

Standard Operating Procedure for the European Exam in General Cardiology

Appendix Three – Policy for Appeals

1 INTRODUCTION

1.1 These Regulations apply to all candidates for the European Examination in General Cardiology (EEGC) and are to be used to investigate all examination appeals. Although the appeal may relate to actions undertaken by the exam provider (Pearson Vue) or the exam developers (European Society of Cardiology and UEMS-Cardiac Section) the appeal will be dealt with by the candidate's registering national society (NCS) in line with these Regulations. Each NCS will have an examination board and the chairman of that board (NCS Exam Chair) will be the NCS representative on the EEGC Board.

1.2 Candidates should note that by entering to sit the examination they are deemed to have understood and agreed to abide by all relevant regulations, including these Appeals Regulations. Any dispute as to the interpretation of these Regulations shall be referred to the Chairman of the EEGC Board, whose decision in the matter shall be final.

2 DEFINITIONS

2.2 An 'appeal' is defined as a request for a review of a decision made by or on behalf of the EEGC Board about the performance in an examination of a candidate or group of candidates.

2.3 A candidate who has attempted any component of an examination may, in the circumstances set out below, have the right of appeal against the result. The only grounds for appeal are that:

There is clear evidence of procedural irregularity in the conduct of the examination (including administrative error) which has adversely affected a candidate's performance;

There were exceptional circumstances, such as illness or some other extenuating circumstance (for which clear documentary evidence must be provided), which adversely affected a candidate's performance in the examination. Candidates are advised to submit details of any such circumstances as soon as possible (i.e. within five working days) of the examination and not wait until after they receive their results.

2.4 Appeals will not be accepted on any other grounds, for example that a candidate: Considers his or her efforts were under-marked; Failed the examination by a narrow margin; Did not understand or was unaware of the Examination Regulations ; Seeks to question the exercise of professional or academic judgement.

2.5 Any expression of a specific concern about the provision or quality of a service by the NCS, ESC, UEMS-CS or PV, including issues such as staff conduct, disputes about the regulations or other procedures is defined as a 'complaint' and as such will not be considered under these Appeals Regulations (but may instead be handled in accordance with the Complaints Procedures).

2.6 It is recognised that on occasion it may be initially unclear whether a case constitutes an appeal or a complaint; hence the NCS reserves the right to reclassify appeals to complaints or vice-versa at any stage in proceedings, in consultation with the person(s) appealing or complaining. Such reclassification will always be done so that the matter can be considered in the most appropriate and fair way, and candidates will not be required to resubmit their cases following any reclassification.

3 PROCEDURE

3.1 Any appeal shall be made in writing to the Administrator of the candidate's National Cardiac Society within thirty days of the despatch of the result to which it relates, and include supporting documentary evidence.

3.2 Any appeal submitted after this period must include an explanation and evidence as to why it could not be submitted sooner, and will only be accepted at the sole discretion of the NCS Exam Board Chair.

3.3 Candidates are assured that they have the opportunity to raise matters of legitimate concern through these Appeal Regulations without risk of disadvantage or criticism. Towards this end, the EEGC Board and NCS Exam Board recognises the importance of confidentiality when handling appeals, and will maintain an appellant's anonymity as far as is possible during any investigation. However, it will occasionally be necessary to disclose an appellant's identity to progress an investigation, and moreover this will be done as a matter of routine should any hearing by an Appeals Panel be necessary. Candidates who are not willing for their identity to be disclosed in this way should notify the NCS at the outset.

3.4 On receipt of an appeal the NCS will acknowledge receipt within 5 working days and will investigate and collate all relevant information, before referring it to the Exam Board Chair for initial consideration. The Chair may discuss the case, or undertake further investigations, as he/she deems necessary.

3.5 If it is considered by the Chair that the appeal is frivolous, unsubstantiated or outside the permitted grounds, the candidate will be notified of this and informed that the appeals procedure is at an end. If it is considered that the appeal is vexatious or malicious, or that the appellant has used false information, the appeal procedure will also be at an end but in this instance the appellant may be liable for action under the Misconduct Regulations (appendix 5).

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3.6 If it is considered by the Chair that there is a case in support of the appeal “at first sight” (prima facie), he/she may arrange for an immediate remedy to be offered to the candidate. Alternatively, if the Chair is unable to determine whether there is a prima facie case, or (particularly in the absence of precedent) decides the appeal requires wider discussion, he/she may refer the appeal to the next scheduled meeting of the relevant Exam Board for consideration.

3.7. Where there is evidence that a candidate’s examination performance was adversely affected by a procedural irregularity in the conduct of that exam or extenuating circumstances due to candidate illness (etc.), the Exam Chair shall consider remedies such as a re-sit and/or a refund.

3.8 The decision of the Chair or Examining Board will be communicated to the candidate within 10 working days of it being made. The appeals procedure is normally expected to take no more than 60 days from the date of the appeal being received.

3.9 If the candidate is not satisfied with the outcome of any appeal, they must contact the NCS Administrator within 10 working days of being notified of it to request that their case be reconsidered by an Appeals Panel. All such requests will be reviewed by the EEGC Board Chairman who will determine whether sufficient evidence remains for consideration by an Appeals Hearing Panel.

4 CONDUCT OF AN APPEAL HEARING PANEL

4.1 An Appeal Hearing Panel shall be convened at the discretion of the EEGC Board Chairman.

4.2 The Panel shall meet as soon as is practicable, and be constituted with one member from each of the following categories, or their nominee: (a) The EEGC Board Chairman or deputy who shall be Chair; (b) The Chair or Secretary of the relevant NCS Exam Board; (c) another member of the EEGC Exam Board.

4.3 The candidate shall have the right to be present at all proceedings of the Panel subject to the procedures detailed below in section 5, and to present written or oral evidence to the Panel. Proceedings of the Panel shall not be invalidated by reason of the absence of the candidate, provided that the procedure detailed below has been observed.

4.4 If translation facilities are required to aid the candidate’s appeal this will be provided by the relevant National Cardiac Society.

4.5 The candidate has the right to be accompanied at the hearing by a companion who may advise, counsel and otherwise provide support the candidate. The companion however may not make any statements to, or cross-examine, any other person present at the Hearing. If the candidate wishes to be accompanied they must provide the Appeal Hearing Panel with the name, address and roles of the nominated person, and the reasons for their involvement, not less than five working days before the hearing.

4.6 The candidate will be informed of the date of the Appeal Hearing Panel as soon as possible and not less than 15 working days before the date of the Hearing. The candidate will be sent a copy of each document that is to be presented to the Panel not less than 10 working days before the date set for the Hearing. Such documents shall include any statement(s) provided by the candidate, whose responsibility it is to ensure any such documents and list of witnesses they intend to call in support of their appeal are received by the Panel at least 10 working days before the date set for the Hearing. No documents or witnesses may be presented to or referred to by the Panel, unless details have been circulated in this manner, except with the consent of both the Panel and the candidate. All documents will also be circulated in advance to members of the Panel so that they may familiarise themselves with the details of the case before the date of the Hearing.

5 APPEAL HEARING PANEL PROCEDURES

5.1 The Panel may, at its discretion, meet before the scheduled start of the Hearing for preliminary discussions.

5.2 At the start of the Hearing Panel all present shall introduce themselves. The Chair shall then invite the candidate to present his/her appeal, documentary evidence and call any witnesses in support of their case. The Panel may then question the candidate and his/her witnesses. The Hearing Panel may, at its discretion and at any time, interrupt proceedings to ask questions.

5.3 Before the appellant leaves the Chair shall give him/her the opportunity to make a closing statement.

5.4 The Panel shall then consider the matter, whether there are sufficient grounds and evidence for the appeal to be upheld, and what, if any, remedy should be offered to the candidate. The comments and decisions of individual Panel members shall always be treated as confidential.

5.5 Following the meeting a written report summarising the proceeding and the decisions of the Panel will be produced. This shall be sent to the candidate within five working days of the Hearing, and a copy presented to the next meeting of the Exam Board for its information and action, if appropriate. The candidate shall be reminded that the decision of the Appeals Hearing Panel is final, and that the appeals procedure is at an end.