
NLN CNEA Appeals Process

POLICY ON APPEALING AN ADVERSE ACTION

A nursing program receiving an adverse action from the NLN CNEA Board of Commissioners that either denies pre-accreditation or accreditation, or withdraws accreditation due to compliance concerns related to the **CNEA** Standards of Accreditation has the right to appeal the decision through the NLN CNEA appeals process. The appeals process provides program personnel with a formal mechanism to challenge the denial or withdrawal of pre-accreditation or accreditation from the program in question. The accreditation status of the program seeking an appeal will remain in effect until completion of the appeals process and a final decision is rendered.

GROUNDINGS FOR APPEAL AND STANDARD OF REVIEW

The NLN CNEA appeals process provides for the presentation of information that supports the request for appeal, along with supporting documentation. The program's right to appeal an adverse action is based solely on the following reasons:

1. NLN CNEA's policies and procedures were not followed in rendering the accreditation decision; or
2. the Board of Commissioners' decision was arbitrary and capricious because it was not consistent with the published NLN CNEA standards of accreditation and not substantially supported by the record of evidence used to reach the decision.

The program bears the burden of proof in establishing its basis for appeal of the adverse action.

PROCEDURES FOR REVIEWING ADVERSE ACTIONS BASED SOLELY ON FAILURE TO COMPLY WITH THE FINANCIAL REQUIREMENTS OF THE STANDARDS

In instances where the only deficiency cited by the Commission in an adverse action is the program's failure to meet standards regarding financial soundness, a program may, prior to appealing a decision, present new financial information to the Commission under the following conditions:

1. The financial information was unavailable to the program until after the decision subject to appeal was made; and
2. The Commission determines that the financial information is significant and bears materially on the financial deficiencies identified by NLN CNEA.

Based on this information, the Commissioners may determine, without requiring an appeal hearing, to accept the program's new financial information and to reverse its adverse decision. Any determination by the Commission made with respect to the review of new financial information shall not provide a basis for an appeal.

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PROCEDURE FOR APPEALING OTHER ADVERSE ACTIONS

Step 1. The program's chief nursing academic administrator initiates the appeals process by filing a formal written request with the NLN CNEA executive director for an appeals hearing within ten business days of formal notification of the Commissioners' adverse accreditation action and submitting the fees associated with the appeals process.

Step 2. Within 30 days after formal notification of the Commissioner's adverse accreditation decision, the program must submit a written statement clearly stating the grounds for appeal of the Commissioners' adverse action and supporting rationale. All objections are to be stated within the context of the NLN CNEA Accreditation Standards and related quality indicators that originally substantiated the adverse action made by the Board of Commissioners. If a formal written request, associated fees, and written statement are not received by NLN CNEA within the applicable time lines, the adverse action of the Board of Commissioners shall be considered to be final. Information in the appeal must be limited to information that was made available to the Commission at the time it made its adverse decision, except that in instances where the only deficiency cited by the Commission in an adverse action is the program's failure to meet standards regarding financial soundness, as discussed herein.

Step 3. The executive director of the NLN CNEA confirms that no conflicts of interest exist with any of the members of the Appeal Panel as to their ability to fairly hear and deliberate the program's appeal. The executive director also contacts the program's chief nursing academic administrator to confirm that no actual or perceived conflict of interest exists with Appeal Panel members from the perspective of the program's personnel. Following contact by the executive director, the program must notify the NLN CNEA executive director within five business days of any perceived conflict of interest with appointed members of the Appeal Panel.

Step 4. The appeal hearing will take place within 90 business days after NLN CNEA receives a program's notice of its intent to appeal. A date and time of the appeal are determined by NLN CNEA staff in consultation with the program's chief nurse administrator and chair of the Appeal Panel. The aim of an appeals hearing is to present information and data/documents that support the arguments presented in opposition to the Board of Commissioners' adverse accreditation decision. Present at this meeting will be the program's chief nursing academic administrator with legal counsel if desired. If legal counsel is present then the Appeal Panel will also have legal counsel present. At least 30 business days before the date of the hearing, the program and CNEA must submit to each other the names and titles of individuals who will appear at the hearing. After receiving the program's written appeal statement, NLN CNEA staff will distribute to the Appeal Panel and program's chief nursing academic administrator copies of the statement and any attached documents, along with copies of the applicable self-study, the on-site evaluators' report, additional program materials considered as part of the Commissioners' decision, and official documentation of Commissioners' decision, at least 20 business days before the appeals hearing.

Step 5. The chief nursing academic administrator and/or the program's legal counsel will be invited to make a statement that includes the issues and information and data/documents to

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support issues that directly support the stated arguments. The chief nursing academic administrator and/or the program's legal counsel may address any specific legal issues pertinent to the arguments presented as they directly reflect on the program or parent institution of record. The Appeal Panel members may then ask the program to clarify specific information or data/documents presented. The chief nursing academic administrator and/or the program's legal counsel have the opportunity for closing remarks. A transcript will be made of appeal hearings with a copy given to the chief nursing academic administrator, if a program pays associated costs of reproduction, with a copy kept in the NLN CNEA confidential files. Appeals hearings are closed to the public and the proceedings of the hearing are confidential.

Step 6. In closed session the Appeal Panel will deliberate on the arguments made and vote as to affirm, amend, remand or reverse the Commissioners' original decision. The decision made by the Appeal Panel must represent two-thirds of the panel members and is binding. The chair of the Appeal Panel forwards the decision and supporting rationale in writing to the chair of the CNEA Board of Commissioners within 20 business days of the hearing.

1. If the Appeal Panel acts to affirm the Commissioners' original decision, the Commissioners' decision becomes final and is not further appealable. The chair of the Board of Commissioners notifies the program's chief nursing academic administrator of the decision to affirm within five business days of the official notification from the Appeal Panel chair.
2. If the Appeal Panel amends the grounds for the decision but sustains the decision, the action of the Appeal Panel becomes final and is not further appealable. The chair of the Board of Commissioners notifies the program's chief nursing academic administrator of the decision to amend within five business days of the official notification from the Appeal Panel chair.
3. If the Appeal Panel reverses the Commissioners' decision, the Appeal Panel must convey the decision to the chair of the Board of Commissioners for implementation in a manner consistent with the outcome of the appeal. The chair of the Board of Commissioners notifies the program's chief nursing academic administrator of the decision to reverse within five business days of the official notification from the Appeal Panel chair.
4. If the Appeals Panel remands the commissioners' decision, the Appeal Panel provides the chair of the Board of Commissioners with a letter explaining its decision to remand, specifying issues that the Board of Commissioners needs to address on remand. The chair of the Board of Commissioners notifies the program's chief nursing academic administrator of the decision to remand within five business days of the official notification from the Appeal Panel chair. The Board of Commissioners, after receiving the remand letter and taking into account the Appeal Panel's explanation of its reasons for remanding the action, must consider the matter at its next regularly scheduled meeting, and inform the program's chief nursing academic administrator accordingly of

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its decision. If the Commissioners take a subsequent adverse action on remand based on grounds that have not been reviewed by an Appeal Panel, a program may appeal that action based only on those grounds not previously reviewed by an Appeal Panel. If the Commissioners take a subsequent adverse action on remand based on grounds previously reviewed by an Appeal Panel, the adverse action will be final and the Commission will afford no additional appeal rights.

If the Appeal Panel has recommended that the action be reversed or if the Panel remands the action, the Board of Commissioners has the discretion to define the terms and conditions (e.g., date of next evaluation, monitoring, sanction, etc.) of the program's accredited or candidate status in conjunction with its implementation of the reversal. In such cases when accreditation is withdrawn or denied, the program may reapply for candidacy status and pursue initial accreditation after a period of one year.