

| STATEMENT of POLICY and PROCEDURE | | | |
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| Subject: | Formal Reviews | Effective: | February 27, 2021 |

1 POLICY

- 1.01 Formal Reviews of examinations are conducted only on the basis of alleged significant irregularities in the procedures of the administration of the examination, rather than on examination content.
- 1.02 Procedural irregularities of sufficient magnitude to materially affect a candidate’s performance must be reported to Head Office immediately after the examination.
- 1.03 The Examiner-in-Chief and their designate(s) are authorized to act on the spot to correct a process irregularity whenever possible. Such intervention does not preclude a candidate from submitting a request for a Formal Review.
- 1.04 Incomplete requests for a Formal Review, or those completed after the prescribed deadlines shall not be considered or processed.
- 1.05 Documents and any deliberations associated with the Formal Review process are strictly confidential.
- 1.06 The decision of the Formal Review Panel at the Oral Hearing shall be final and binding. There shall be no proceedings for further review or appeal following this decision.

2 PURPOSE

- 2.01 The purpose this Statement of Policy and Procedure is to ensure that the Formal Reviews of examinations are carried out in a standard, timely and confidential fashion.

3 SCOPE

This policy applies to candidates, members of the Appeals Committee, the Examiner-in-Chief, Formal Review Panel members and College staff.

4 RESPONSIBILITY

- 4.01 It is the responsibility of the Chair of the Appeals Committee to ensure compliance with the requirements for a Formal Review.

5 DEFINITIONS

- 5.01 “**Process irregularity**” means any procedural unfairness affecting one or several candidates.

6 REFERENCES and RELATED STATEMENTS of POLICY and PROCEDURE

None

7 PROCEDURES

- 7.01 **Notification of an Alleged Irregularity During or Immediately After an Examination**
 - (a) A candidate shall bring any procedural irregularities that may materially affect their

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performance to the attention of their Examiners during an examination.

- (b) Following each examination, candidates will be asked to identify any procedural irregularities that may materially affect their performance in an Incident Report form sent by Head Office. Examiners will be asked to complete a similar document. Both parties must submit their completed forms to Head Office within prescribed timelines.
- (c) Head Office will ensure that the Examiner-in-Chief receives a full account of the alleged process irregularities following the administration of the Fellowship Examination.

7.02 **Submitting a Written Formal Review Request**

- (a) Candidates whose examination results were unsuccessful may request a formal review from the Examiner-in-Chief on the grounds of the procedural irregularities reported as part of 7.01.
- (b) The College must receive a complete request for a Formal Review within 15 calendar days of the communication of examination results.
- (c) A complete request for a Formal Review includes a written statement outlining the details and circumstances relating to the alleged process irregularities and a payment for the administrative fee of \$500.
- (d) Candidates wishing to petition for a Formal Review who did not report any procedural irregularities in the manner outlined in 7.01 must include the extenuating circumstances, if any, that prevented them from doing so in their written statement.
- (e) Completed requests shall be acknowledged in writing within five business days of receipt.

7.03 **Review by the Examiner-in-Chief**

- (a) Head Office shall submit completed requests for a Formal Review received within the prescribed timeframe to the Chair of the Appeals Committee within five business days.
- (b) The Chair of the Appeals Committee shall convene the Appeals Committee to address the candidate's request and obtain the appropriate supporting documentation from Head Office.
- (c) The Chair shall submit completed requests for a Formal Review and the appropriate supporting documentation to the Examiner-in-Chief within five business days of receiving the completed request.
- (d) The Examiner-in-Chief shall evaluate the request and conduct any inquiries that they may deem useful.
- (e) In the event that a conflict of interest, such as belonging to the same specialty as the candidate, or such similar reasons prevents the Examiner-in-Chief from carrying out their review, the Associate Examiner-in-Chief shall be appointed to complete Step 1 of the Formal Review process.
- (f) The Examiner-in-Chief or Associate Examiner-in-Chief shall reply to the candidate in a non-binding written opinion letter within 30 calendar days from the completion of the request.
- (g) The letter of opinion shall confirm whether the alleged grounds for a Formal

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Review are founded and, if so, what remedy should be accorded, if any.

- (h) If the remedy offered by the Examiner-in-Chief or Associate Examiner-in-Chief includes a make-up examination, the candidate will be notified of the date for its administration within 30 calendar days of the communication of the letter of opinion.
- (i) The Examiner-in-Chief or Associate Examiner-in-Chief shall forward their letter of opinion to the Chair of the Appeals Committee, who will in turn forward it to be communicated to the candidate.
- (j) The Examiner-in-Chief or Associate Examiner-in-Chief shall notify the Chief Examiner in the candidate's specialty of the Formal Review and of the outcome of their review as part of Step 1.
- (k) Candidates who wish to have their request considered further may request a review by a Formal Review Panel.
- (l) Candidates are responsible for completing an application for a future session within the prescribed deadlines, even while their Formal Review is in progress. Doing so will ensure their registration to challenge the examination at the next opportunity in the event that the appeal is unsuccessful.

7.04 **Document Review by a Formal Review Panel**

- (a) The candidate, or their agent, must submit the request to proceed to a document review by a Formal Review Panel in writing within 15 calendar days of the communication of the Examiner-in-Chief or Associate Examiner-in-Chief's letter of opinion.
- (b) The written request explaining in detail the facts and circumstances relating to the alleged process irregularities must be accompanied by a payment of \$1,000 for the administrative fees of the Formal Review Panel.
- (c) The written request for a review by a Formal Review Panel must outline and explain in detail the facts and circumstances relating to the alleged process irregularity and why the remedy or explanation offered by the Examiner-in-Chief or Associate Examiner-in-Chief are insufficient.
- (d) The request shall be acknowledged in writing and forwarded to the Chair of the Appeals Committee within two business days.
- (e) The Chair shall notify the Examiner-in-Chief of the request to proceed to Step 2, and formally convene the Appeals Committee to address the candidate's request to proceed with a document review by a Formal Review Panel within five business days of receiving the completed request.
- (f) Within 15 calendar days of receiving the request to proceed with a document review by a Formal Review Panel, the Chair of the Appeals Committee shall appoint a Formal Review Panel consisting of three Fellows in good standing who are not Examiners in the candidate's specialty, faculty members in the candidate's specialty training program, or certified in the candidate's specialty.
- (g) The Chair of the Appeals Committee will ensure that the members of the Formal Review Panel have no other conflicts of interest with the candidate, or with any individual identified by the candidate in their request.
- (h) The Chair of the Appeals Committee will designate one of the Formal Review Panel members to serve as Chair.
- (i) The Chair of the Appeals Committee shall provide the Chair of the Formal Review

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Panel with procedural instructions, the templates for panel deliverables (see (k) below), and the materials relevant to the review, such as:

- (j) The original written request for a Formal Review provided by the candidate.
 - a. The Examiner-in-Chief's or Associate Examiner-in-Chief's letter of opinion.
 - b. All available and relevant documents and information pertaining to the examination in question.
 - c. Documentation the candidate wishes to submit to the Formal Review Panel.
- (k) The Formal Review Panel shall set a date for its consideration of that documentation under conditions of strict confidentiality and conclude its deliberations within 30 calendar days from the receipt of the request for review by a Formal Review Panel.
- (l) As part of its deliberations, the Formal Review Panel must address the following:
 - a. Whether the Examiner-in-Chief's or Associate Examiner-in-Chief's letter of opinion addressed the alleged process irregularities presented in the candidate's original Formal Review request.
 - b. Whether the remedy offered in the Examiner-in-Chief's or Associate Examiner-in-Chief's letter of opinion was appropriate, if any.
 - c. Any new supporting documentation that may have been brought to the panel's attention.
- (m) Following its review of the matter, the Chair of the Formal Review Panel shall deliver its decision in writing to the President and the Chair of the Appeals Committee by completing the templates provided for:
 - a. The Report to the Chair of the Appeals Committee; and,
 - b. The Letter to the Candidate.
- (n) The available decision options are as follows:
 - a. No process irregularity has occurred.
 - b. There was a process irregularity, but not of such magnitude that it could affect materially the candidate's performance or results.
 - c. There was a process irregularity of sufficient magnitude to affect materially the candidate's performance or results.
 - d. A repeat examination is allowed at the next examination session of the specialty.
 - e. A repeat examination is allowed at a special session held for one or several candidates, if such an examination is deemed feasible.
- (o) In cases in which a repeat examination is granted:
 - a. The examination subjected to review is to be treated as null and void.
 - b. The Formal Review Panel shall immediately waive the associated examination fees.
 - c. A repeat examination will include all portions of the original exam that was reviewed.
 - d. The candidate will be notified of the date of its administration within 30 calendar days of the communication of the panel's decision.
- (p) The Chair of the Appeals Committee shall notify the Examiner-in-Chief of the outcome of the panel deliberations, and inform Head Office of the panel's decision that is to be communicated to the candidate.

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- (q) The Formal Review Panel may recommend modified examination formats or submission requirements, subject to approval and implementation by the Examiner-in-Chief.
- (r) The Formal Review Panel may, at its discretion, waive the \$1,000 administrative fee, and order, when justified, that other expenses incurred by the candidate as part of the Formal Review (e.g.: travel and accommodation) be paid by College.
- (s) The Examiner-in-Chief shall notify the Chief Examiner in the candidate's specialty of the Document Review by a Formal Review Panel and of the outcome of Step 2.
- (t) If the candidate, or their agent, is not satisfied with the decision of the Formal Review Panel, he or she may request a reconsideration of the matter at their expense by way of an oral hearing before the Formal Review Panel, or such other review panel as may be appointed if it is impossible or impractical to reconstitute the original Formal Review Panel.
- (u) Candidates are responsible for completing an application for a future session within the prescribed deadlines, even while their Formal Review is in progress. Doing so will ensure their registration to challenge the examination at the next opportunity in the event that the appeal is unsuccessful.

7.05 **Oral Hearing by a Formal Review Panel**

- (a) The candidate, or their agent, must submit to a written request for reconsideration by way of an oral hearing within 15 calendar days of the communication of the Formal Review Panel's decision.
- (b) The written request for an oral hearing must be accompanied by an administrative fee in the amount of \$1,500.
- (c) The candidate must outline the reasons for requesting an oral hearing and the basis upon which they dispute the decision of the Formal Review Panel.
- (d) Head Office shall notify the Chair of the Appeals Committee of the candidate's request to proceed to an oral hearing within two business days.
- (e) Except under exceptional circumstances, no additional information will be considered if it was not previously provided to the Formal Review Panel, if it could have been provided prior to the initial consideration of the matter.
- (f) The Chair of the Appeals Committee shall formally convene the Appeals Committee to discuss the candidate's request within two business days of receiving it.
- (g) The Chair of the Appeals Committee shall notify the Formal Review Panel of the candidate's request within two business days of receiving it so that it may set a date, time and place for the oral hearing.
- (h) The Formal Review Panel shall set a date, time and place for an oral hearing and notify the Chair of the Appeals Committee within 10 calendar days. The date for the hearing must fall within 45 calendar days of the receipt of the request to proceed with an oral hearing.
- (i) The Chair of the Appeals Committee will notify Head Office of the date, time and place for the oral hearing so that the candidate may be informed.
- (j) The candidate may attend such an oral hearing, with or without counsel or another personal representative, and shall be entitled to make oral submissions at the hearing, and/or have oral submissions made on behalf of his/her person by his/her counsel or personal representative in attendance.

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- (k) If the candidate wishes to attend the oral hearing with counsel, they must advise Head Office at least 10 calendar days prior to the oral hearing.
- (l) The College may have its counsel present at the oral hearing.
- (m) The oral hearing shall be conducted in a manner that the Formal Review Panel Chair considers appropriate.
- (n) The Formal Review Panel will not be bound by the rules of law concerning evidence applicable to judicial proceedings.
- (o) The candidate may be given information pertaining to the documentation review, at the discretion of the panel.
- (p) The Formal Review Panel may redact any information pertaining to the examination that, in its opinion, may undermine the integrity of the examination process if disclosed.
- (q) The Formal Review Panel shall issue its decision in writing within 10 calendar days of the oral hearing. The decision, along with any recommendation, shall be forwarded to the President and the Chair of the Appeals Committee by completing the templates provided for:
 - a. The Report to the Chair of the Appeals Committee; and,
 - b. The Letter to the Candidate
- (r) The decision options of the Formal Review Panel following an oral hearing are as follows:
 - a. No process irregularity occurred.
 - b. A process irregularity did occur, but not of sufficient magnitude to have materially affected the candidate's performance or results.
 - c. A process irregularity of sufficient magnitude to have materially affected the candidate's performance or results did occur, and warrants that the results of the original examination be overturned.
 - d. A process irregularity of sufficient magnitude to have materially affected the candidate's performance or results did occur, and warrants the administration of a repeat examination at a special session.
- (s) In cases in which a repeat examination is granted:
 - a. The Formal Review Panel may consult the Examiner-in-Chief in order to determine the sections of the original examination that the candidate should re-sit at a special session.
 - b. The section(s) of the original examination that must be re-administered will be treated as null and void.
 - c. The Formal Review Panel shall waive any associated examination fees.
 - d. The candidate will be notified of the date of its administration within 30 calendar days of the communication of the panel's decision.
- (t) The review panel may, at its discretion, waive the \$1,500 administrative fee or any portion thereof and/or, in exceptional circumstances, order the College to pay the reasonable candidate expenses in relation to the oral hearing, including travel and accommodations.
- (u) The Chair of the Appeals Committee shall notify the Examiner-in-Chief of the outcome of the oral hearing and inform Head Office of the panel's decision that is to be communicated to the candidate.
- (v) The Examiner-in-Chief shall notify the Chief Examiner in the candidate's specialty

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of the Oral Hearing by a Formal Review Panel and of the outcome of Step 3.