



## Appeal Policy

### Appeal Standing Committee

1. The standing members of the Appeal Committee shall be as follows:
  - a. three members of the College experienced in examining at Fellowship level and with a good knowledge of the current examination process,
  - b. three members of the College experienced in examining at Membership level and with a good knowledge of the current examination process,
  - c. up to two professionals such as a veterinarian (not necessarily a member of the College) or lawyer, who is well respected and held in high regard by their peers,
  - d. current members of Council and the Board of Examiners are not eligible to be appointed as standing or temporary members of the Appeal Committee, and
  - e. an appointment to the Appeal Committee will normally be for a three-year term, (with one member experienced in membership level examination and one member experienced in Fellowship examination having their appointment vacated each year after the first anniversary of the initial appointment of the standing members).
2. All standing members of the Appeal Committee are to be appointed by the Council by majority vote. Prior to an appointee's membership of the standing Appeal Committee expiring (under clause 1(e)), the Council must call for expressions of interest from the College membership for Member and Fellow positions (clauses 1(a) and (b)) and make reasonable enquiries as it sees fit for professional positions (under clause 1(c)). The College must take reasonable steps from time to time to advise all members of the College of the names of all standing members of the Appeals Committee.
- 3.1 An Appeal Committee established under clause 7(b) to hear an appeal will consist of three people selected by the President from the standing members of the Appeal Committee whose expertise is desirable given the nature of the appeal.
- 3.2 Where there are insufficient members available to form an Appeal Committee (for example due to unfilled vacancies or members with conflicts of interest) the President may appoint suitably qualified members or other professionals to act as temporary Appeal Committee members.
- 3.3. If an appellant or a person appointed to an Appeal Committee believes there is a conflict of interest with the appointment, it is to be determined in accordance with the College's Conflict of Interest policy. Once notification of the composition of a proposed Appeal Committee (under clause 7(d)) is sent, the appellant has three working days to raise any conflict of interest objection to their appointment.

3.4 Wherever practical:

- a. all grounds for appeal from any appellant should be heard by the same Appeal Committee, but
- b. if multiple candidates in the same subject appeal the same examination component, then one Appeal committee may hear all appeals for that component of the examination.
- c. Therefore, where the President otherwise thinks it expeditious to do so, multiple grounds for appeal by an appellant may be separated and decided by different Appeal Committees and an Appeal Committee may decide multiple appeals (or parts of those appeals) where a similar ground of appeal is raised by more than one appellant.

3.5 Where an Appeal Committee member is unable to continue, or is unable to complete a decision within the time limit set out in clause 9, the President may take any steps to ensure that a fair, equitable and timely decision is obtained, including:

- a. extending the time-limit to reach a decision,
- b. allowing the Appeal Committee to reach a unanimous decision of the two remaining Appeal Committee members, and
- c. replacing the Appeal Committee member with another appointee, and extending the time-limit to reach a decision.

The appellant should be advised of the President's decision as soon as practical.

**Appeal procedure**

4. A person may appeal the following decisions made by the College:

- a. denial of approval of a Candidate's Fellowship Training Program,
- b. denial of a Candidate's Fellowship Credentials,
- c. failure of an examination undertaken by a Candidate,
- d. refusal to confer Membership or Fellowship where all examination and credentials (for Fellowship) requirements have been met, or
- e. any other decision of the College specifically affecting the person.

5. An appeal relating to the failure of an examination undertaken by the Candidate is limited as follows:

- a. the grounds for appeal can only be based on procedural irregularities relating to the examination or decision-making process,
- b. no appeal will be allowed based on dissatisfaction with the academic judgement of the examiners (such as the choice of examination questions, marks or recommendations), and
- c. no appeal will be allowed on grounds relating to circumstances affecting the Candidate's performance. (The person may instead make an application for special consideration).

6. All appeals must set out the grounds for appeal in writing and be lodged with the President of the College within 30 days of the date of written notification of the decision being appealed against. Examination Candidates should note that the 30-day time limit for lodging an appeal is not dependent on receiving access to examination marks and viewing examination papers. This appeal process and the process for requesting access to marks and examination papers are independent of each other.

7. Within 14 days of receiving the appeal, the President may dismiss the appeal (without further appeal) on the grounds that it does not meet the appeal criteria (clause 4), is out of time (clause 6), or is frivolous, vexatious or without substantive merit. If the President decides that the appeal should not be dismissed the President must:

- a. notify either the Council or College Committee (if applicable) that an appeal has been lodged and the name of the appellant,
- b. request that three standing members of the Appeal Committee hear the appeal, and appoint a Chair of that Appeal Committee,
- c. refer the appeal to that Appeal Committee, and
- d. advise the appellant of the names of the Appeal Committee and the anticipated time-frame to reach a decision.

7.1 Where the President has a conflict of interest concerning an appeal, their powers may instead be exercised by:

- a. the previous President, or
- b. if the previous President is not able to act (for example is unavailable or has a conflict of interest) the powers may be exercised by a Council member determined by a majority vote of the Councillors who do not have a conflict of interest.

8. Once the President begins appointing an Appeal Committee the College will require the Chair of the relevant Committee, Board or Council whose decision is being appealed, to within six weeks:

- a. review all the relevant material available, including information concerning issues which the appellant did not specifically plead in their appeal but which is nevertheless relevant to whether the decision being appealed against was fair and equitable,
- b. seek further information from any other relevant source, including (where the appeal relates to the suitability or construction of an examination) a report from the Examinations' Officer on the examination review and approval process undertaken for that examination, and
- c. submit a written report ('the Appeal Information Report') to the Appeal Committee indicating the reasons for the decision being appealed and addressing any issues raised by the appeal including relevant information which goes beyond the grounds pleaded by the appellant.

9. At any time the Appeal Committee may of its own volition seek further information from any other relevant source where that information has not already been sought under clause 8. Once the Appeal Committee receives the Appeal Information Report and any information requested under this clause 9, it must within 90 days:

- a. consider all the issues raised by the appeal
- b. consider the findings of the Appeal Information Report and any information sought by the Appeal Committee, and
- c. prepare a written report ('the Appeal Decision') for the Council on the findings of fact and reasons for decision of the Appeal Committee.

#### 10. Decisions of the Appeal Committee

- a. are to be by a simple majority, made on the balance of probabilities (it is more likely than not that the original decision would not have been made if at the time all the information subsequently considered by the Appeal Committee had been correctly considered) and
- b. bind the College.

11.1 The information sought by the Appeal Committee under clause 9, the Appeal Information Report and the Appeal Decision are not limited to the grounds set out by the appellant. Where information is discovered which goes beyond the grounds specifically pleaded by the appellant, but which is of such a nature as to reasonably infer that the decision appealed against was not fair and equitable, it must be considered by the Appeal Committee in reaching its decision and the Appeal Committee must bring this information to the attention of the Council in the Appeal Decision.

11.2. If an Appeal Committee finds the outcome could be applied to all candidates, regardless of whether all the candidates appealed or not, this decision will be referred to the Board of examiners for consideration for the candidature.

#### 12. The Council:

- a. must as soon as possible provide a copy of the Appeals Decision to any relevant committee (including the Board) within seven days of receiving the Appeal Decision and provide a copy of it to the appellant,
- b. if the appeal related to an examination: as soon as reasonably practical advise the appellant's examiners of the name of the appellant, a summary of the appeal grounds and the appeal decision,
- c. must implement the decision of the Appeal Committee regarding the appeal itself as soon as reasonably practical, and
- d. if the Appeal Decision contains information and findings on matters which were not specifically pleaded by the appellant, the Council may decide how to proceed with the further distribution of that information and the implementation (if any) of any changes resulting from it, including an outcome in accordance with 11.1 above.

13. No further appeals against decisions taken by the President or Appeal Committee are allowed. The College will not respond to further correspondence by appellants after a decision has been made.