CANDIDATE REQUESTS FOR INVESTIGATION OF AN ABEM EXAMINATION

BACKGROUND

In the interest of maintaining the highest standards of integrity and fairness, the American Board of Emergency Medicine (ABEM) Policy on Candidate Requests for Investigation of an ABEM Examination governs cases in which a candidate wishes to protest the administration or test-day conditions of an ABEM examination.

POLICY

It is the policy of ABEM that examination candidates have the right to request investigation into the administration or test-day conditions of an ABEM examination as set forth in this Policy. ABEM will review such requests in accordance with the procedures set forth herein and, where applicable, the Appeal Procedure Related to the Policy on Candidate Requests for Investigation of an ABEM Examination.

If ABEM determines that a problem occurred that compromised the integrity of the examination results, it may offer, in its sole discretion: (a) a retest (all exams) or (b) a score recalculation (for the Certification Examination). These are the exclusive remedies available to candidates who submit requests for investigation into the administration or test-day conditions of an ABEM examination.

Candidate requests for investigation will be accepted when they identify a specific and observable behavior, event, or environmental factor that materially deviates from a standard examination administration process. ABEM will decide whether to accept a request for investigation in its sole discretion.

ABEM determines the content of each Emergency Medicine examination, and the Subboard or examination committee determines the content of each subspecialty or Focused Practice Designation examination. ABEM determines the method of delivery for each examination. Requests for investigation that challenge examination content, scoring methodology, or the designated mode of examination delivery are prohibited.

Examination investigations based on this policy will be automatically terminated if the candidate becomes certified or recertified prior to the resolution of the examination investigation or any subsequent related appeal.

APPEALS

Appeals related to the administration of any examination must be submitted in accordance with the *Candidate Requests for Investigation of an ABEM Examination Appeal Process*.

EXCEPTIONS

Lifelong Learning and Self-Assessment (LLSA) Tests

Given the relatively public nature of LLSA and the individual, self-directed nature of the LLSA test administrations, certain additional limitations exist on the ability of candidates to protest the conduct or administration of an LLSA test. Refer to the ABEM Policy on Candidate Requests for Investigation of Lifelong Learning and Self-Assessment Tests.

Mass Examination Disruptions

The procedures set forth in this Policy and the Appeal Procedure Related to the Policy on Candidate Requests for Investigation of an ABEM Examination do not apply when examination administration or test-day conditions similarly affect a group of, or a large number of, candidates and where ABEM reasonably determines that alternate procedures and/or remedies will be provided.

CANDIDATE REQUESTS FOR INVESTIGATION OF AN ABEM EXAMINATION PROCEDURES

PROCEDURES

Candidates with concerns regarding the administration or test-day conditions of an ABEM examination are encouraged to notify ABEM of their concerns in writing within 10 calendar days following the examination date. Correspondence via email only will not be accepted.

Following receipt of examination results, candidates may file a written request for investigation within 10 calendar days of the notification of examination results. The written statement to ABEM must clearly state the reasons for the candidate's concerns with as much detail as possible. Correspondence via email only will not be accepted.

If a request is received and accepted, the Chief Examiner of the applicable examination or their designee shall review the submission and conduct any additional investigation, if needed. ABEM will send the candidate a letter with the decision of the Chief Examiner or their designee via a trackable method within 60 days of the date of the request.

CANDIDATE REQUESTS FOR INVESTIGATION OF AN ABEM EXAMINATION APPEAL PROCESS

Only candidates sponsored by ABEM are eligible to submit an appeal.

If a candidate wishes to appeal the Chief Examiner or their designee's decision based on the Policy on Candidate Requests for Investigation of an ABEM Examination, the following procedure will be followed. Appeals to the Chief Examiner's decision concerning the administration of a Certifying Examination case will be accepted only when there is the potential for the appeal to change a candidate's examination result from a fail to a pass.

FIRST APPEAL: APPLICABLE EXAMINATION COMMITTEE

The Chief Examiner or their designee's decision will be final and binding for both the candidate and ABEM unless the candidate submits a written appeal, postmarked within 30 days of the date on the decision letter, notifying ABEM they are making an appeal and setting forth the reasons for their disagreement with the Chief Examiner's decision. Appeals submitted via email only will not be accepted. If the candidate believes additional information that was not provided to the Chief Examiner or their designee is relevant to their appeal, then such additional information may be provided on appeal as part of the appeal notification letter to ABEM. At the time of this submission, the candidate must also notify ABEM as to whether they wish to present their appeal at a telephonic hearing or only through the submitted written documentation.

If the candidate chooses to present their appeal at a telephonic hearing, the candidate will be notified via electronic correspondence of the date and time of the hearing. This notice shall be given at least 15 days prior to the hearing. During the hearing, the candidate may present a brief statement of no longer than 15 minutes and written evidence, provided that any written evidence must also be delivered to ABEM as part of the appeal notification letter. By participating in the telephonic hearing, the candidate agrees that ABEM may record all or part of the hearing, including the candidate's testimony, at ABEM's sole discretion. No other recording of the private hearing will be allowed.. Participating committee members or ABEM staff may also question the candidate concerning the merit of their appeal during the virtual hearing.

The applicable examination committee will review the appeal at the next regularly scheduled meeting of the committee and make a decision whether the evidence before the examination committee reasonably supports upholding the decision of the Chief Examiner or their designee or whether an available remedy should be provided to the candidate. The decision will be based on the information that was before the Chief Examiner or their designee as well as any new information offered in the appeal.

If the applicable examination committee is not scheduled to meet within 30 days of ABEM's receipt of the appeal, a special meeting will be scheduled to consider the appeal no later than 30 days after ABEM's receipt of the appeal notification letter. The Chief Examiner or their designee will be excluded from a decision-making role in the first appeal as will members of the ABEM Executive Committee due to the possibility of a final appeal.

ABEM will send the candidate a letter with the applicable examination committee's decision via a trackable method within 15 days of the meeting of the applicable examination committee at which the appeal is considered.

FINAL APPEAL: EXECUTIVE COMMITTEE

In the event that the initial decision by the Chief Examiner or their designee is upheld by the applicable examination committee in whole or in part in the first appeal, the following process shall be followed.

The decision of the applicable examination committee on the first appeal shall be considered final and binding on both the candidate and ABEM, unless the candidate submits a final appeal postmarked within 15 days of the date on the first appeal decision letter that sets forth the reasons for their disagreement with the applicable examination committee decision in the first appeal. Appeals submitted via email only will not be accepted.

Final appeals are reviewed by the Executive Committee. Any applicable examination committee member who was directly involved in a decision-making capacity in the initial decision by the Chief Examiner or their designee or in the first appeal will be excluded from any decision-making role in the final appeal. If the candidate believes additional information that was not provided to the Chief Examiner or applicable examination committee is relevant to their arguments in the final appeal, then that additional information may be provided on final appeal provided that any written evidence must also be delivered to ABEM as part of the final appeal notification letter.

The candidate may request a telephonic hearing before the Executive Committee or they may ask that their appeal be considered without appearing before the Executive Committee. The final appeal will take place at the first meeting of the Executive Committee that is held at least 60 days after ABEM receives the candidate's final appeal. If the candidate requests a telephonic hearing, ABEM will notify the candidate in writing of the date and time of the telephonic hearing at least 30 days prior to the scheduled hearing date.

At the telephonic hearing, the candidate may participate with or without counsel and may present witnesses and other evidence on their behalf. At least 15 days prior to the hearing, the candidate will furnish the Executive Committee with the names of any individual(s) who will appear on their behalf. The Executive Committee may call other witnesses and consider such other evidence as it deems appropriate. ABEM legal counsel may also participate in the hearing. By participating in the hearing, the candidate agrees that ABEM may record all or part of the hearing, including the candidate's testimony, at ABEM's sole discretion. No other recording of the private hearing will be allowed.

Following the hearing, the Executive Committee will meet and decide whether the evidence before the Executive Committee reasonably supports upholding the decision of the applicable examination committee or whether an available remedy should be provided to the candidate. The Executive Committee's decision will be based on the information that was before the Chief Examiner or their designee, the applicable examination committee, and any new information offered in the final appeal.

ABEM will send the candidate a letter via a trackable method with the decision of the Executive Committee within 30 days of the close of the meeting, and the decision will be final and binding upon both the candidate and ABEM.

Any appeal conducted pursuant to these procedures will be automatically terminated if the candidate becomes certified or recertified prior to the resolution of the appeal.