

## Policy

<b>Type:</b>	Examination		
<b>Number:</b>	1		
<b>Name:</b>	Examination Appeals		
<b>Status:</b>	Final	<b>Version #:</b>	2
<b>Date Approved:</b>	September 17, 2013	<b>Date Revised:</b>	July 12, 2017

### Background

Applicants who fail the examination and who meet specific criteria and requirements have the right to appeal their results to the Examination Appeals Committee for consideration of relief.

An applicant must submit a written request, a Request for an Appeal Form, if they wish the Examination Appeals Committee to review the specified circumstances that, in the applicant's opinion, have affected their examination performance.

Prior to the final result being published, the answer sheet of any applicant with borderline results—a total number of correct answers within three (3) marks below and one (1) mark above the pass mark—will be hand-scored to confirm the test score.

The Examination Appeals Committee does not review appeals regarding the content of the examination or possible responses to examination questions. The content of the examination is not subject to appeal.

All appeals or information or communication relating to an appeal must be submitted in writing to the Manager, Registration Services.

### Monitoring of Appeals

The Manager, Registration Services is responsible for overseeing and managing the administration of the examination appeals process, including monitoring the progress of appeals and ensuring adherence to timeframes.

All requests under the Examination Appeals Policy will be treated impartially and confidentially.

### Grounds for Appeal

Where an applicant believes that a failing examination result was due to one or more circumstances outlined below and they file an appeal, the Examination Appeals Committee will review the

applicant's circumstances to determine which of the remedies outlined below may be provided. An appeal may be considered by the Examination Appeals Committee only if the applicant claims that a failing result is based on one or more of the following circumstances:

- Illness on the day of examination
- Personal emergency
- Procedural irregularities

### **1. Illness on the day of examination**

An applicant must submit in writing to the Examination Appeals Committee, along with their completed Request for an Appeal Form, a letter that describes their illness and demonstrates how the illness had an adverse impact on their performance on the examination.

The applicant must include an original, signed medical report from a qualified physician or medical professional who is regulated under the *Regulated Health Professions Act, 1991* and registered to practise in Ontario, who examined the applicant within nine (9) days after the examination date. An applicant not examined by a physician or medical professional within nine (9) days is expected to submit a letter to the Manager, Registration Services stating reasons for not meeting this requirement.

This report must outline the nature of the relevant condition and the extent to which the condition would have impaired the applicant's performance on the examination. The letter must include the full name, telephone number and mailing address of the medical professional.

The applicant must give written consent, permitting the College to obtain such additional records and/or other information from the medical professional as deemed necessary to assist the Examination Appeals Committee in its review. The applicant should obtain the Consent to Provide Personal Health Information Form from the College prior to submitting the appeal.

**An applicant who attended the examination and experienced illness that impacted their capacity to successfully complete the examination MUST complete and sign an Incident Report in the form provided before leaving the examination room. In situations where this is not possible, the invigilator will complete the form for submission. The invigilator will sign the Incident Report and enter the incident in the Incident Log Book located in the examination room.**

### **2. Personal Emergency**

If an applicant experiences difficulty before an examination due to an unforeseen emergency or trauma, such as the death or serious, sudden illness or injury of a close family member or close personal friend, the applicant must submit, along with a completed Request for an Appeal Form, appropriate supporting documents including proof of death (e.g. a death certificate, obituary notice, or other similar documents) or medical documentation outlining the details of the illness or injury.

**An applicant who attended the examination and experienced a personal emergency that impacted their capacity to successfully complete the examination MUST complete and sign an Incident Report in the form provided before leaving the examination room. In situations where this is not possible,**

**the invigilator will complete the form for submission. The invigilator will sign the Incident Report and enter the incident in the Incident Log Book located in the examination room.**

### **3. Procedural Irregularities**

An applicant must submit in writing to the Examination Appeals Committee, along with their completed Request for an Appeal Form, a letter describing any significant procedural irregularities in the administration of the examination and any major irregularities in the environment while the examination was in progress.

The appeal must include facts demonstrating that the procedural and/or environmental irregularities had an adverse impact on the applicant's performance on the examination. It is the responsibility of the applicant to establish, to the satisfaction of the Examination Appeals Committee, that had the procedural and/or environmental irregularities not occurred, it is more likely than not that the applicant would have passed the examination.

**Before leaving the examination room, the applicant MUST complete and sign an Incident Report in the form provided at the examination room, outlining the specific procedural and/or environmental irregularity. The applicant should provide the Incident Report to the invigilator and witness the invigilator sign the Incident Report and enter the incident into the Incident Log Book located in the examination room.**

### **Appeals Procedure**

In addition to the specific procedures and requirements outlined for each circumstance, the following procedures **MUST** be adhered to for a request for an appeal to be considered by the Examination Appeals Committee. Applicants are strongly advised to review this policy and any other relevant materials, such as the Examination Handbook, before requesting an appeal. If the procedures and requirements are not followed, the request for an appeal may not be considered by the Committee.

1. The applicant must submit to the College a completed Request for an Appeal Form within thirty (30) calendar days of the release of the examination results.
2. In the applicant's Request for an Appeal Form, the applicant must outline the grounds or circumstances on which the request is based. If the request is not based on one of the three circumstances listed, the request for an appeal will not be considered. The applicant is permitted to appeal under more than one ground. For each ground, the applicant must provide the necessary documentation.
3. The Request for an Appeal Form must include all of the information, facts and supporting documents upon which the applicant intends to rely. Failure to provide the required documentation under each ground may cause the applicant's appeal to be denied.
4. The Manager, Registration Services will acknowledge receipt of an applicant's Request for an Appeal Form, in writing, within fourteen (14) days of receipt.

5. A request for an appeal that meets the criteria will be forwarded to the Examination Appeals Committee for consideration.
6. If a request for an appeal does not meet the procedures and requirements outlined above, the Manager, Registration Services will email the applicant, indicating that the request for an appeal will not be considered by the Examination Appeals Committee and the circumstances why.
7. The Committee will review the following documentation:
  - I. The applicant Incident Report
  - II. The applicant's completed Request for an Appeal Form and all supporting documentation
  - III. A statement from the College concerning the examination process relevant to each applicant's file and applicant data
  - IV. The Invigilator's Report
  - V. Any other material, documentation or information which the Committee determines necessary, relevant and appropriate.

Once the Committee has rendered a decision, the decision will be sent to the applicant via mail only. No appeal results will be communicated verbally.

The applicant must wait until they have received the results of the appeal before they will be allowed to register for another attempt at the examination. Subject to rare exceptions, a decision will be mailed to the applicant within sixty (60) business days of receipt of the appeal.

The decision by the Examination Appeals Committee is **final**.

### **Possible Outcomes of an Appeal**

After reviewing all material provided by the applicant, and the Invigilator's Report, the Examination Appeals Committee will make one of the following determinations:

#### **1. Deny the appeal**

Should the Committee's decision be to deny the appeal, the Committee will take no further action on the matter.

#### **2. Grant the appeal**

Should the Committee's decision be to grant the appeal, the Committee has the authority to make the following decisions:

##### **I. Illness on the day of the examination and personal emergency**

- To allow the applicant to re-sit the examination without the appealed attempt being counted as one of the three permitted attempts; and/or
- To allow the applicant to re-sit the examination at an adjusted fee; and/or

- Any other remedy the Committee deems necessary.

## **II. Procedural Irregularity**

- To allow the applicant to re-sit the examination without the appealed attempt being counted as one of the three permitted attempts; and/or
- To allow the applicant to re-sit the examination at an adjusted fee; and/or
- Any other remedy the Committee deems necessary.

The Committee cannot grant a passing mark. The Committee cannot assume that the applicant would have passed the examination if the circumstances forming the basis of the appeal had not existed.

### **Accessing Examination Material**

Due to the sensitive nature of the examination material, candidates are not permitted to review their examination documents. Applicant concerns regarding the specifics of their examination (where it does not compromise examination security) will be addressed as part of the consideration of the appeal.