submits its report to the Board. Recommend to the ASAR Board either to uphold or dismiss the appeal	Panel ASAR Secretariat
			ASAR Board makes final decision on	ASAR Board
			Inform appellant of decision	ASAR secretariat
If written submission and or Appeal upheld			Appeal upheld: Resolution/decision reversed Fee reimbursed	ASAR Board ASAR Secretariat
If written submission and or Appeal denied			Appeal dismissed: Resolution/decision stands	ASAR Board

10. Tools & Templates

10.1. Templates

The following templates are to be used when conducting an appeal

- Standard letter – Notifying Appellant of potential Appeal Panel Members
- Standard letter – Notifying Appellant of the Date, Time, and Location of the Hearing
- Standard letter – Notifying Appeal Panel Members of the Date, Time, and Location of the Hearing
- Standard letter – Notifying Appellant of the decision

11. Complaints and Questions

Any complaints regarding this policy should go through the [ASAR complaints process](#).

If you have any questions about this policy and procedure you may contact:

The ASAR Secretariat
Australian Sonographer Accreditation Registry Ltd
GPO Box 7109, Sydney NSW 2001
Suite 1, 10th Floor, 45-47 York Street, Sydney NSW 2000

Phone: 02 9299 9785

Fax: 02 9299 0493

Email: admin@asar.com.au

Website: www.asar.com.au



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Panel Format

1. Meeting called to order
2. Introduction of panel members and other attendees
3. Chairperson's opening statement and reading of the confidentiality statement
4. Review of ground rules
 - The purpose of the hearing is to determine whether the record supports the ASAR Board's resolution(s) in respect to the decision. The panel may also consider whether due process and proper procedure were followed. The hearing is not to be defensive or confrontational.
5. Recess for panel executive session to review material presented
6. Additional clarification from attendees, if needed
7. Chairperson's concluding remarks
8. Meeting adjourned