

Examination Process Review

Effective: 5/18/2021

I. EXAMINATION PROCESS REVIEW POLICY

A. Policy Statement

The American Board of Orthodontics ("ABO") will consider a timely request to review the Written or Clinical Examination process to determine if there was an irregularity in administering or conducting the examination.

B. Grounds for Review

1. The ABO will only consider a request to review the Written or Clinical Examination process on the basis of an alleged irregularity in administering or conducting an examination. **The ABO will not consider a request to review a Written or Clinical Examination based on examination content or scoring.**

2. Alleged process irregularities are considered only when serious enough to affect materially the examinee's performance on an examination. Alleged process irregularities that are minor in nature will not be reviewed.

II. EXAMINATION PROCESS REVIEW PROCEDURES

A. The ABO will only consider a request for an examination process review ("Request for Examination Process Review") received within 72 hours from the time the examinee completes the examination. A Request for Examination Process Review must be in writing, directed to the ABO's CEO and sent by email (Info@americanboardortho.com) or by facsimile (314-432-8170).

B. Within 10 calendar days of receiving the results of the examination at issue (results are deemed received 3 days after the date of email or mailing), the examinee must also submit a written statement clearly outlining the alleged process irregularity and a check in the amount of \$500.00 made payable to the ABO for the Examination Process Review fee. The check needs to be sent to:

The American Board of Orthodontics
401 N. Lindbergh Blvd., Suite 300
St. Louis, MO 63141

C. If an examinee does not meet the requirements of Section II.A. and B., the Request for Examination Process Review will not be considered or processed. If an examinee meets the requirements of Section II.A. and B., the Request for Examination Process will be considered timely and processed in accordance with this Policy.

D. A timely Request for Examination Process Review shall be sent to the Policy Committee within 15 days of receipt of the written statement and the Examination Process Review fee, as described in Section II.B. If any member(s) of the Policy Committee has a personal or professional relationship with the examinee or has any other conflict of interest, such member(s) shall be replaced with

another ABO Director or former ABO Director for the limited purpose of considering and resolving the matter in accordance with this Policy.

E. Within 60 days of the Policy Committee receiving a timely Request for Examination Process Review, the Policy Committee shall review and consider the request and any other documentation provided by the examinee or the ABO staff. The Policy Committee may, in its discretion, perform further investigation into the matter and request and review additional information from the examinee, ABO staff and/or Scantron. All of this information shall be deemed the Examination Process Review Record.

F. After reviewing and considering the Examination Process Review Record, the Policy Committee will render a decision on whether the Request for Examination Process Review shall be granted or denied and document its decision, including the date of its decision ("Examination Process Review Decision").

1. If the Request for Examination Process Review examination appeal is granted, the Policy Committee shall, in its discretion, determine the appropriate remedy, including without limitation voiding an examination and permitting the examinee to re-take the examination at the next available examination date at no charge. Such remedy shall be included in the Examination Process Review Decision. **Under no circumstances will the Policy Committee alter examination scoring or results based on a Request for Examination Process Review.**

G. Within 30 calendar days of the Examination Process Review Decision, the Policy Committee shall notify the examinee in writing of its decision and the reasons for that decision ("Notice of Decision").

1. The Notice of Decision shall state that the decision is subject to appeal pursuant to the ABO's Appeal Process for Examination Process Review Decision set forth in Section III of this Policy. The Notice of Decision shall be sent to the examinee by U.S. First Class Mail. The examinee may ask the ABO to send the Notice of Decision by email, if preferable.

2. If the examinee does not receive the Notice of Decision or any other notice from the ABO related to the Examination Process Review due to a failure of the examinee to notify the ABO of a change of address, that lack of notice shall not be considered as a basis for reconsideration of any decision in the matter.

III. APPEAL PROCESS FOR EXAMINATION PROCESS REVIEW DECISION

A. An examinee who is the subject of an Examination Process Review Decision under Section II may appeal the Examination Process Review Decision by submitting a written request for appeal ("Request for Appeal") to the ABO's CEO within 15 calendar days after the date of the Notice of Decision. The Request for Appeal must be accompanied by a check in the amount of \$500.00 made payable to the ABO.

B. If a Request for Appeal and the appeal fee is not received by the ABO within 15 calendar days after the date of the Notice of Decision, the Examination Process Review Decision shall constitute the final decision of the ABO on the matter and shall not be subject to appeal absent extraordinary circumstances, as solely determined by the ABO Board of Directors.

C. If the Request for Appeal and appeal fee is timely submitted, the ABO Board of Directors or its designee shall appoint a Review Panel to consider the Request for Appeal within 15 calendar days of receiving the Request for Appeal. No member of the Review Panel shall have (i) served on the Policy Committee that rendered the Examination Process Review Decision or otherwise participated in any prior consideration of the matter; (ii) a personal or professional relationship with the examinee who is the subject of the Examination Process Review Decision; or (iii) any other conflict of interest.

D. Within 5 calendar days of the Review Panel's appointment, the Review Panel or its designee shall request a statement from the Chair of the Policy Committee that rendered the Examination Process Review Decision and a copy of the Examination Process Review Record considered by the Policy Committee. Upon receipt of that information, the Review Panel shall determine whether a hearing with the examinee may be useful in deciding the appeal.

E. If the Review Panel determines that a hearing on the appeal would not be useful, the Review Panel or its designee shall notify the examinee of that decision and provide the examinee with an opportunity to submit a written statement in support of the appeal ("Written Appeal Statement") within 15 calendar days after the date of the notice.

F. If the Review Panel determines that a hearing on the appeal may be useful, it shall notify the examinee of that decision ("Notice of Hearing") and the date and time of the hearing, which shall be no less than 20 calendar days and no more than 60 calendar days after the date of the Notice of Hearing. The Notice of Hearing shall also advise the examinee that he or she may: (1) participate in the hearing; (2) be represented or assisted by legal counsel; and (3) submit a Written Appeal Statement within 15 calendar days after the date of the hearing.

G. At least 5 calendar days prior to the hearing, the examinee shall notify the ABO's CEO in writing whether he or she intends to participate in the hearing and, if so, whether he or she will be represented by legal counsel. If the examinee will be represented by legal counsel, the legal counsel's name and contact information should be included in the notification.

H. The hearing shall be conducted by the Review Panel or its designee by telephone unless otherwise determined by the Review Panel, and the hearing may be recorded. In all circumstances, a record of the hearing shall be kept, and a copy of the hearing record shall be made available to the examinee upon payment of a reasonable cost of reproduction. The Review Panel shall not be bound by technical rules of evidence usually employed in legal proceedings, but it may consider any evidence it deems appropriate. At the hearing, the examinee or his/her legal counsel shall be given a reasonable opportunity to discuss or explain the alleged irregularity in the Written or Clinical Examination process and provide any other relevant information. At the conclusion of the hearing, the examinee will be provided an opportunity to submit a Written Appeal Statement within 15 calendar days after the date of the hearing. All expenses incurred by the examinee in connection with the hearing shall be borne by the examinee. If the examinee notifies the ABO's CEO that he/she intends to participate in the hearing but fails to do so, no other opportunity for participation shall be provided.

I. Within 60 calendar days after the time has lapsed for the examinee to submit a Written Appeal Statement (following a hearing or without a hearing), the Review Panel shall review all of the documentation submitted in connection with the appeal and the presentation, if any, by the examinee at the hearing ("Appeal Record") and determine by majority vote whether to affirm, reverse, or modify the Examination Process Review Decision ("Appeal Decision"). The Review Panel shall document the Appeal Decision and provide a copy of the Appeal Decision to the ABO Board of Directors.

J. Within 15 calendar days after the Review Panel renders the Appeal Decision, the Review Panel or its designee shall notify the examinee in writing of the Appeal Decision and the reasons for that decision ("Notice of Appeal Decision"). If the examinee does not receive the Notice of Appeal Decision or any other notice from the ABO related to the appeal due to a failure to notify ABO of a change of address, that lack of notice shall not be considered as a basis for reconsideration of any decision in the matter.

K. The decision of the Review Panel shall constitute the final decision of the ABO on the matter and shall not be subject to further appeal absent extraordinary circumstances as solely determined by the ABO Board of Directors.