



CP#1-03 – Appeals

Approved: 05/20/07 | Revised: 02/05/25

- 1.0 Purpose of Council Policy:** This policy governs the process for appeals for ICC codes. This policy establishes a process that is consistent with OMB Circular A-119, which emphasizes that appeals are an important part of the code and standard development process.
- 2.0 Appeals Procedures for Standards:** This policy provides detailed procedures governing the appeals process for ICC codes.
 - 2.1** Information regarding the appeals process for ICC ANSI standards can be found in CP-12.1.
 - 2.2** Information regarding the appeals process for ICC SCC standards can be found in CP-12.2.
 - 2.3** Information regarding the appeals process for ICC standards developed pursuant to the ICC Standard Development Consensus Procedures can be found in CP-12.3.
- 3.0 Right to Appeal:** Any person may appeal an action or inaction that occurred in the course of the development of an ICC code in accordance with this policy. Appeals shall be limited to matters of process and procedure and should not address the relative merits of technical matters.
- 4.0 Scope and Intent:** Issues related to whether a proposed provision of a standard or code falls within the scope and intent statements published by the ICC Board of Directors shall be handled through the procedures set forth below (also found in Section 14.4 of CP#12C and Section 15.2 of CP#28), not through the appeals process set forth in this policy.
 - 4.1** If an individual has a question about whether a proposed provision falls within the scope and/or intent statements published by the ICC Board of Directors, that individual may send the question to the Committee Chair through the ICC Staff Secretariat, who shall submit the question to the ICC Board of Directors through the ICC CEO, along with any relevant information.
 - 4.1.1** The ICC Board shall have full discretion to determine how it conducts its consideration of the question.
 - 4.1.2** The ICC Board shall provide a written response to the Committee Chair within 30 business days of its receipt of the question.
 - 4.1.3** ICC will post the question and the ICC Board's response on the Committee page on the ICC website.
 - 4.1.4** The ICC Board's response to any submitted Scope and Intent inquiry shall be final and the Committee Chair shall ensure the Board's interpretation is applied throughout the code or standard's development process.
- 5.0 Federal Preemption:** Federal preemption issues shall be handled through the procedures set forth in CP-49, not through the appeals process set forth in this policy.
- 6.0 Filing an Appeal:**
 - 6.1** An appeal shall be in writing and shall be directed to and received by the ICC CEO within 30 days of notice of the action or inaction which forms the issue being appealed or no appeal shall lie.

- 6.1.1** The online appeals form, found on the [ICC Codes & Standards website](#), should be used to submit an appeal request.
- 6.2** An appeal shall not stay the action or inaction appealed.
- 6.3** Each appeal shall include the following:
 - 6.3.1** A specific description of the action or inaction being appealed;
 - 6.3.1.1** Each specific action or inaction the appellant asserts was in violation of a process or procedure shall constitute a separate appeal.
 - 6.3.2** A statement describing precisely why the action or inaction is being appealed;
 - 6.3.3** All appeals, except as to a staff action or inaction, shall also include the following:
 - 6.3.3.1** A detailed description of how the action or inaction being appealed will adversely affect the appellant.
 - 6.3.3.2** A statement indicating the requested remedial action;
 - 6.3.3.3** The names and mailing addresses of individuals and organizations that may have an interest in or be affected by the action or inaction being appealed; and
 - 6.3.3.4** A nonrefundable filing fee of \$500.
 - 6.3.4** Appeals that do not comply fully with Section 6.0 by the close of the appeals period will not be considered and no further action will be taken on the appeal.
 - 6.3.4.1** The filing fee will not be refunded if an appeal does not comply with the requirements of this Section.

7.0 Processing of Appeals:

- 7.1** ICC Staff will evaluate each appeal submitted and determine if the appeal raises an issue related to process or procedure.
 - 7.1.1** ICC Staff will notify the appellant if they determine an appeal does not raise process or procedure issues. No further action will be taken with respect to such appeals. Consistent with Section 6.3.4.1, the filing fee will not be refunded.
 - 7.1.2** Appeals that ICC Staff determine are process and procedural in nature will be processed in accordance with this policy.
- 7.2** Process and procedure appeals will be addressed in one of the following manners.
 - 7.2.1** If the appeal is not in regard to a committee or staff action, the ICC CEO shall submit the appeal directly to the Appeals Board within thirty (30) days of receipt of the appeal, or
 - 7.2.2** If the appeal is in regard to a committee action, within 30 days of receipt of the appeal, the ICC CEO may exercise his/her discretion to (1) submit the appeal to the appropriate committee or (2) submit the appeal directly to the Appeals Board.

- 7.2.2.1** If the ICC CEO submits the appeal to the committee, the appellant may not direct an appeal to the Appeals Board until the committee has reconsidered the matter being appealed.
- 7.2.2.2** The committee may reconsider process and/or procedural matters.
- 7.2.2.3** The committee shall have full discretion to determine how it conducts the reconsideration, and to determine the information that it deems appropriate for purposes of the reconsideration.
- 7.2.2.4** The appellant shall have the right to address the committee, under terms and conditions established by the committee, if so requested in writing prior to committee reconsideration.
- 7.2.2.5** The committee shall, within 30 days of its receipt of the appeal, (1) revise its action in accordance with the appeal, (2) sustain its action, or (3) request the appellant to meet with the committee for the purpose of discussion and possible resolution.
- 7.2.2.6** If the committee revises its action in accordance with the appeal, further action on the appeal is terminated and all parties are so advised.
- 7.2.2.7** If the committee does not revise its action in accordance with the appeal, the appellant may submit a request for the appeal to be submitted to the Appeals Board. Such request shall be submitted in writing to the ICC CEO who shall, within 30 days of receipt, place the appeal before the Appeals Board.
- 7.2.3** Appeals of a staff action that the appellant was unable to resolve at the committee level shall be heard before the Codes and Standards Council. If the staff action is upheld, the appellant may submit a request for the appeal to be submitted to the Appeals Board. Such request shall be submitted in writing to the ICC CEO who shall, within 30 days of receipt, place the appeal before the Appeals Board.

8.0 Appeals Board:

- 8.1 Appointments:** At the beginning of each I-Code Development Cycle, the ICC CEO shall propose Appeals Board appointments to the ICC Board of Directors for its approval.
- 8.1.1** The Appeals Board members shall serve until the completion of any appeals for the period associated with that I-Code Development Cycle (3-year cycle) unless they resign earlier.
- 8.1.2** The Appeals Board shall consist of the Vice President of the ICC Board, who shall serve, ex-officio and nonvoting, as the Chair; three members; and at least three alternates. No member of the ICC Board shall be a voting member of the Appeals Board. No more than one Appeals Board member shall come from any one state, province, or territory.
- 8.1.3** No more than two members of the Appeals Board shall be reappointed to the Appeals Board in consecutive cycles and no member of the Appeals Board shall serve more than two consecutive terms.

8.2 Conflict of Interest: No person shall serve on the Appeals Board in connection with an appeal where that person (a) has performed any investigative or other functions directly related to the matter being appealed, (b) has a financial, property, business or personal interest in the matter being appealed, or (c) has an actual or apparent conflict of interest in connection with the matter being appealed.

8.2.1 In the event that an insufficient number of the selected Appeals Board members and alternates meet these criteria, the ICC CEO shall appoint additional members to the Appeals Board, with written confirmation of the Appeals Board chair, for the purposes of hearing the subject appeal.

9.0 Notice of Appeal and Appeal Hearing:

9.1 Notice of Appeal: Within 30 days of submission of an appeal to the Appeals Board by the ICC CEO, notice of the appeal shall be published by ICC on a designated page of the ICC website. The notice shall include the following:

9.1.1 A statement inviting that any interested person or that person's representative to respond to the appeal by submitting their views in writing to the ICC CEO for consideration by the Appeals Board at least 30 days prior to the Appeals Board hearing, and stating that such person may, subject to the discretion of the Appeals Board, participate in and present information at the Appeals Board hearing.

9.1.2 A statement indicating that the public will be informed of the date, time and place of the Appeals Board hearing at least 20 days prior to the scheduled hearing.

9.1.3 A statement indicating that notice as to whether they will attend the Appeals Board hearing must be received by the ICC CEO at least 15 days prior to the scheduled hearing.

9.1.4 A copy of, or electronic link to, this policy.

9.2 Notice of Hearing: Within 30 days after receipt by the Appeals Board of the appeal, the Appeals Board Chair shall schedule an Appeals Board hearing and serve written notice upon the appellant.

The notice shall be published on a designated page of the ICC website at least 20 days prior to the scheduled hearing, and shall include a copy of, or electronic link to, this policy and:

9.2.1 A statement of the date, time and place of the hearing;

9.2.2 A statement that the proceeding before the Appeals Board will be an informal inquiry conducted in accordance with this policy, and will not be conducted in strict accordance with rules of evidence; and

9.2.3 A statement that the appellant has a right to be represented by legal counsel.

9.3 Hearing Procedure: Hearings shall be held before the Appeals Board and the procedures specified in this policy shall apply:

9.3.1 The Appeals Board shall have the discretion to conduct the hearing in person or by conference call or by other electronic means, or by some combination thereof, upon such conditions as the Appeals Board may determine.

- 9.3.2** The hearing shall be open to the public, in a manner to be determined by the Appeals Board, except that the hearing, or portions thereof, may be closed if the Appeals Board determines that there is good cause for so doing.
- 9.3.3** Any participant in the hearing may be represented by legal counsel.
- 9.3.4** Formal rules of procedure and evidence shall not apply.

The Appeals Board shall have discretion to consider whatever information it deems relevant to the appeal. This includes, but is not limited to, the discretion whether to consider (a) expert opinions, or (b) documents or other information that was not considered by the decisional authority (e.g. committee or validated governmental voting members) whose action is being appealed. The Appeals Board may attach such weight to any information, including expert opinion, that it deems proper. If expert opinion is considered by the Appeals Board, it shall be supported by reasons and/or data and by the qualifications of the person offering the opinion.

- 9.3.5** The appellant's presentation to the Appeals Board shall be the first in order. ICC may then make its presentation, followed by any respondents to the appeal. All participants shall have an opportunity for rebuttal thereof. The Appeals Board shall have the discretion to vary the order of presentations.
- 9.3.6** Review by the Appeals Board shall be limited to matters of process and procedure. The Appeals Board shall not render decisions on the relative merits of technical matters.
- 9.3.7** In order to sustain the appeal, or any part thereof, the Appeals Board must find that there was a material and significant irregularity of process or procedure.
- 9.3.8** If the Board of Appeals sustains any part of the appeal, it may fashion any remedy that it deems appropriate.
- 9.3.9** All procedures of a hearing shall be recorded by mechanical or electronic means except that the Appeals Board may direct that the proceedings be recorded verbatim by a certified shorthand reporter.
- 9.3.10** Where good cause is shown, reasonable continuances may be granted by the Appeals Board.
- 9.3.11** Interested parties referenced in Section 9.1 may, subject to the discretion of the Appeals Board, participate in and present information at the hearing. Other attendees at the hearing shall not be permitted to participate or present information without the approval of the Appeals Board.
- 9.3.12** Any matter arising in connection with the appeal or the appeal hearing which is not addressed by this policy shall be subject to the decision of the Appeals Board.

10.0 Appeal Results:

- 10.1** The report of the Chair of the Appeals Board and the Appeals Board's determinations shall be completed and submitted to the ICC CEO within

forty five (45) days of the conclusion of the Appeals Hearing. The decision of the Appeals Board shall be published on a designated page of the ICC website.

- 10.2** The decision of the Appeals Board shall be final.
- 10.3** The ICC CEO shall notify the appellant in writing or by e-mail of the decision of the Appeals Board.