



The Pharmacy Examining Board of Canada

Le Bureau des examinateurs en pharmacie du Canada

PEBC's Process for Handling Complaints, Concerns and Appeals

Within this document, PEBC outlines the process for candidates to raise a complaint or concern with PEBC for consideration. Candidates wishing to do so must review this document in its entirety to fully understand the process and ensure they follow the instructions provided.

Candidates may choose to escalate an eligible matter if they are unsatisfied with PEBC's initial response or decision through the sequential stages outlined below. Depending on the outcome or decision, the candidate may or may not choose to continue to escalate the matter further, where applicable.

Stage 1: Request for Review:

- May be requested by a candidate following receipt of an unsatisfactory outcome or written decision from PEBC staff, whose "Request for Review" will be reviewed by PEBC's Registrar-Treasurer or a designate.

Stage 2: Petition for Reconsideration

- May be requested by a candidate following receipt of an unsatisfactory written decision on a **Request for Review**, which petition will be considered by members of PEBC's Executive Committee.

Stage 3: Appeal

- May be requested by a candidate following receipt of an unsatisfactory written decision on a **Petition for Reconsideration**. The appeal will be a formal hearing adjudicated by members of PEBC's Committee on Examinations.

Further important and relevant details of each of these stages are found within this document with a visual representation of the process found at the end of this document.

Matters Eligible for Consideration under this Process

The following two categories of matters are eligible for consideration under this process:

A. Examination Issues, which relate to either:

- a sudden personal circumstance or illness that occurred after the start of the exam; or
- an incident related to the administration of the examination affecting examination performance

For an Examination Issue to be eligible for consideration under this Process, the candidate **must** have completed the following three steps:

1. Raised the matter with exam personnel during the exam to see if it could be addressed;
2. Documented the issue before completing the exam; and
3. Followed up with PEBC by email (pebcinfo@pebc.ca) within **seven** days* of the exam, requesting a specific response or action [*All references to "days" within this document refer to calendar days.]

B. Other Issues, which relate to the outcome of / decision on:

- Document Evaluation
- Request for exam accommodation(s)
- Eligibility for an examination
- Timeframe for completing examinations to meet the currency requirement for the Qualifying Examination
- Sanctions associated with cheating or other examination irregularities

For Other Issues to be eligible for consideration under this Process, the candidate **must** notify PEBC within 7 days of PEBC's decision or outcome of the candidate's intention to proceed to Stage 1: Request for Review.

Matters NOT Eligible for Consideration under this Process

- The content, methodology, standards, assessment criteria or scoring of the PEBC examinations
- Policies related to the number of attempts on PEBC examinations
- Matters related to an **Examination Issue** where the candidate did not follow the three steps identified above

Possible Outcomes

This Process could result in one of the following outcomes:

- Matter deemed **Ineligible for Consideration** through this Process
 - Cannot be escalated through this Process
- Request for Review, Petition for Reconsideration or Appeal **Denied**
 - May be escalated through this Process; however an Appeal that is denied is final and there is no further recourse.
- Request for Review, Petition for Reconsideration or Appeal **Granted Partially/Fully in Favour of the Candidate**
 - For an **Examination Issue**, the candidate may be permitted, if possible, to retake the exam during the same exam administration window (MCQ exams only) or may be granted "no standing" status with respect to the specific examination in which the Examination Issue occurred.
 - NOTE: PEBC will not change the result of an examination attempt even in the event that a candidate is successful in a Review, Petition or Appeal (i.e., PEBC will not change an unsuccessful result to a successful one).
 - **"No Standing"** is a status of an examination attempt whereby the attempt is deemed not to count towards a candidate's maximum limit of attempts. The attempt will not be scored, and candidates do not receive results or feedback on their performance in examinations where "no standing" status is granted.

Initial Handling of Concerns and Complaints related to Examination Issues

Before the Day of an Examination

Candidates are strongly encouraged not to attempt an exam and to withdraw if, prior to the exam, they are ill or have other extraordinary personal circumstances (e.g., bereavement, recent physical injury) that may affect their performance in the exam. PEBC's Withdrawal Policies are located on PEBC's website:

<https://pebc.ca/general-informations/policies-procedures/withdrawal-policies/>

Candidates seeking to request exam accommodations due to functional limitations or other human rights protected grounds must do so in accordance with PEBC's exam accommodations process. PEBC's Exam Accommodations Policy is located on PEBC's website: <https://pebc.ca/general-informations/policies-procedures/exam-accommodations/>

On the Day of an Examination

Candidates must submit any 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.

In addition,

for (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 related to Examination Issues which are not documented by the candidate at the examination site as set out above are not eligible for consideration under this Process for Handling Complaints, Concerns and Appeals.

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, including consideration of a “no standing” status in respect of the examination due to a sudden illness or other emergency situation, **must** send such additional concerns or requests (including any request for “no standing”), along with all supporting documentation, in writing to PEBC so that it is received **within 7 calendar days** of the examination. These written concerns or requests for “no standing” will be investigated/reviewed and a response will be sent to the candidate within 30 days.

Process to Request a Review, Petition for Reconsideration or Appeal

To escalate a matter following a written response or decision that a candidate deems to be unsatisfactory, the candidate must follow the steps outlined below with consideration for the timelines and any fees that may be required.

For matters related to Examination Issues (and Other Issues, if applicable), PEBC will withhold a candidate's result until a decision has been provided or the deadlines for escalating the matter through this process have passed, whichever is later.

Stage 1: Request for Review

Candidates not satisfied with PEBC's decision or response to a matter must notify PEBC by email within 7 days of that decision or response of their intention to **Request a Review**. Candidates must submit their full written request with all relevant supporting evidence by email to PEBC within 30 days of PEBC's decision or response. The Registrar-Treasurer (or designate) will review the submission and provide a written decision within 30 days of receipt of the submission.

Stage 2: Petition for Reconsideration

Candidates not satisfied with the Registrar-Treasurer's written decision to the Request for Review must notify PEBC within 7 days of that decision of their intention to **Petition for Reconsideration**. Candidates must submit their full written petition by email to PEBC within 30 days of the Registrar-Treasurer's decision and must include the following:

- grounds for the petition;
- all additional information and relevant supporting evidence; AND
- the specific resolution sought.

After receiving the petition, the Registrar-Treasurer shall convene a panel of three members of the Executive Committee (to meet via tele/videoconference). 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 panel of the Executive Committee in advance of the meeting. A deliberation shall be made by the panel of the Executive Committee and a report of the panel's decision shall be forwarded in writing to the candidate within 60 days of receipt of the petition.

Stage 3: Appeal

Candidates not satisfied with the outcome of the **Petition for Reconsideration** may choose to submit a **final Appeal** to the **Appeal Panel of the Committee on Examinations**. In order to do so, the candidate must indicate any intention to appeal the decision within 7 days of the written decision of the panel of the Executive Committee.

Within 60 days of the Petition outcome decision, candidates must also submit to PEBC the following:

- a detailed written statement outlining the grounds for the Appeal;
- all evidence and supporting documentation that will be relied upon by the candidate for the Appeal;
- the specific resolution sought;

- payment of the Appeal Fee,* which is determined annually by PEBC;
 - *As of the date of revision set out below, the Appeal Fee is \$1,500.
- whether the candidate wishes the hearing to be conducted by videoconference or in-person;
- the list of witnesses, if any, that the candidate intends to call to testify; and
- whether the candidate will be represented by legal counsel at the Appeal, and if so, the legal counsel's contact details.

The Appeal Panel shall consist of three members of the Committee on Examinations, one of whom shall be designated Chair. After reviewing a written appeal, the Appeal Panel may dismiss/deny an appeal without a hearing if (a) it considers the matter to be frivolous or vexatious, (b) the written appeal does not meet the criteria for an appeal, or (c) the candidate has failed to comply with any of the timelines or requirements noted in this Process for Handling Complaints and Concerns.

Timelines and Hearing Date

The hearing is to be held either via videoconference (or other suitable means of electronic communication) or in-person in Toronto, and shall be scheduled within 120 days of the receipt of the written appeal. The candidate shall receive notice of the date of the hearing at least 30 days in advance.

Within 60 days of receipt of the written Appeal, the Registrar-Treasurer (or designate) will provide disclosure to the candidate of the materials it intends to present to the Appeal Panel, including any additional evidence or responding submissions. The candidate then has 30 days in which to submit any further reply submissions to the Appeal Panel, provided however that any such reply submissions must be responsive to issues raised in the responding submissions of the Registrar-Treasurer (or designate), and not raise new issues that should have been included in the candidate's initial written Appeal.

The Appeal Panel has the right to make any procedural orders it deems appropriate, including but not limited to determining the admissibility of any submissions/evidence and delaying/rescheduling the Appeal hearing if the candidate seeks to make any submissions outside of the timelines noted above (such as during the 30-day period prior to the Appeal hearing date).

Hearing Process

Either party [i.e., the candidate as appellant or the Registrar-Treasurer (or designate) as respondent] 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 Ontario to act as legal counsel to the Appeal Panel. As well, both the candidate and the Registrar-Treasurer may be represented by legal counsel.

After considering the written appeal, the evidence presented at the hearing, and the submissions made by the candidate and the Registrar-Treasurer, the members of the Appeal Panel shall render a written 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 conveyed to the candidate by the Chair of the Appeal Panel within 60 days of the appeal hearing.

Possible Hearing Outcomes

The members of the Appeal Panel may determine that the candidate was successful and grant the appeal or determine that the candidate was unsuccessful and dismiss the appeal. The decision of the members of the Appeal Panel of the Committee on Examinations shall be final and not subject to any further appeal or judicial review.

If the Appeal Panel Grants the Appeal

The Appeal Panel grants the resolution sought by the candidate or another resolution deemed appropriate by the Appeal Panel to address the matter. In this circumstance, the Appeal Fee shall be reimbursed to the candidate.

If the Appeal Panel Dismisses the Appeal

The Appeal Panel determines that the candidate has not demonstrated sufficient grounds to grant the appeal and the appeal is dismissed.

In the event of an unsuccessful appeal, the Appeal Panel may order the candidate to pay PEBC's costs of the Appeal, which may include both 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 Appeal Fee will be applied towards any costs awarded to PEBC.

Payment of the costs of the Appeal Panel and/or those of the Registrar-Treasurer in the event of an unsuccessful appeal are necessary given the substantial cost to PEBC of accommodating full Appeal hearings.

Handling Exam-Related Issues

Required Steps for Exam-Related issues

Step 1: Candidate to raise issue with exam personnel so it may be addressed immediately, if possible

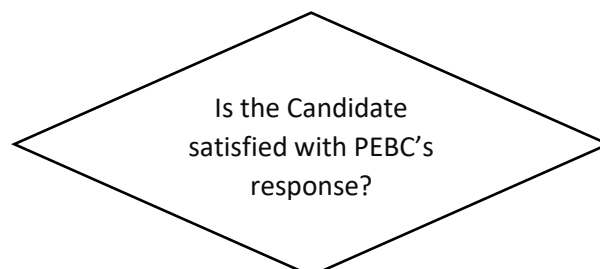


Step 2: Candidate to document issue at end of exam – post exam survey (MCQ) / Candidate Feedback Questionnaire (OSCE / OSPE)



Step 3: Candidate to email PEBC within 7 calendar days of exam to request response or action

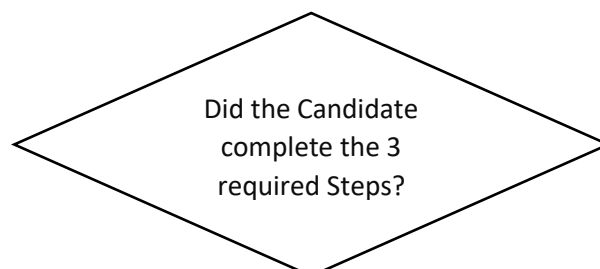
Candidate contacts PEBC following the exam. PEBC staff provides written response to candidate within 30 calendar days of receipt of candidate correspondence.



Yes

Results will be released within 10 calendar days following PEBC staff response or on the scheduled results release date, whichever is later. There is no further opportunity to escalate matter.

No



No

Not eligible for further escalation through this process.

Yes

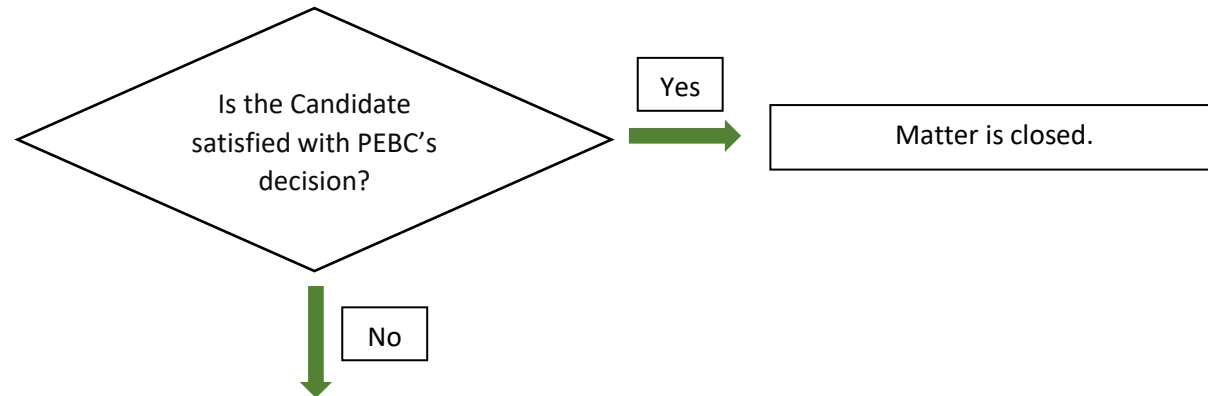
Candidate must notify PEBC within 7 calendar days of PEBC's response of intent to proceed to **Stage 1: Request for Review**.

PEBC to withhold release of exam results pending the outcome of the **Request for Review**.

Continue to Stage 1: Request for Review

Handling Other Matters Not Related to Examination Issues

Candidate receives an outcome / decision from PEBC to a matter unrelated to an examination issue.



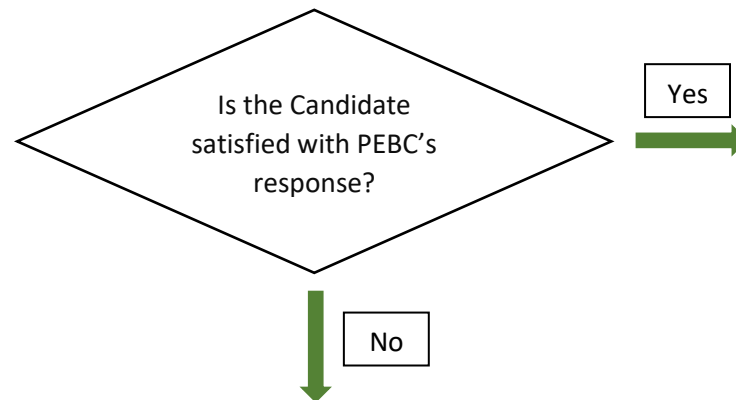
Candidate must notify PEBC within 7 calendar days of outcome/ decision of intent to proceed to
Stage 1: Request for Review.

Continue to Stage 1: Request for Review

Stage 1: Request for Review

Candidate must make a written submission outlining the reason for the review and provide all supporting documentation relied upon within 30 days of PEBC's decision (or outcome, where applicable).

Registrar-Treasurer (or Designate) to review the matter and provide a written decision within 30 days of receipt of the Candidate's submission.



If applicable, results will be released within 10 calendar days following the Registrar-Treasurer's decision or on the scheduled results release date, whichever is later. There is no further opportunity to escalate matter.

Candidate must notify PEBC within 7 calendar days of the Registrar-Treasurer's decision of intent to proceed to **Stage 2: Petition for Reconsideration**.

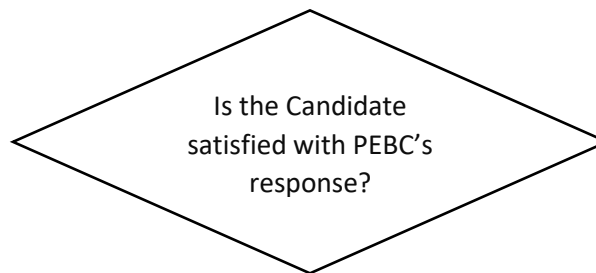
If applicable, PEBC to continue withhold release of exam results pending the outcome of the **Petition for Reconsideration**.

Continue to Stage 2: Petition for Reconsideration

Stage 2: Petition for Reconsideration

Candidate must make a written submission outlining the reason for the Petition for Reconsideration and provide all supporting documentation relied upon within 30 days of the Registrar-Treasurer's decision.

A panel of members of PEBC's Executive Committee will review the matter and provide a written decision within 60 days of receipt of the Candidate's submission.



Yes

If applicable, results will be released within 10 calendar days following the Executive Committee's decision or on the scheduled results release date, whichever is later.

There is no further opportunity to escalate matter.

No

Candidate must notify PEBC within 7 calendar days of the Executive Committee's decision of intent to proceed to **Stage 3: Appeal**.

If applicable, PEBC to continue withhold release of exam results pending the outcome of the **Appeal**.

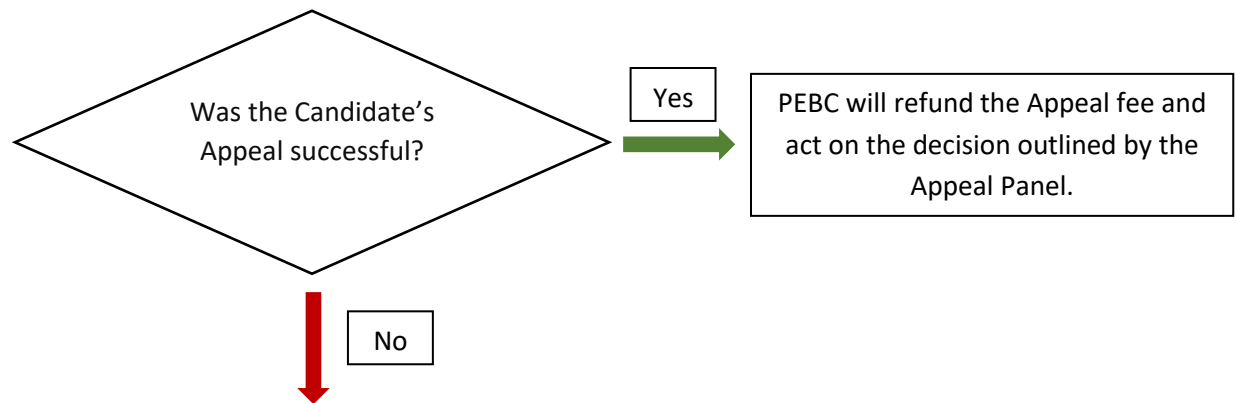
Continue to Stage 3: Appeal

Stage 3: Appeal

Candidate must make a written submission outlining the reasons for the Appeal, provide all supporting documentation relied upon, and pay the Appeal fee to PEBC within 30 days of the Executive Committee's decision.

An Appeal Panel of PEBC's Committee on Examinations will review the matter and determine whether a hearing is warranted. If so, it will be scheduled in Toronto or virtually via web conference within 120 days of the receipt of the Appeal submission.

Both the Registrar-Treasurer and the Candidate will make any further written submissions according to the timelines outlined in this document. Both the Registrar-Treasurer and the Candidate may choose to be represented by legal counsel at the appeal hearing.



The decision of the Appeal Panel will be final and there will be no further opportunity to escalate the matter.

The Appeal Panel may order the Candidate to pay for legal costs associated with the hearing, including legal costs for both the Appeal Panel and the Registrar-Treasurer.

If applicable and warranted, PEBC will release of exam results following the outcome of the Appeal.