

## CFPC Examination Standing Reconsideration and Appeal Policy & Procedure

LEGAL REVIEW – JANUARY 2019  
PASSED – BOARD OF DIRECTORS, JANUARY 2019  
PLANNED DATE OF REVIEW – 2024

### 1. Introduction

This policy outlines the process and procedures to be followed should a candidate wish to dispute their examination standing awarded by the College of Family Physicians of Canada's Board of Examinations and Certification. This document is intended for candidates, Board of Examinations and Certification members, College of Family Physicians of Canada's Board of Directors members, College staff, and others such as residency program directors.

There are four examination standings that the Board of Examinations and Certification can award to a candidate:

**Pass** – is awarded when a candidate's performance on the examination meets or exceeds the score needed to pass. The passing score is set by the CFPC's Board of Examinations and Certification.

**Fail** – is awarded when a candidate's performance on the examination falls below the score needed to pass.

**No Standing** – is awarded when an unexpected irregularity in the administration of the examination occurs and is deemed to have impacted the assessment in such a way that the assessment of the candidate's ability level is not fair and valid. A No Standing result may be accompanied by a waiver of the examination fee for that candidate's next attempt. Not all irregularities in the administration of the examination will result in an award of No Standing – only those that are deemed to have impacted the fairness and validity of the assessment of the candidate's ability level

**Denied Standing** – is awarded if proof of some unexpected egregious behaviour on the part of the candidate is discovered either before, during, or after the sitting of the examination such that the Board of Examinations and Certification determines the integrity of the examination is compromised because the candidate's behaviour is inconsistent with the professional standards of the profession. Such behaviours include but are not limited to: cheating, sharing examination content in any way, or mistreatment of colleagues or examiners. If a candidate is awarded a Denied Standing, that candidate's name and result are forwarded to the appropriate medical regulatory authority / College of Physicians and Surgeons. A Denied Standing result may be accompanied by terms and conditions imposing a denial of entry to future examinations.

### 2. Scope

Based on the criteria and as per the procedure noted below, a candidate who wishes to dispute their examination standing awarded in either the Family Medicine Certification Examination or the Certificate of Added Competence in Emergency Medicine Examination can make one or more of the following requests:

- Review of marks
- Reconsideration of examination standing
- Appeal of a reconsideration decision

### **3. Review of Marks**

All examination data and scores are subjected to multiple levels of verification and quality checks prior to being reported. This ensures that each candidate's performance is appropriately assessed, and scores are reported accurately. Once the CFPC reports examination standing and performance results, candidates who wish a review of their marks may email their request to < [ccfpexam@cfpc.ca](mailto:ccfpexam@cfpc.ca) >. A review of marks request must be received within twenty-one (21) calendar days of the date appearing on the results disclosure letter received by the candidate. Upon receipt of the request, candidates will be charged \$250 and given instructions on how to pay by credit card through the CFPC portal. A request for review of marks of an examination that does not include the required fee within the time set out above will be considered incomplete and not processed or considered.

Be aware that any request for a review of marks by the CFPC is limited to assessing for potential mathematical or mechanical errors. A review of marks does NOT include any form of substantive re-reading and/or re-grading of a candidate's answers.

Should a marking error be identified, the \$250 administration fee is reimbursed.

### **4. Reconsideration of examination standing: Policy**

Reconsiderations of a candidate's awarded examination standing are conducted only when there are alleged significant procedural irregularities; emergent circumstances; and/or candidate illness. Procedural irregularities may include, but are not limited to, interruptions in the flow of examination administration or malfunctioning equipment. Emergent circumstances may include but are not limited to, sudden medical or environmental situations. Alleged errors of examination content do not constitute grounds for review. A review of marks is not needed to initiate a reconsideration process with the College of Family Physicians of Canada.

A reconsideration based on an alleged procedural irregularity, emergent circumstance, and/or candidate illness will be successful only if the Board of Examinations and Certification of the CFPC determines the event impacted the assessment in such a way that the determination of the candidate's ability level is not fair and valid. The fact that an interruption or irregularity occurs is, not in itself, grounds for a successful appeal. There must be evidence that the interruption or irregularity impacted the assessment in such a way that the assessment of the candidate's ability level is not fair and valid.

Any reports of examination interruptions and irregularities generated by examination-site personnel during the administration of the examination are reviewed. The Board of Examinations and Certification will determine the degree of impact of the irregularity (ranging from minimal to significant) of any reported irregularity and, thus, the appropriate examination result to be awarded.

### **5. Purpose**

Policies and procedures to dispute an examination result and standing are part of the process evaluation and quality improvement system used by the College of Family Physicians of Canada to grant certification in family medicine. They provide a means to investigate the circumstances of the written, performance-based, oral, or other type of examination administered to one or several candidates, and to ascertain whether the process

was carried out under conditions appropriate to the conduct of a high-stakes examination as determined by the Board of Examinations and Certification. The review of an examination result and standing involves the candidate, CFPC examiners, site examination authorities, the Board of Examinations and Certification, and the CFPC's Department of Certification and Assessment in an effort to identify any significant irregularities in the conduct of the examination process and any procedural unfairness materially affecting one or several candidates.

## **6. Procedures**

### *Immediate notification of the local examination authority*

Any procedural irregularity, emergent circumstance, and/or illness occurring during an examination should be brought to the attention of the local examination authority as soon as possible. Examiners may also initiate such notification. The local examination authority will work to institute an immediate course of action to deal with the situation.

When possible and appropriate, a candidate is advised to carry on with the examination despite reporting an irregularity, emergent circumstances, or illness. Should an examination interruption or irregularity occur, a report will be generated by the local examination authority for review by the College of Family Physicians of Canada. At the end of examination, the candidate(s) affected may be asked to provide a written report of the performance-affecting incident. If a candidate is not asked to provide a written report, the candidate may indicate to the local examination authority they wish to submit a report which will then be accepted and forwarded to the CFPC.

Early and immediate attention to any examination day irregularity is the best way to achieve satisfactory resolution of the unexpected situation. Notification of an examination day irregularity and the institution of possible corrective action does not preclude a candidate from requesting a reconsideration of their examination standing once results are reported. Early notification and written documentation of examination day interruptions or irregularities are helpful in determining the significance and degree of impact of the unexpected event.

### *Requesting a reconsideration of awarded examination standing*

6.1 A candidate may ask for any of the four possible examination standings to be reconsidered by the Board of Examinations and Certification.

- 6.1.1 Where a candidate wishes to dispute the awarded examination standing, the following must be received by the CFPC within thirty-one (31) calendar days of the date appearing on the candidate's results disclosure letter:
- 6.1.2 A written request for reconsideration of an awarded standing submitted via email < [ccfpexam@cfpc.ca](mailto:ccfpexam@cfpc.ca) >. In this document, the candidate must explain in detail how the alleged procedural irregularity, emergent circumstance, or illness affected their performance during the examination. For alleged illness during the examination, a supporting letter from the candidate's physician is required.
- 6.1.3 Any additional documentation the candidate wishes to rely on in support of their request for reconsideration.
- 6.1.4 Upon receipt of the request, candidates will be charged \$300 and given instructions on how to pay by credit card through the CFPC portal.

A request for reconsideration of an examination standing that does not include the required reconsideration fee within the time set out above will be considered incomplete and not processed or considered.

6.2 The candidate will receive acknowledgement from the CFPC for requests for reconsideration of awarded examination standing. At any point in the reconsideration process, the candidate may be asked to submit further documentation to support the reasons outlined in their request for reconsideration.

6.3 Once a candidate's request for reconsideration is received, it is reviewed by the Director, Certification and Examinations (which includes an appropriate delegate identified by the Director). The Director has the authority to determine whether the request for reconsideration will be heard by the Board of Examinations and Certification: frivolous or vexatious requests and those where it is obvious that there was no impact on the fairness and validity of the assessment will not be forwarded to the Board of Examinations and Certification.

6.3.1 The Director's determination of whether the request will be forwarded to the Board of Examinations and Certification will be communicated to the candidate in writing within thirty-five (35) calendar days of receiving the request for reconsideration.

6.3.2 If the Director decides there is insufficient rationale to send a candidate's request for reconsideration to the Board of Examinations and Certification, the candidate may, within twenty-one (21) calendar days of the date on the Director's letter indicating the case is not proceeding to the Board of Examinations and Certification, submit a follow-up letter stating disagreement.

6.3.3 A candidate's follow-up letter disagreeing with the Director's decision not to forward the request for reconsideration to the Board of Examinations and Certification must be accompanied by new or additional evidence demonstrating why the Director's decision was incorrect in the circumstances. In the absence of new or additional evidence as part of the follow-up letter, the Director will abide by the original decision, which will be considered to be final.

6.4 If the decision to hold a formal reconsideration of an awarded examination result is made, the Chair of the Board of Examinations and Certification shall appoint a reconsideration panel made up of no fewer than three members of the Board of Examinations and Certification to obtain, receive, and consider all documents pertaining to the reconsideration on behalf of the Board of Examinations and Certification.

6.4.1 The reconsideration panel is to meet within sixty (60) calendar days of being formed or during the next Board of Examinations and Certification meeting, whichever comes first.

6.4.2 The Board of Examinations and Certification is solely responsible for its own procedure in relation to the conduct of the reconsideration panel meeting.

6.4.3 The reconsideration panel shall determine the request for reconsideration in writing based on the record before it (which may include site reports and letters; oral hearings are not held).

6.4.4 Within fifteen (15) calendar days of the reconsideration panel meeting, a letter, signed by the Chair of the Board of Examinations and Certification, will be issued to the candidate indicating the reconsideration result awarded and the rationale for that result.

6.5 After considering the evidence brought forward, the reconsideration panel may decide to:

6.5.1 Uphold the initial examination standing awarded, or

6.5.2 Allow the reconsideration request and order that:

a. a No Standing be awarded; or

b. A Denied Standing or a No Standing be set aside, and the candidate be awarded a Pass or Fail standing based on the score the candidate obtained on the examination in issue; or

- c. The denial of entry to future examinations, including the terms and conditions precedent to any entry to future examinations as determined by the Board of Examinations and Certification, be set aside, reduced, or amended.

6.5.3 The Board of Examinations and Certification can only grant a Pass standing if the candidate achieves or exceeds the passing score of the examination. A Fail standing cannot become a Pass standing without the candidate achieving or exceeding the passing standard of the examination. If a Fail standing is to be set aside, a No Standing may be awarded.

*Requesting an appeal of a Board of Examinations and Certification reconsideration decision*

6.6 Should the candidate disagree with the Board of Examinations and Certification's reconsideration decision, the candidate may choose to appeal this decision. To appeal the Board of Examiner's Reconsideration Decision, the candidate must:

6.6.1 Notify the Executive Director, Academic Family Medicine in writing of such intention to appeal, setting forth the grounds for the appeal and the relief sought. The Executive Director, Academic Family Medicine must receive this notification within thirty-one (31) calendar days of the date on the letter communicating the reconsideration decision by the reconsideration panel of the Board of Examinations and Certification.

6.6.2 Upon receipt of the request, candidates will be charged \$1000 and given instructions on how to pay by credit card through the CFPC portal.

6.7 The Executive Director, Academic and Family Medicine shall then immediately notify the Executive Director/Chief Executive Officer and the Chair of the Board of Directors, College of Family Physicians of Canada of a candidate's desire to launch an appeal of a reconsidered examination standing.

6.7.1 The Chair, Board of Directors, shall cause an Ad Hoc Examination Appeals Panel (the "Appeal Panel") to be formed from at least three members of: The Board of Directors; the membership of the College excluding members who sit on the Board of Examinations and Certification; or a combination thereof. The Chair of the Board of Directors shall designate one of the members of the Appeal Panel as the Chair of the Appeal Panel.

6.7.2 The appeal shall be heard within ninety (90) calendar days of the receipt of a valid and complete notice of appeal from the candidate or their counsel, or as soon thereafter as practicable in the circumstances.

6.7.3 The candidate will receive notice of the time and place of the hearing of the appeal. The appeal panel may proceed to consider and dispose of the appeal at the appointed time and place, whether or not the candidate or the candidate's counsel is present.

6.7.4 The hearing may be conducted by electronic means (telephone, conference call, video conference, etc.), in whole or in part, where the candidate or their counsel has indicated a preference for the appeal to proceed by way of an electronic hearing or if the candidate decides not to appear in person or to be represented by counsel.

6.7.5 The College of Family Physicians of Canada may be represented by counsel at all stages of the appeal process and shall have full standing at the appeal hearing, including the right to make representations, lead evidence, and challenge the evidence of the candidate.

6.8 Once notified of the hearing date for the appeal, the candidate must provide the College of Family Physicians copies of all documents the candidate intends to rely on at the hearing, including but not limited to any written statements or opinions of others. As part of the document submission, notice must be provided whether the candidate intends to appear in person, or be represented by counsel, or both. This information must be received by the College of Family Physicians of Canada's offices no later than

twenty (20) calendar days prior to the hearing to allow the Appeal Panel members to receive and review these.

- 6.9 Requests for adjournments will not be granted as of right and will only be granted by the Appeal Panel in exceptional circumstances. A request for adjournment must be made as soon as possible to the Appeal Panel and shall include the reasons for the request, the amount of time needed for the adjournment, and any supporting documentation for the request. The Appeal Panel may decline to accept the candidate's convenience or that of its representative as a sufficient reason for adjournment.
- 6.10 The Appeal Panel is solely responsible for its own procedure in relation to the conduct of the oral hearing. Without restricting the generality of the foregoing, the Appeal Panel may, at the discretion of the chair:
- 6.10.1 Permit the candidate or the CFPC to present witnesses and/or to cross-examine witnesses presented by the other party.
  - 6.10.2 Question the candidate and any other persons as may be present or available.
  - 6.10.3 Invite oral or written submissions from the candidate or the CFPC.
- 6.11 After considering the notice of appeal, the evidence brought forward at the hearing by both the candidate and the CFPC, and submissions made, the Ad Hoc Examinations Appeal Panel may decide to:
- 6.11.1 Reject the appeal and uphold the final decision of the Board of Examinations and Certification; or
  - 6.11.2 Allow the appeal and order that:
    - a) A No Standing be awarded on the examination in issue; or
    - b) A Denied Standing or a No Standing be set aside, and the candidate be awarded a Pass or Fail standing by the Board of Examinations and Certification based on the score the candidate obtained on the examination in issue; or
    - c) The denial of entry to future examinations, including the terms and conditions precedent to any entry to future examinations as determined by the Board of Examinations and Certification, be set aside, reduced, or amended.
  - 6.11.3 The Board of Examinations and Certification can only be directed to grant a Pass standing if the candidate achieves or exceeds the passing score of the examination. A Fail standing cannot become a Pass standing without the candidate achieving or exceeding the passing standard of the examination. If a Fail standing is to be set aside, The Board of Examinations and Certification may be directed to award a No Standing.
- 6.12 The Appeal Panel shall prepare written reasons for its decision to be made available to the candidate and their counsel within thirty-one (31) days of the hearing. The decision of the appeal panel shall be final and may not be appealed.
- 6.13 Any costs associated with conducting an appeal (including but not limited to appellant counsel/travel/accommodation/translation, etc.) will be the responsibility of the appellant. The Appeal Administration Fee is non-refundable even if the appeal is successful.