

Appeals of Certain Adverse Decisions by the American College of Veterinary Dermatology

Pursuant to Section 7.2 of the Amended and Restated Bylaws of the American College of Veterinary Dermatology's ("ACVD" or the "College"), the following adverse decisions by ACVD are subject to appeal:

1. Denial of adequacy of an individual's credentials.
2. Denial of certification of an individual.
3. Suspension or termination of an approved residency (training) program or of a mentor of a resident.
4. Suspension or termination of certification as a Diplomate (the appeals process for this adverse decision is set forth in a separate written policy).
5. Other adverse decisions as determined by the Board in its sole discretion.

In the event of an adverse decision by ACVD pursuant to #1 - # 3 above, the Executive Secretary of ACVD ("**Executive Secretary**") shall advise the affected person or the dean of the College or official of the institution or practice organization in which the affected residency training program is located by written notice ("**Written Notice**"). The Written Notice shall contain a detailed description of the adverse decision and provide a copy of this document for the procedure for appealing the adverse decision. The Written Notice shall be sent by certified mail or by delivery service, with a copy by e-mail if possible.

Procedures For Appeal - General

All appeals of adverse decisions under #1 - # 3 above ("**Appeals**") must be in writing and sent to the Executive Secretary at the address set forth in the Written Notice. The Appeal must include a description summarizing the reason for the appeal, all supporting documentation, and the grounds for the Appeal. All Appeals must be received by the Executive Secretary within **30 days** of the post-marked date of the Written Notice ("**Appeals Deadline**")¹ sent to the person/institution appealing the adverse opinion (the "**Appellant**").

All Appeals shall be reviewed by the Executive Secretary and the Board of Directors within **14 days** of receipt of the Appeal to determine whether there are adequate grounds for appeal or whether the Appeal is frivolous or without any evidentiary basis. If the Appeal is considered to be frivolous or without any evidentiary basis, or is lacking grounds, the Executive Secretary may dismiss the Appeal and notify the Appellant in writing about the dismissal and the reasons therefore. Otherwise, the Appeal shall proceed as set forth in Sections 1 – 3 below, as applicable.

If the Appeal is missing any required information, the Executive Secretary may request additional information from the Appellant, which must be received within the Appeals Deadline. Only after

¹ The Appeals Deadline may be extended in the sole and absolute discretion of the Board of Directors solely in extraordinary circumstances, including but not limited to Appellant's severe illness or death of a family member.

all information has been received will an Appeal be deemed to have been either accepted or denied.

All information submitted by Appellant, the Written Notice, plus any other applicable written documentation or information necessary to review the Appeal, shall be included in the Appellant's written record ("**Written Record**"). The Appeals Committee may request additional documentation from the Appellant if necessary, which shall be added to the Written Record. No information outside of the Written Record may be reviewed by the Appeals Committee.

The decision of the Appeals Committee is final. The Board of Directors will be bound by the decision of the Appeal Committee in respect of the appeal and shall implement that decision as soon as practically possible.

Section 1 - Denial of Adequacy of an Individual's Credentials (i.e., Eligibility to Take Certifying Exam)

The Executive Secretary shall notify the President of the College and the Chair of the Credentials Committee of the accepted Appeal. Within **14 days** after such notification, the President shall appoint a committee of three Diplomates who are not ACVD directors, officers, or members of the Credentials Committee to serve on the Appeals Committee. The Appellant's Written Record will be provided for the Appeals Committee for its review.

The Appeals Committee shall make a decision within **30 days** of receiving the completed Written Record. The Appellant will be notified by certified mail or by delivery service, with a copy by e-mail if possible, within 7 days of the decision of the Appeals Committee and, in accordance with American Board of Veterinary Specialists ("**ABVS**") guidelines, at least **45 days** prior to the date of the examination.

Section 2 - Denial of Certification of an Individual

Any candidate who wishes to appeal the candidate's failure to pass the certifying examination can only initiate an Appeal based on one of the following grounds:

- a) *Procedural Irregularities* in the conduct of administering the examination of such a nature as to cause reasonable doubt as to whether the result might have been different had the irregularities not occurred.

For the purpose of illustration only, the following might be regarded as procedural irregularities that could lead to an appeal:

1. candidate was misinformed by the College of the examination process, such as venue, date and time
2. examination procedure did not conform with the information outlined in applicable College documentation

3. examination venue was not free from major external disturbances which interfered with candidates taking the examination

Please note that the processes above are intended to be *illustrative only*. They should not be viewed as an exhaustive, complete, or essential description of what may represent procedural irregularities.

If a procedural irregularity is confirmed, the Appeal Committee will assess whether the candidate's performance was potentially adversely affected, and consider this when making decisions about what, if any, action can be taken. A possible outcome could include appropriate adjustments to the examinations of the affected group of candidates, which could potentially include changes in the points awarded.

b) *Extenuating Circumstances* of a personal or medical nature affecting the candidate's performance at the time the examination was held that the College was not made aware of. Candidates making an appeal under this option must provide adequate reasons why the issue(s) could not have been (or were not) brought to the attention of College prior to the examination. If the candidate could have made the circumstances known before the examination was taken then it is unlikely that any appeal on these grounds will succeed.

1. If the candidate feels unwell or that their performance may be affected due to extenuating circumstances, the candidate should not sit the examination
2. Candidates making an appeal based on a medical condition affecting the candidate at the time of the examination must present a medical certificate signed by a doctor or other appropriate health professional that is dated within a period of **3 business days** after the date of the examination.

If a valid extenuating circumstance is confirmed, the points awarded on the examination will not be changed; the Appeal Committee will assess whether the candidate's performance was adversely affected, and consider this when making decisions about what, if any, action can be taken. A possible outcome is that the candidate may be offered an additional opportunity to take the examination the following year with no additional fee (this opportunity would not be included as one of the 6 allowed attempts to pass the certifying examination).

Dissatisfaction with the academic judgment of the examiners as expressed in grades and recommendations does not constitute grounds for an appeal.

The Executive Secretary shall notify the President of the College and the Chair of the Examination Committee of the accepted Appeal. Within **30 days** after such notification, the President shall appoint persons to serve on the Appeal Committee. The Written Record of the Appellant will be provided for the Appeal Committee to review.

The Appeal Committee will consist of 3 persons:

- a) Members of the Appeal Committee *cannot* be:
1. Current officer or director of the ACVD
 2. A mentor of the Appellant
 3. Members of the Examination Committee
 4. Any person with a conflict of interest with the Appellant
- b) The Appeal Committee must consist of:
1. ACVD Diplomates who are in good standing with the College
 2. Preferably they should be Diplomates who have previously served on the Examination Committee or the Board of Directors
 3. Chair of the Appeal Committee will be appointed by the Board of Directors

ACVD will *not* advise the Appellant of the names of the members of the Appeal Committee.

In the event that an appeal is permitted to proceed, the Chair of the Examination Committee will, within **14 days** notification from ACVD, review the Written Record, seek input from any appropriate desired source, including the Appellant (with any addition input added to the Written Record), and submit a written statement to the Appeals Committee indicating the reasons for the decision under appeal.

The Appeals Committee may request access to any relevant documents held by ACVD or the Appellant, add such information to the Written Record, and must make its decision solely on the basis of the written materials submitted to the Appeals Committee and included in the Written Record. The Appeal Committee shall not conduct interviews or review any information not included in the Written Record when making its decision.

The Appeal Committee will make a decision by simple majority within **30 days** of its appointment. The Appeal shall be determined solely on the grounds set forth by the Appellant in the Written Records. The final decision of the Appeals Committee will be sent to the Board of Directors who will then inform the Appellant.

Copies of the Written Record and the decision of the Appeal Committee will be made available in confidence to the Appellant, the College Board of Directors, and the Chair of the Examination Committee.

The Appeal Committee may consider and report to the Board of Directors on any other matters reasonably arising from the circumstances of the Appeal.

Section 3 - Denial of Approval, Suspension, or Termination of a Training (residency) Program

The Executive Secretary shall notify the President of the College and the Chair of the Education Committee of the accepted Appeal. The President shall appoint an Appeals Committee consisting of 3 Diplomates who are not officers or members of the Education Committee to serve as an

Appeals Committee. The Chair of the Education Committee shall submit a written statement to the Appeals Committee indicating the reason(s) for denial or approval of the training program, which shall be added to the Written Record for the Appeal Committee to review.

The Appeals Committee shall make a decision within **30 days** of receiving the Written Record. The Appellant will be notified by certified mail or by delivery service, with a copy by e-mail if possible, within **7** days of the decision of the Appeals Committee.

Section 4-Suspension and Termination of Diplomat Status

Please see the separate Appeals of Adverse Determination in the case of the appeal of a suspension or termination of certification as a Diplomat.