

Policy Number: National Operating Policy #6

Subject: *Formal BOC Appeal Review Panel*

Approved: December 17, 2010 by the National Executive Council

Last Revised: April 4, 2014

OBJECTIVE AND RATIONAL

The Canadian Institute of Public Health Inspectors and the Board of Certification (BOC) recognize that a formal process is required for the review of appeals by candidates of their BOC examination results. Formal reviews of appeals are an important means of determining that the examination process was carried out under the appropriate conditions and help address significant irregularities in the conduct of the examination process and any procedural unfairness that may have significantly affected a candidate. The appeal process must be conducted in a manner that is fair to the appellant.

SPECIFIC OPERATIONS

A panel of appointed individuals will review appeals of candidates who have filed an appeal request that has met the BOC criteria for an appeal review. The appeal request and the determination of the review must be in accordance with Administration Policy 13 of the BOC Administrative Policies.

Individuals appointed to the appeal review panel will be from a pool comprised of appeal review panel members maintained by the National Executive Council (NEC).

ACCOUNTABILITY

- The Chair of the BOC is responsible for:
 - Notifying the NEC Appeal Review Panel Lead when appeal reviews will be required;

- Providing the names and contact information of the Exam Coordinators and Branch Examiners for the appellant to the NEC Appeal Review Panel Lead;
- Providing the NEC Appeal Review Panel Lead with the BOC's written opinion, all submissions from the appellant and all available and relevant documents; and
- Ensuring that the appellant has been provided with the similarity report provided by the electronic plagiarism assessment tool in the case of an appeal involving plagiarism.
- The National Executive Council (NEC) is responsible for appointing a member of the NEC as the Appeal Review Panel Lead.
- The NEC Appeal Review Panel Lead is responsible for:
 - Maintaining a list of appeal review panel members on behalf of the NEC;
 - Selecting a three person appeal review panel within 7 days of being notified of an appeal by the BOC;
 - Naming one of the appeal review panel members as panel chair for the review(s);
 - Ensuring that the appeal review panel members have all the necessary information to complete their review and tasks (see attachment 4);
 - Providing the appellant with a copy of all information submitted with the exception of the names of the individuals who marked the appellants reports and in the case of plagiarism the names of the BOC members who participated in the decision making that the report(s) was plagiarized;
 - Providing assistance to the appeal review panel as may be requested;
 - Arranging a teleconference meeting at the appellant's discretion with the appeal review panel and the appellant to provide them with the opportunity to be heard by the appeal review panel during the review at a mutually agreeable time and format; (**NOTE:** the identity of the review panel shall be kept confidential during this process)
 - Contacting the appeal review panel chair for a status update on the appeals one week after the appeal review panel has been presented with the appeal(s); and,

- Forwarding the decision of the appeal review panel to the Chair of the BOC and the appellant using the template in attachment 5.
- The Appeal Review Panel is responsible for the following:
 - Carrying out the deliberations under conditions of strict confidentiality;
 - Receiving, obtaining, and considering the request for review, the written opinion of the Chair of the BOC, any and all submissions from the appellant, and all available and relevant documents (including results from the electronic plagiarism assessment tool where the appeal is for a plagiarized report;
 - Conducting any inquiries necessary pertaining to the appeal review and as deemed necessary the panel may:
 - hold a teleconference meeting with the Exam Coordinator or Branch Examiners to discuss/inquire/review results of the review and to allow them an opportunity to provide the panel with information on their behalf; (**NOTE: any new information that has not been made available to the appellant shall be shared with the appellant**)
 - when applicable, interview members of the BOC involved in the determination of plagiarism to obtain further details in regards to the decision; (**NOTE: any new information that has not been made available to the appellant shall be shared with the appellant**)
 - take any other reasonable action to ensure an accurate and fair outcome is obtained;
 - Completing the appeal review within 14 days of obtaining the information from the NEC; and (**NOTE: The Review Panel may request an extension to complete the review subject to the approval of the Appeal Review Panel Lead if there is not enough time to complete a review due to circumstances beyond their control such as individuals not being available to confirm or provide information to the review within the original 14 day review period or delays due to statutory holidays**)

- After completing the review, the Appeal Review Panel shall, within 7 days, issue its decision in writing along with any other relevant information or recommendations to the Appeal Review Panel Lead.

NOTE: The appellant may be given information pertaining to the review, at the discretion of the Appeal Review Panel. The Appeal Review Panel may order that information not be disclosed to the appellant if, in the opinion of the Panel, such disclosure might undermine or otherwise impinge upon the integrity of the examination process.

NOTE: The following decision options are available to the Appeal Review Panel:

- a. agree with the determination of plagiarism, therefore the appeal is denied, or
- b. disagree with the determination of plagiarism. The BOC shall be instructed to grade the report as per normal procedure or accept the mark given by the examiner if the report was already marked; or
- c. there was a process irregularity of sufficient magnitude to affect materially the candidate's outcome of the examination, therefore the appeal is upheld; or
 - i. For oral exams the BOC is instructed to allow a repeat exam at a reasonable date and cost as determined by the BOC.
 - ii. For written exams the BOC is instructed to grade the report as per normal procedure or accept the mark given by the examiner if the report was already marked;
- d. there was a process irregularity, but NOT of such a magnitude that it could affect materially the candidate's outcome of the examination, therefore the appeal is denied; or
- e. no process irregularity has occurred, therefore the appeal is denied

ATTACHMENTS

- Attachment # 1: Administrative Policy No. 13 of the Board of Certification
- Attachment # 2: Terms of Reference – Formal Examination Results Review (Appeal) Panel
- Attachment # 3: Role and Responsibility – Formal Examination Review Panel Membership Pool
- Attachment # 4: Required Documents and Information Checklist for Review Panel Members
- Attachment # 5: Template: Appeal Review Panel Report to Appeal Review Panel Lead
- Attachment # 6: Template: NEC Appeal Panel Lead Letter to Appellant – Appeal Upheld
- Attachment # 7: Template: NEC Appeal Panel Lead Letter to Appellant – Appeal Denied

DOCUMENT CHANGE HISTORY

- Initial Draft- September 2007
- Approved - December 2010
- Approved – November 15, 2013

ATTACHMENT # 1

Board of Certification of Public Health Inspectors

Administrative Policy No. 13

13.0 Formal Reviews and Appeals of Board of Certification Examinations

13.1 Purpose

13.1.1 Formal reviews and appeals of examinations results are part of the evaluation and quality improvement system used by the Board of Certification (BOC) in the certification examination process. They provide a means to assess and/or investigate the circumstances of the written and/or oral examination administered to candidates, and to ascertain that the process was carried out under conditions appropriate to the conduct of an examination as determined by the BOC.

The courses of action outlined in the following sections are consistent with that adopted in other organizations as a safeguard against undermining the greater examination process.¹ The distinction between content and process is also of the utmost importance, and must be addressed first by all concerned.²

13.1.2 Formal reviews and appeals of examinations results address two main items:

- a) Potential and significant irregularities in the conduct of the examination process, including the process of determining whether a report has been plagiarized using an electronic assessment tool; and
- b) Any potential procedural unfairness materially affecting one or more candidates.

13.1.3 Formal reviews and appeals of examination results are conducted only on the basis of the following:

- a) alleged significant irregularities in the examination process only where the process irregularities are considered serious enough to affect materially the candidate's performance;² or
- b) a candidate does not agree with the determination of the Board that a report has been plagiarized.

13.1.4 Formal reviews and appeals of examination results are not conducted on the basis of the following:

- a) alleged errors in content

13.2 BOC Examination Principles

- (1) Examiners are appointed as authorities on content. Their judgement relative to the correctness of a candidate's oral or written responses is not open to challenge, otherwise the review would become a content-oriented discussion between experts.
- (2) When the examiners rule that a candidate did not achieve the objectives being tested nor reach the required standard of competence, the candidate may well disagree with their decision, but that belongs in the realm of content and does not constitute grounds for review.
- (3) On occasion, deviations from the stated format or conduct of the examination may be unavoidable and irregularities may occur which do not result in any unfairness or significantly affect the performance of the candidate.

13.3 Initiating a Formal Review

- (1) Formal Reviews may be initiated by the Provincial Exam Coordinator (PEC) or the BOC.
- (2) If the PEC becomes aware of any irregularity, he/she will initiate the formal review on behalf of one or more candidates.
- (3) The Chair of the BOC shall conduct the formal review within 15 days of receiving the request.
- (4) No fee shall be required from the candidate(s) involved.
- (5) The PEC may initiate a formal review at any time, even beyond the deadline stated for candidates.
- (6) Whenever possible and desirable, the candidate(s) potentially affected by such a review should be notified by the Chair of the BOC at the most opportune time.
- (7) Under exceptional circumstances where an obvious and manifest error in the procedure has occurred, the Chair of the BOC will make the appropriate recommendations to the PEC and /or candidate(s).

13.4. Appeals

- (1) Appeals are almost always initiated by a candidate who is unsuccessful in the certification examination process.
- (2) A candidate must submit a written request to initiate an appeal.
- (3) A candidate wishing to request an appeal must notify the office of the BOC in writing within 30 days after the date appearing on the letter of

notification of examination results. This also applies to appealing a decision by the BOC that a report has been plagiarized.

- (4) Before submitting a request for appeal, the candidate must:
 - a. ensure that the grounds for appeal are based on process irregularity and not content issues,
 - b. explain, completely and in detail, all of the circumstances surrounding the alleged process irregularity, or
 - c. in the case of plagiarism, provide a statement of disagreement regarding the determination by the BOC, and
 - d. include an administration fee by certified cheque or money order, payable to the BOC.
- (5) The office shall acknowledge receipt of the request and deposit the fee. A request for an appeal that does not include the required administration fee in the prescribed form within the time set out above shall not be processed or considered.
- (6) The fee will be set by the BOC at its regular fall meeting. The current fee for an appeal is \$75.00 plus applicable provincial taxes (see the CIPHI website for details).

13.5 Performing Appeal Reviews Initiated by Candidates

13.5.1 Review by the Chair of the BOC

- (1) The Chair of the BOC may assign a delegate to perform the duties of the Chair described in this policy. The BOC must approve the appointment of this delegate.

- (2) The Chair of the BOC shall evaluate the request within 15 days of receipt of a request for an appeal.
- (3) If the Chair of the BOC determines that the candidate has described completely and in detail the circumstances related to an alleged process irregularity, or if the candidate disagrees with the BOC's determination of plagiarism, the request for appeal will be referred to the National Executive Council (NEC) Appeal Review Panel Lead of the Canadian Institute of Public Health Inspectors.
- (4) If the Chair of the BOC determines that the candidate has **not** described completely and in detail circumstances related to an alleged process irregularity the Chair will advise the candidate that the request for appeal is denied.
- (5) The Chair of the BOC will advise the BOC of the number of appeal requests that are not recommended to the Appeal Review Panel for review and upon request of the BOC, make available any documentation or material relevant to a candidate's request for appeal.

13. 5.2 Requests for Appeals that meet the process irregularity criteria

- (1) If the Chair of the BOC determines that the appeal request is grounded based on process irregularity or grounded based on the disagreement with the determination of plagiarism, the Chair of the BOC shall refer the appeal to the NEC Appeal Review Panel Lead of the Canadian Institute of Public Health Inspectors.
- (2) The Chair of the BOC shall make a request to the NEC Appeal Review Panel Lead for the appeal review and shall provide a written opinion and all available and relevant documents (including results from the electronic plagiarism assessment tool in the case of plagiarism).

13.6 The NEC Appeal Review Panel Lead shall report the Appeal Review Panel determination to the BOC Chair as per NOP #6.

- 13.7 There is no provision for further review of the decisions of the Appeal Review Panel, which are considered final.
- 13.8 In cases when a repeat examination is granted, the result of the examination subjected to the appeal review is to be considered null and must not be counted in determining the candidate's eligibility for Certification.
- 13.9 The BOC shall have responsibility in determining all aspects of the next steps in regards to the candidate's examination where the Appeal Review Panel makes a decision supporting the appeal.
- 13.10 The fees for examination in the case where a new exam process is required shall be waived.
- 13.11 A report of the numbers of formal reviews and appeals received and the outcomes will be presented annually in the BOC Annual Report to the NEC of the Canadian Institute of Public Health Inspectors National Executive Council.

Revised March 2014

ATTACHMENT # 2

TERMS OF REFERENCE

Committee/Board/Panel

Formal BOC Appeal Review Panel

Purpose

A panel of appointed individuals will review appeals of candidates who have filed an appeal request that has met the BOC criteria for an appeal review. The appeal request and the determination of the review must be in accordance with Administration Policy 13 of the BOC Administrative Policies.

Authority

Board of Certification (BOC)

Regulations Respecting the Certificate in Public Health Inspection (Canada) and Governing the Board of Certification of Public Health Inspectors

Section 19(1)(e)

“The Board of Certification may establish administrative policies respecting all matters connected with the examinations for the CPHI(C)”.

Administrative Policy 13: Policy for the Formal Review of Board of Certification Examinations

13.4.2 Requests for Appeals that meet the process irregularity criteria

- (1) If the Chair of the BOC determines that the appeal request is grounded on process irregularity, or grounded to disagreement with the determination of plagiarism, the Chair of the BOC shall refer the appeal to the National Executive Council (NEC) Appeal Review Panel Lead of the Canadian Institute of Public Health Inspectors.
- (2) The Chair of the BOC shall make a request to the NEC Appeal Review Panel Lead for the appeal review and for those appeals which relate to plagiarism the Chair of the BOC shall provide a written opinion and all available and relevant documents (including results from the electronic

plagiarism assessment tool in the case of plagiarism).

- (3) These members of the appeal review committee may NOT be members of the NEC, the candidate's examination panel, the Board of Certification, practicum supervisors or other persons known to the candidate personally or professionally. One of the Review Panel members will be designated as its Chair.

Responsibilities

Ensure all procedures outlined in National Operating Policy # 6 regarding the Formal Review of Board of Certification Examinations are adhered to and carried out.

Membership

- Any public health professional may be appointed to an appeal panel or to a pool of potential appeal panel members, including but not limited to:
 - Holders of the Certificate in Public Health Inspection (Canada)
 - Medical Officers of Health
 - Public Health Veterinarians
 - Public Health Dentists
 - Public Health Nurses
- The following are excluded from participating on an appeal panel:
 - Members of the National Executive Council
 - Members of the Board of Certification
 - Members of the Appellant's original examination panel
 - The Appellants practicum supervisor(s)
 - Any other persons known to the candidate personally or professionally

Operations

- A member of the NEC will be named as Appeal Review Panel Lead for the Formal Examination Review portfolio
- A pool of Appeal Review Panel members will be maintained by the National Executive Council Appeal Review Panel Lead
- The Appeal Review Panel Lead for the Formal Examination Review portfolio will name a panel chair and panel members upon request of the Board of Certification

Meetings

At the call of the Panel Chair.

Date of Approval

April 16, 2009

Revised March 28, 2014

ATTACHMENT # 3

ROLES AND RESPONSIBILITIES

Committee/Board/Panel

Formal Examination Appeal Review Panel Membership Pool

Purpose

National Operating Policy # 6 of the National Executive Committee (NEC) sets out procedures for the formal review by an appeal review panel, of appeals of the written and oral examinations leading to certification.

In order to ensure there are the required number of review panel members available (3) after each sitting of the oral examination process, a national pool of review panel members will be maintained by the National Executive Council of CIPHI.

Duration of Appointment

All appeal review panel pool members will be appointed by the NEC for a period of three years at which time they can be reconsidered for a further extension of three years in the appeal review panel membership pool.

Responsibilities of Appeal Review Panel Pool Members

- When called upon by the Appeal Review Panel Lead and if available, to be a member of a formal examination appeal review panel.
- To notify the Appeal Review Panel Lead immediately if there are any reasons that would prohibit or affect their sitting on a particular formal appeal review panel to which they have been appointed. Refer to “Terms of Reference for Formal Examination Results Appeal Review Panel.”
- To notify the Appeal Review Panel Lead if their circumstances have changed such that they would no longer be eligible to be a member of the appeal review panel pool. Refer to “Terms of Reference for Formal Examination Results Appeal Review Panel.”
- When appointed to a formal examination appeal review panel, to follow the procedures outlined in the National Operating Policy # 6.

Attachments/Additional Related Documents

National Operating Policy # 6 “Formal BOC Appeal Review Panel”

Terms of Reference for Formal Examination Results Appeal Review Panel

Document Change History

May 25, 2009



Canadian Institute of Public Health Inspectors



Institut canadien des inspecteurs en santé publique

Revised March 11, 2014

ATTACHMENT # 4

Required Documents and Information Checklist for Appeal Review Panel Members

1. A copy of the written request for appeals.
2. Written opinion of the Chair of the BOC to proceed with the appeal review.
3. Results from the electronic plagiarism assessment tool and a side by side comparison of the suspect and source reports in the case of plagiarism
4. Contact information of the individual appeal review panel members. (phone #, e-mail address, fax where available)
5. Names and contact information (phone and e-mail) of the exam coordinators and branch examiners for the appellant.
6. Contact information (phone and e-mail) for the appellant.
7. BOC telephone conference calling information for the appeal review panel members.
8. Appeal review panel members should establish their preferred means of contacting each other during the review process.
9. The appointed appeal review panel chair will coordinate the review process and meetings, keep notes of the individual and group discussions between the appeal review panel members and draft the final report using the template in attachment # 5.
10. The panel members can jointly decide on who will contact who when conducting the review.
11. The final report should be sent to the Appeal Review Panel Lead with the NEC within the suggested timelines as per NOP # 6.

ATTACHMENT # 5

Template: Appeal Panel Report to Appeal Panel Lead

---DATE---

Re: Appeal Review Panel Report to NEC Re: Appellant ---NAME---

Dear ---XXX---

The Appeal Review Panel has completed its review in response to ---NAME--- appeal request. As part of its process, it has (check all appropriate):

- Reviewed all the written information submitted by the BOC Chair
- Reviewed all the written information submitted by the appellant
- Reviewed the plagiarism software files associated with this candidate (where applicable)
- Provided the candidate an opportunity to present their position verbally to the appeal review panel

The Appeal Review Panel findings included:

1. ----List items if applicable----

The decision of the Appeal Review Panel is as follows:

- The Appeal Review Panel agrees with the determination of plagiarism, therefore the appeal is denied.
- The Appeal Review Panel does not agree with the determination of plagiarism, therefore the appeal is supported.
- The Appeal Review Panel agrees that a process irregularity has occurred and it may have significantly affected the candidate's mark and therefore the appeal is supported.
- The Appeal Review Panel agrees that a process error has occurred, however, it does not believe that it has significantly affected the candidate's mark, therefore the appeal is denied.
- The Appeal Review Panel does not agree a process irregularity has occurred, therefore, the appeal is denied.

Kind regards,

---XXX---

Appeal Review Panel Chair

Cc: BOC Chair

ATTACHMENT # 6

Template: NEC Appeal Panel Lead Letter to Appellant – Appeal Upheld

---DATE---

---NAME---

---ADDRESS---

Re: BOC Appeal

Dear ---XXX---

Please be advised that the BOC Chair received your appeal request dated ---XXX--- and determined that your request for appeal met the criteria for a review by an Appeal Review Panel under the direction of the National Executive Council (NEC). The Appeal Review Panel has completed their review and reported back to myself as the NEC Appeal Review Lead.

The following outlines the findings of the Appeal Review Panel:

----List items if applicable----

I am writing to inform you of the Appeal Review Panel's decision, that "---XXX---". Therefore your appeal is upheld.

The BOC Chair will be informed of this decision and will be in touch with you regarding next steps in the process.

Kind regards,

---XXX---

NEC Appeal Review Lead

Cc: Chair BOC

CIPHI National Office

ATTACHMENT # 7

Template: NEC Appeal Panel Lead Letter to Appellant – Appeal Denied

---DATE---

---NAME---

---ADDRESS---

Re: BOC Appeal

Dear ---XXX---

Please be advised that the BOC Chair received your appeal request dated ---XXX--- and determined that your request for appeal met the criteria for a review by an Appeal Review Panel under the direction of the National Executive Council (NEC). The Appeal Review Panel has completed their review and reported back to myself as the NEC Appeal Review Lead.

The following outlines the findings of the Appeal Review Panel:

----List items if applicable----

I am writing to inform you of the Appeal Review Panel's decision, that "---XXX---". Therefore your appeal is denied.

According to the Board of Certification Administrative Policy 13.5, there is no provision for further review of the decisions of the Review Panel, which are considered final.

Kind regards,

---XXX---

NEC Appeal Review Lead

Cc: Chair BOC
CIPHI National Office