

## **Bylaw\* on the Appeals procedure** of the European College of Veterinary Public Health (ECVPH)

Adverse decisions by the College may include, but are not limited to

1. Denial of certification of an individual.
2. Temporary or permanent suspension of certification.
3. Failure of an examination or a part of an examination.
4. Denial of adequacy of credentials.
5. Denial of approval of a residency programme.
6. Removal of active or practicing status.

### **Article 1. Appeals Committee**

ECVPH's Appeals Procedures will provide for the appointment of an Appeals Committee.

The Appeal Committee shall be made up of a minimum of three certified Diplomates of the College who shall not be serving as members of the Executive Committee of the College or members of the relevant committee whose decision is being questioned, who shall have had no prior involvement with the case, and who have no potential conflict of interest with the Appellant or the Committee whose decision is being questioned.

### **Article 2. Communication of the right of Appeal**

In the event of an adverse decision, the College shall notify the affected party (or parties) of the procedure for appealing against the adverse decision. This notification must be included with the communication that gives notice of the adverse decision itself. The Appeal Procedure must specify an address and Officer of the College to which an Appeal should be sent in the first place.

**Article 3. Grounds of Appeal:** the College shall provide for Appeals to be made on the following grounds

1. That the College failed correctly to apply its own published rules, procedures or criteria relevant to the decision in question, or

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*\* Bylaw in accordance with Article 9 of the Constitution. This bylaw was passed by the ECVPH Council on its meeting of 06 July 2015, and edited on the meetings held 26 September 2016, 29 January 2018 and 1 July 2019.*

2. That the College imposed a sanction that was disproportionate to the gravity of the adverse decision against the Appellant.

#### **Article 4. Commencing an Appeal Process**

1. The College shall require an Appeal to be made in writing, including a statement of the grounds of Appeal, together with any supporting reasons and documents. The appeal shall be composed in a letter addressed to the Documenting Secretary of the College, separate from previous correspondence. Such correspondence can be included in separate supporting documents.
2. The College shall allow Appeals to be made within 90 days after the postmarked date of the letter communicating the relevant adverse decision (or if sent by email the date on which the email was sent). However, an appeal against a decision of denying acceptance of the credentials may be submitted after a minimum of one week and a maximum of three weeks following the official announcement of the decision of denying acceptance of the credentials of a resident to sit the examination.
3. The College shall acknowledge receipt of an Appeal within five working days.
  - i) Within 10 working days of its receipt by the College the Appeal must be considered by a nominated Executive Officer of the College, who shall have had no prior involvement with the case, and who has no potential conflict of interest with the Appellant or the Committee whose decision is being questioned. This Officer will decide whether a proper Ground for Appeal has been identified.
  - ii) Proper Grounds for Appeal do not include decisions on being set non-certified due to lack of AGM attendance every third year, unless an exemption has been granted by the Council prior to the AGM.
  - iii) If a proper Ground for Appeal has been identified, the College will convene an Appeal Committee to consider the Appeal.
4. Within 15 working days of step 3(i), the College shall inform the Appellant whether or not the Notice of Appeal has been accepted as raising an arguable Ground of Appeal, and, if so, of the proposed membership of the Appeal Committee that will consider the Appeal.
5. The College shall:
  - i) provide a reasonable opportunity and procedure for the Appellant to raise concerns with or object to the membership of the Appeals Committee, and
  - ii) provide a reasonable procedure by which any such concerns or objections are considered and responded to.
6. In any case where an Appeal is to be conducted, the procedure for convening an Appeal Committee to consider the Appeal shall be completed no later than 30 days after the date the College has informed the Appellant of the proposed membership of the Appeal Committee, under paragraph 4 above.
7. Within 5 working days of the appointment of the Appeal Committee, all the papers relating to the dispute shall be forwarded by the Officer of the College to whom the Appeal was sent to the members of the Appeal Committee.

8. Where a College makes a decision that no proper Ground of Appeal has been identified by the Notice of Appeal, the College may inform the Appellant that either:
  - i) It will take no further action (and explain the justification for this), or
  - ii) It will consider the Notice instead as a request for an informal review of an adverse decision by the College Board on non-appealable grounds (e.g. extenuating circumstances of personal difficulty etc.).

#### **Article 5. Conduct of an Appeal Process**

1. The College shall within its Appeal Procedure provide a process by which the Appeal Committee will conduct the Appeal. ECVPH shall require all Appeals to be conducted in all due confidence.
2. The Appeal Committee shall be able to request information relevant to its consideration of the Appeal from any relevant party.
3. The Appeal Committee must be required to consider carefully the need or not for an oral hearing. Where an Appeal Committee decides not to hold an oral hearing in an Appeal against an adverse decision that arises from an allegation of impropriety against a candidate (or in other matters of similar gravity), reasons for that decision must be given. Where an oral hearing is held, a timetable must be devised which allows the candidate reasonable opportunity to appear.
4. An Oral hearing must be attended by at least three members of the Appeal Committee but neither party will be represented by legal counsel. Oral hearings will be conducted in English. The Appellant may be accompanied by an individual (“representative”), who may assist them to present the appeal. The “representative” will not be allowed to participate in answering specific questions but, at the discretion of the Chairperson, may be allowed to provide necessary language translations and may, at the end, be allowed to make a statement on behalf of the Appellant.
5. A transcript or detailed minutes of the meeting will be kept. An electronic recording may be made with the prior consent of all parties. The minutes and, if it is made, the electronic recording, shall be made available to the meeting’s participants on request.
6. 6. The Appeal Committee must have the discretion to reject or uphold the appeal according to its independent view of the merits of the Appeal. Where the appeal is upheld, in whole or in part, the Appeal Committee may modify or reverse the previous decision or adjust the sanction.
7. The decision of the Appeal Committee will be reached by a majority vote of the members of the Committee, the Chairperson to have the casting vote if necessary. In communicating the decision of the Appeal Committee, the Chair will give reasons for the decision.
8. The Appeal Committee must deliver its decision on the Appeal to a nominated Executive Officer of the College within 90 days of the date of receiving all the papers relating to the dispute under ‘IV.7’ above. Within 15 working days of receipt of the Appeal decision, the Council must ratify the decision if the Appeals Committee have followed the procedures correctly, and the nominated officer of the College will deliver it in writing, via electronic means and in addition, if there is no satisfactory confirmation of receipt, via registered post, to the Appellant.

**Article 6: EBVS Appeal procedures and implementation**

1. Upon completion of article IV and V above, if the Candidate or Appellant is not satisfied with the outcome, he/she may appeal to the EBVS against the decision of the College as described in the EBVS policy and procedures.