

Legal Aspects

Americans With Disabilities Act

Each TC is responsible for complying with all applicable laws, rules, and regulations including, but not limited to, the ADA of 1990, as amended.

The AHA cannot provide guidance to a TC or instructor on the specific requirements for providing accommodation for the disabled. The AHA recommends that TCs consult an attorney and/or risk manager for additional information.

The ADA requires that “any private entity that offers examinations or courses related to applications, licensing, certification, or credentialing for K-12 schools, secondary or postsecondary education, professional, or trade purposes shall offer such examinations or courses in a place and manner accessible to persons with disabilities or offer alternative accessible arrangements for such individuals.” (*ADA Amendments Act of 2008 [P.L. 110-325]*)

Whether a person has a disability and the specific steps that must be taken to comply with the law will depend on the facts and circumstances of each case. Therefore, each TC should consult its own attorney, architects, or other professionals for assistance in complying with the law.

ECC leadership, through activities such as course monitoring, may be asked to evaluate programs in which ADA accommodations have been made. The core curriculum must be examined to ensure that there are no fundamental changes to core content or educational design that would negate the ability of the TC to issue a course completion card.

Note: This law is only applicable to the United States. For ITCs, consider local laws about providing courses to people with disabilities.

Trademarks

The AHA's stylized name and heart-and-torch logo are trademarks of the American Heart Association, Inc, and are registered with the US Patent and Trademark Office. Only the AHA may use these trademarks.

The trademarks symbolize the identity of the AHA, and when placed on publications, materials, and other items, serve to distinctly identify the materials as having originated from the AHA. The AHA has a TC logo that includes the heart-and-torch logo. TCs may use this logo if their use of the logo meets the requirements outlined in the [Authorized TC Seal - Guidelines for Use \(opens new window\)](#) located on the Instructor Network for TCCs. The AHA stylized name and logo may appear on training materials, including course completion and participation cards and other ECC materials that have been published by the AHA.

The AHA's stylized name and logo may not appear on advertising or announcements for AHA courses conducted through AHA-designated TCs unless specifically authorized by the AHA. Advertising and announcements may state that a specific course is an AHA course if AHA course criteria are met.

Advertising and announcements may not suggest or imply that the AHA sponsors, owns, or manages the TC.

Instructors and ECC leaders may not use their AHA Instructor title on business cards or other advertising materials.

Inclusion of ECC leadership titles in correspondence, appearances, news media, and other venues may only be done when the individual is acting on an assignment in his or her ECC leadership role that was issued to him or her by the AHA or one of its committees or subcommittees.

The use of AHA letterhead or other uses of the stylized heart-and-torch logo by ECC volunteer leaders is permitted only when conducting assignments directly associated with the individual's leadership responsibility and only with approval of appropriate AHA staff. All correspondence issued on AHA letterhead must be reviewed by AHA staff before it is sent.

[Top](#)

Dispute Resolution/Disciplinary Action

Disputes Involving TCs, Sites, or Instructors

It is the responsibility of the TC to manage and resolve any disputes, complaints, or problems that arise from activities conducted by a TC's staff, TS, and aligned instructors. The expectation is that TCs, sites and instructors inform their students of their process and all complaints and/or disputes are managed proactively by the TC.

The AHA is not responsible for the day-to-day operations of the TC or its business practices. The AHA will not become involved in the resolution of any disputes, complaints, or problems arising from courses taught by the TC or activities of the TC.

The AHA will investigate when one or more of the following is involved:

- Course content/curriculum
- Instructor qualifications
- AHA administrative policies and procedures
- AHA ECC science issues
- AHA TC Agreement and program guidelines (Note: The AHA is not obligated to use this dispute resolution process if the TC is in breach of the TC Agreement. In that case, the matter is handled according to the terms of the TC Agreement.)

AHA Dispute Resolution Process for TCs, Sites, and Instructors

1. Upon receipt of a written complaint, the appropriate staff will begin an investigation.
2. The ECC Compliance Administrator will contact the TCC, explain the matter and begin the dispute resolution process.
3. After the call, an email will be sent to the TCC detailing the issue(s), expectations, and the agreed upon timeline for resolution.
4. Within 5 days after receipt of the email, the TCC is required to provide a written Action Plan that details his or her plan to investigate the complaint.

5. Within the defined timeline, the TCC is required to provide a final report that summarizes the investigation and resolution.
6. If the matter is not resolved by the TC within the timeline, then the TC will be considered in breach of contract and the matter will be escalated to the ECC Quality and Compliance Manager for further action.

All complaints or problems need to be documented and filed for future reference should other similar instances occur. If a TC has a risk manager or legal counsel resource, it is the responsibility of the TCC to consult that resource.

Disputes About AHA Regional Volunteers

The AHA is ultimately responsible for decisions surrounding its volunteers. The AHA reserves the right to appoint, not appoint, or remove volunteers at its discretion. Complaints against AHA Regional Volunteers (ECC Regional Committee and its members) must be submitted in writing to the appropriate committee or entity with authority over that individual.

- The Regional ECC Committee is responsible for the Regional ECC Committee, subcommittees, working groups and their members.
- The AHA Volunteer Team is responsible for Regional ECC Committee chairs. The ECC International Team is responsible for international and volunteers.

It is the responsibility of the Regional ECC Committee to manage and resolve any disputes, complaints, or problems that arise from an issue involving ECC Regional Volunteers.

1. All complaints must contain the following information:
 - a. The name and address of the person making the complaint ("Complainant"), the AHA will not permit the individual(s) making the complaint to remain anonymous.
 - b. The name and address of the person and/or organization about which the complaint is made ("Respondent")
 - c. A detailed written description of the dispute, complaint, or problem
 - d. Reference to the appropriate rule, standard, and/or guidelines related to the matter
 - e. Copies of all related correspondence, records, and other documentation
2. The appropriate committee chair, with assistance from the AHA Senior Volunteer Manager, will ask a subset of leadership volunteers to review the written complaint and request additional information as appropriate. The committee chair and volunteer manager must be careful to avoid conflicts of interest on the part of any leadership volunteers. The volunteer manager will notify the volunteer of the complaint, and the volunteer has 30 days to respond. The leadership volunteers will review all documents, render a decision, and share that decision with the volunteer manager and the responsible committee chair. The volunteer manager will then notify the volunteer of

the decision. If the volunteer appeals the decision, it will be referred to the ECC Quality and Compliance Manager.