1 POLICY
1.01 Formal reviews of examinations are conducted only on the basis of alleged significant irregularities in the procedure followed while conducting an examination, and not on examination content. Process irregularities are considered relevant only when serious enough to affect materially the candidate’s performance.

1.02 The Examiner-in-Chief and his/her 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 formal review request.

1.03 Incomplete requests for a formal review, or those completed after the prescribed deadlines shall not be considered or processed.

1.04 Documents and any deliberations associated with the formal review process are strictly confidential.

1.05 The decision of the formal review panel following an 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 the Examiner-in-Chief, President, formal review panel members and College staff.

4 RESPONSIBILITY
4.01 It is the responsibility of the Executive Director 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
(a) A candidate, his or her agent, or any other person involved in the examination process, should immediately bring to the attention of an invigilator, observer or College staff member alleged process irregularities that may have taken place during the course of an examination.
(b) Once informed of the alleged procedural irregularity, the invigilator, observer or College staff member must immediately contact the Director, Examinations who will then notify the Examiner-in-Chief for immediate advice and direction. The Examiner-in-Chief is authorized to act on the spot to correct the irregularity, whenever possible.
(c) In any such case, the invigilator, observer or College staff member is required to submit a detailed written report of the alleged irregularity and subsequent events to the Director, Examinations.
(d) The Director, Examinations will ensure that the Examiner-in-Chief receives a complete process irregularity report as soon as possible.

7.02 Submitting a Written Formal Review Request
(a) The College must receive a complete request for a formal review within thirty (30) days of the communication of examination results.
(b) 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.
(c) The Registration Manager shall acknowledge in writing receipt of completed requests.
7.03 **Review by the Examiner-in-Chief**

(a) The Registration Manager shall submit completed requests for a formal review received within the prescribed timeframe to the Director, Examinations.

(b) The Director, Examinations shall submit completed requests for a formal review and the appropriate supporting documentation to the Examiner-in-Chief.

(c) The Examiner-in-Chief shall evaluate the request and conduct any inquiries that he or she may deem useful.

(d) The Examiner-in-Chief shall reply to the candidate in a non-binding written opinion letter within thirty (30) business days from the receipt of the request.

(e) The letter of opinion shall confirm whether the alleged grounds for a formal review are founded and, if so, what remedy should be accorded, if any.

(f) The Examiner-in-Chief shall forward his or her letter of opinion to the Director, Examinations, who will in turn forward it to the Registration Manager to communicate to the candidate and to the Executive Director.

(g) Candidates who wish to have their request considered further may request a review by a formal review panel.

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

(a) The candidate, or his or her agent, must submit the request to proceed to a document review by a formal review panel in writing within thirty (30) days of the communication of the Examiner-in-Chief’s letter of opinion.

(b) 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 are insufficient.

(d) The Registration Manager shall acknowledge in writing receipt of the request, and forward the request to the Director, Examinations.

(e) The Director, Examinations shall notify the Examiner-in-Chief and President of the candidate’s request to proceed with a review by a formal review panel.

(f) Within thirty (30) days of receiving the request to proceed with a review by a formal review panel, the President shall appoint a formal review panel consisting of three (3) 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 President 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 his or her request.

(h) The President will designate one of the formal review panel members to serve as Chair.

(i) The Director, Examinations shall provide the formal review panel with:
   (i) The original written request for a formal review provided by the candidate.
   (ii) The Examiner-in-Chief’s letter of opinion.
   (iii) All available and relevant documents and information pertaining to the examination in question.
   (iv) Documentation the candidate wishes to submit to the formal review panel.

(j) The formal review panel shall set a date for its consideration of that documentation under conditions of strict confidentiality and conclude its deliberations within sixty (60) days from the receipt of the request for review by a formal review panel.

(k) As part of its deliberations, the formal review panel must address the following:
   (i) Whether the Examiner-in-Chief’s letter of opinion addressed the alleged process irregularities presented in the candidate’s original formal review request.
   (ii) Whether the remedy offered in the Examiner-in-Chief’s letter of opinion was appropriate, if any.
   (iii) Any new supporting documentation that may have been brought to the panel’s attention.

(l) Following its review of the matter, the Chair of the formal review panel shall deliver its decision in writing to the President. The available decision options are as follows:
   (i) No process irregularity has occurred.
   (ii) There was a process irregularity, but not of such magnitude that it could affect materially the candidate’s performance or results.
   (iii) There was a process irregularity of sufficient magnitude to affect
materially the candidate’s performance or results.

(iv) A repeat examination (one or more components) is allowed at the next examination session of the specialty.

(v) A repeat examination (one or more components) is allowed at a special session held for one or several candidates, if such an examination is deemed feasible.

(m) In cases in which a repeat examination is granted:

(i) The examination subjected to review is to be treated as null and void.

(ii) The Formal Review panel shall immediately waive the associated examination fees.

(n) A repeat examination will include all portions of the original exam that was reviewed.

(o) The President shall inform the Registration Manager and the Executive Director of the panel’s decision to communicate them to the candidate.

(p) The formal review panel may recommend modified examination formats or submission requirements, subject to approval and implementation by the Examiner-in-Chief.

(q) The formal review panel may, at its discretion, waive the $500 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.

7.05 Oral Hearing by a Formal Review Panel

(a) If the candidate, or his or her agent, is not satisfied with the decision of the formal review panel, he or she may request a reconsideration of the matter at his or her 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.

(b) The candidate, or his or her agent, must submit to the Registration Manager a written request for reconsideration by way of an oral hearing within thirty (30) days of the communication of the formal review panel’s decision.

(c) The written request for an oral hearing must be accompanied by an administrative fee in the amount of $1,000.

(d) The candidate must outline the reasons for requesting an oral hearing and the basis upon which he or she disputes the decision of the formal review panel.
panel.

(e) The Registration Manager shall notify the President and the Director, Examinations of the candidate's request to proceed to an oral hearing.

(f) 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.

(g) The formal review panel shall set a date and place for the oral hearing and notify the President and the Director, Examinations.

(h) The Director, Examinations shall inform the Registration Manager of the date, time and location of the oral hearing so that the candidate may be notified.

(i) 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.

(j) If the candidate is to appear with counsel or another personal representative, the candidate must advise the Registration Manager, and in turn the President at least three weeks prior to the oral hearing.

(k) The College may have its counsel present at the oral hearing.

(l) The oral hearing shall be conducted in a manner that the formal review panel Chair considers appropriate.

(m) The formal review panel will not be bound by the rules of law concerning evidence applicable to judicial proceedings.

(n) The candidate may be given information pertaining to the documentation review, at the discretion of the panel.

(o) The formal review panel may direct that information provided by the President not be disclosed to the candidate if, in the opinion of the formal review panel, such disclosure could undermine the integrity of the examination process.

(p) The formal review panel shall, within thirty (30) business days of the oral hearing, issue its decision in writing. The decision, along with any recommendation, shall be forwarded to the President.

(q) The President shall inform the Registration Manager and the Executive Director of the result of the oral hearing. The decision options of the formal review panel following an oral hearing are as follows:
(i) The formal review panel may confirm its initial decision.

(ii) The formal review panel may revise or amend its decision, or issue a new decision and/or recommendation from among the available decision options described in 7.04 (l) above.

(r) The formal review panel may fix the costs to be paid by the candidate as the candidate’s fee for the oral hearing in an amount that equals the actual costs incurred by the College in relation to the oral hearing, including but not limited to legal fees incurred by the College. Among the factors to be considered by the formal review panel in exercising its discretion are whether:

(i) The grounds for seeking an oral hearing were reasonably based; and,

(ii) The alleged matters raised issues of credibility that warranted an oral hearing as opposed to a document review by a panel.

(s) The Review Panel may, at its discretion, waive the $1000 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.

(t) Where a repeat examination is ordered, the panel shall waive the examination fee.