



# **The Pharmacy Examining Board of Canada**

## **Le Bureau des examinateurs en pharmacie du Canada**

### **PEBC's Process for Handling Complaints, Concerns and Appeals**

There are several levels of review, reconsideration or appeal available to PEBC candidates in certain circumstances. Specifically, candidates' concerns or complaints relating to the following matters shall be considered in this process:

#### **Examination-Related Issues:**

- Outcome of a request for "no standing" status in respect of an examination based on a sudden personal circumstance (provided that the request is made within 7 days of the examination)
- Consideration of an incident affecting examination performance (provided that the incident is documented by the candidate at the examination AND, if an action or response is required, PEBC is notified by the candidate in writing within 7 days of the examination with valid supporting documentation for how the documented incident affected examination performance)

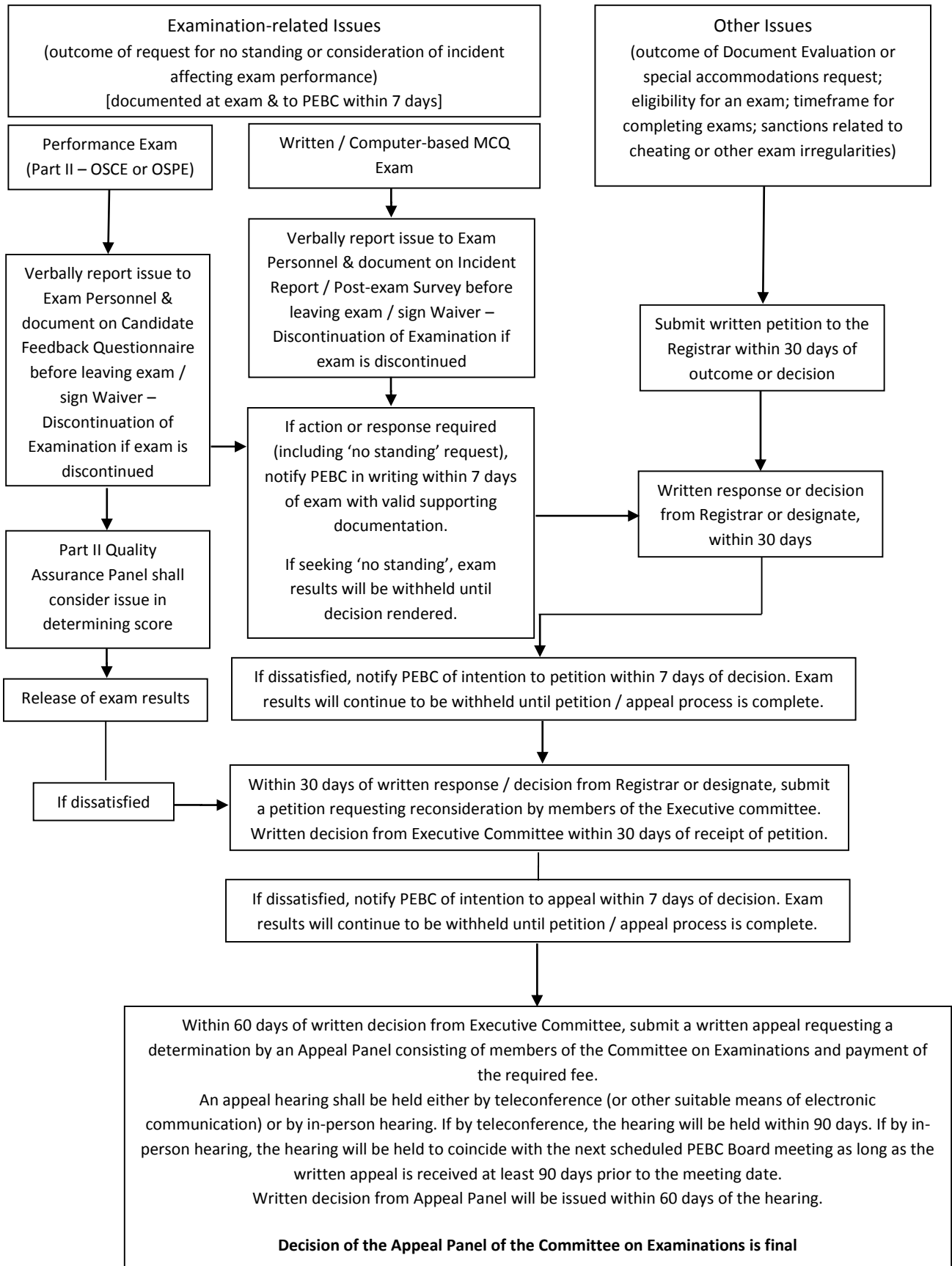
#### **Other Issues:**

- Outcome of Document Evaluation
- Decision regarding eligibility for an examination
- Outcome of a request for special testing arrangements
- Decision regarding timeframe for completing examinations
- Decision regarding sanctions related to cheating or other examination irregularities

The following are not subject to appeal:

- The content, methodology, standards, assessment criteria or scoring of the PEBC examinations;
- Policies related to the number of attempts on PEBC examinations

## Overview of PEBC's Process for Handling Complaints, Concerns and Appeals



## I. Initial Handling of Concerns and Complaints

### (i) Examination-Related Issues

#### On the Day of an Examination

Candidates must submit any verbal complaints or concerns about any aspect of the examination (e.g., process, examination facilities, and examination administration) or personal circumstances (e.g., illness, bereavement) to exam personnel for immediate attention and correction, if possible, and documentation on a report to PEBC.

**For written (MCQ) examinations**, candidates must request the Candidate Incident Form from the Presiding Officer at the end of the exam to document their concerns or complaints before leaving the examination site.

**For computer-based (MCQ) examinations**, candidates must document their concerns or complaints in the Post-Exam Survey that is presented upon completion of the exam.

**For the Qualifying Examination – Part II (OSCE/OSPE)**, candidates must document their concerns or complaints in writing on the Candidate Feedback Questionnaire before leaving the examination site.

**Any complaints or concerns which are not documented by the candidate at the examination site are not considered as part of the Complaints, Concerns and Appeals Process.**

#### After an Examination

Any candidate who feels that a specific matter that was documented on the day of the examination requires further action or response, or any candidate seeking to request “no standing” status in respect of the examination due to a sudden illness or other emergency situation, must send such additional comments or request for no standing, along with any supporting documentation, in writing to the PEBC Registrar-Treasurer so that it is received within 7 calendar days after the close of the examination. These written concerns or requests for no standing are investigated and reviewed by the Registrar-Treasurer or designate. A written response from the Registrar-Treasurer, or designate, will be sent to the candidate within 30 days, communicating the information considered, a decision and the reason for the decision.

Also, for concerns or complaints about the Qualifying Examination – Part II (OSCE/OSPE), the Quality Assurance Panel that meets after every examination reviews the examination data, candidates’ written concerns and examination centre reports, to ensure that candidates’ results are based on a fair and accurate assessment of their performance. All reported incidents and written concerns/complaints documented by candidates on examination day are taken into consideration. The Part II Quality Assurance Panel provides advice to the Associate Registrar about how these should be considered in determining the final result, but does not respond to the candidate directly.

A candidate that is dissatisfied with the response, may choose to submit a written petition for reconsideration by members of the Executive Committee (see details in section II). Notice of a candidate’s intention to petition must be received by PEBC in writing within 7 days of the written decision and the full petition request must be received by PEBC within 30 days of the written decision.

Exam results for any candidate requesting “no standing” status in respect of an examination will be withheld until the petition and appeal process have been completed.

## **(ii) Other Issues**

Any candidate who feels that a matter not related to a specific examination administration requires further consideration or review must send any concerns and all supporting documentation in writing to the PEBC Registrar-Treasurer within 30 days of the matter arising. These written concerns are investigated and reviewed by the Registrar-Treasurer, or designate. Within 30 days, the candidate shall receive a written response from the Registrar-Treasurer, or designate, communicating the information considered, a decision and the reason for the decision.

A candidate that is dissatisfied with the response, within 30 days, may choose to submit a written petition for reconsideration by members of the Executive Committee (see details in section II)

## **II. Petition for Reconsideration by the Executive Committee**

A candidate dissatisfied with the initial response from the Registrar-Treasurer, or designate, to the complaint or concern, shall be informed in writing that the next level for reconsideration is by members of the Executive Committee. The candidate shall be advised that a written petition for reconsideration, along with any additional supporting documentation, must be submitted within 30 days of the initial response from the Registrar-Treasurer, or designate. The petition should include the grounds for the petition and the resolution sought. After receiving the petition, the Registrar-Treasurer shall arrange to convene a meeting of three members of the Executive Committee (by teleconference). All documentation submitted by the candidate (e.g., written petition, supporting documentation), as well as any other relevant information (e.g., initial written response from the Registrar-Treasurer or designate; examination administration records; incident reports; quality assurance documents, etc) shall be assembled by PEBC staff for distribution to the members of the Executive Committee in advance of the meeting (teleconference). A deliberation shall be made by the members of the Executive Committee and a report of the Committee's decision shall be forwarded to the Registrar-Treasurer, who shall communicate a written response to the candidate within 30 days of receipt of the petition.

A candidate dissatisfied with the response, may choose to submit an appeal to the Appeal Panel of the Committee on Examinations (see details in section III). In this circumstance, the candidate must also indicate any intent to appeal the decision within 7 days of the written decision of the Executive Committee.

## **III. Appeal to the Appeal Panel of the Committee on Examinations**

A candidate dissatisfied with the outcome of the petition for reconsideration by members of the Executive Committee, shall be informed in writing of the opportunity to file an appeal for consideration by the Appeal Panel. The candidate shall be advised that a detailed written statement outlining the grounds for the appeal and the resolution sought, must be submitted within 60 days of the petition outcome decision of the Executive Committee. The appeal must be accompanied by the Appeal Fee, which is determined annually by the Board. As of the date of revision set out below, the Appeal Fee is \$1,000. The written appeal must also state whether the candidate wishes the hearing to be conducted by teleconference or in-person and whether the candidate will be represented by legal counsel.

The Appeal Panel shall consist of three or five members of the Committee on Examinations, one of whom shall be designated Chair. After reviewing a written appeal, the Appeal Panel may dismiss an appeal without a hearing, if it considers the matter to be frivolous or vexatious, does not meet the criteria for an appeal or the candidate has failed to comply with any of the timelines noted throughout.

If the hearing is to be held by teleconference (or other suitable means of electronic communication), it shall be scheduled within 90 days of the receipt of the written appeal. If the hearing is to be held in-person, it will be scheduled to coincide with the next PEBC Board meeting (held bi-annually) as long as the written appeal is received at least 90 days prior to the meeting date. The candidate shall receive notice of the date of the hearing at least 30 days in advance.

Either party [i.e., the candidate or the Registrar-Treasurer (or designate)] shall be entitled to call witnesses to give evidence and to cross-examine the other party's witnesses. The members of the Appeal Panel may also question the candidate and any other witnesses.

The Chair may appoint a member of the Law Society of Upper Canada to act as legal counsel to the Appeal Panel. As well, either party may be represented by legal counsel.

After considering the written appeal, the evidence presented at the hearing and the submissions made, the members of the Appeal Panel shall render a decision, determined by a clear majority, as to whether or not the appeal should be granted or denied. The Appeal Panel shall document, in writing, their decision, reasons for their decision and any recommendations, which will be forwarded to the Registrar-Treasurer (or designate). The Registrar-Treasurer shall convey the decision of the Appeal Panel and reasons for the decision to the candidate within 60 days of the appeal hearing.

If the appeal is decided in favour of the candidate, the Appeal Fee shall be reimbursed to the candidate. If the Appeal Panel dismisses the appeal, the unsuccessful candidate may be required to pay the legal costs of the Registrar-Treasurer, or designate, on behalf of PEBC as respondent and the legal costs of the Appeal Panel in determining the appeal.

The decision of the members of the Appeal Panel of the Committee on Examinations shall be final.

**October 26, 2012**

**Revised February 24, 2018**