



POLICY ID	BP-E-01	SUBJECT	EXEMPTION & APPEAL POLICY
SECTION	EXAMS		
EFFECTIVE DATE	November 9, 2005	REVIEW CYCLE	EVERY TWO YEARS
DATE AMENDED	FEBRUARY 1, 2021	NEXT REVIEW	SPRING 2023

Policy: The CCEB recognizes that because of extraordinary circumstances, a Candidate may wish to request an exemption from a policy or procedure.

Purpose: To provide the procedure for a Candidate to request an exemption from a policy or procedure.

Section 1: Definitions

1.01 In this document, unless the context otherwise stipulates, the following definitions shall apply:

- a. “Appeal” means a level two appeal hearing under Section 4;
- b. “Appeal Committee” means the Committee of CCEB for a level two appeal hearing;
- c. “CCEB” means the Canadian Chiropractic Examining Board;
- d. “Candidate” means a student or graduated chiropractor who desires to write any or all of the CCEB Examinations;
- e. “CEO” means the Chief Executive Officer of the CCEB;
- f. “Exemption Review Committee” means the Committee of CCEB for a level one hearing;
- g. “Day” means business day;
- h. “Examination” means an examination held by the CCEB;
- i. “Extraordinary circumstances” means as unanticipated situations outside of the control of the Candidate, relating to the examination policies and procedures, which are sufficient to support the fairness of exempting any particular Candidate from the policies of the CCEB as they are applied to all other candidates;
- j. “Request for Exemption” means the written document filed by the Candidate to the CEO for a level one hearing under Section 2.

Section 2: Request for Exemption

2.01 Level One Hearing: Request for Exemption

2.01.01 The Candidate shall be required to file a written Request for Exemption within twenty (20) days of when the extraordinary circumstances arose as set out in Section 1.01(i), provided that such time shall be extended if the Candidate is reasonably prohibited from contacting the CCEB office. Prohibition shall usually and customarily involve only substantial physical or mental impairments suffered by the Candidate.

2.01.02 After the Candidate submits a Request for Exemption pursuant to Section 2.01.01, the Exemption Review Committee shall consider the validity of the request having regard to the information and documentation provided by the Candidate.

- 2.01.03 The Exemption Review Committee shall be composed of three (3) persons as follows:
- a. two (2) licensed Canadian Chiropractors and one (1) Canadian non-chiropractor appointed by the CEO, one of whom will be appointed the Chairperson.
- 2.01.04 In the event that any member of the Exemption Review Committee shall be unable to continue to sit on the Committee, the hearing shall continue, with no less than two (2) members of the Committee. Provided that the hearing has not proceeded to adjudication, an alternative member may be appointed by the Chair of the Exemption Review Committee.
- 2.01.05 The Exemption Review Committee cannot provide any financial award to the Candidate, apart from returning any portion of or all of the fee, as per 2.01.15.
- 2.01.06 A simple majority of the members of the Exemption Review Committee shall determine all issues within its authority.
- 2.01.07 The Exemption Review Committee shall only consider a Request for Exemption referred to it in writing.
- 2.01.08 The Chair of the Exemption Review Committee shall within ten (10) days of receiving the Request for Exemption, forward to the Candidate by email, a request for any further information or supporting documentation, if any.
- 2.01.09 The Candidate shall have the opportunity to reply, in writing, within ten (10) days to the documentation received by the Exemption Review Committee.
- 2.01.10 The Chair of the Exemption Review Committee shall hold a meeting to consider the Request for Exemption within twenty (20) days of receiving final documentation. CCEB Legal Counsel may provide procedural advice to the Exemption Review Committee prior to their deliberations but will not be in attendance during any such deliberations.
- 2.01.11 Meetings of the Exemption Review Committee may be held in person, by telephone or video conference, at the sole discretion of the Chair.
- 2.01.12 For the purposes of considering the hearing, the Exemption Review Committee shall review the following:
- a. the Candidate's Formal Request for Exemption;
 - b. any documentation provided to the Exemption Review Committee;
 - c. the Candidate's response, if any, to the documentation received by the Exemption Review Committee; and
 - d. any other material, documentation or information which the Exemption Review Committee determines necessary, relevant and appropriate.
- 2.01.13 The Chair of the Exemption Review Committee, shall within ten (10) days of a decision being rendered, notify the Candidate as to the decision of the Exemption Review Committee and the reasons therefor.
- 2.01.14 The decision of a majority of the Exemption Review Committee will constitute the decision and will:
- a. be in writing;
 - b. include the reasons for the decision; and
 - c. be signed by the chairperson.

- 2.01.15 The Exemption Review Committee has the authority to return any portion of or all of the fee for the level one hearing to the Candidate as part of its decision.
- 2.01.16 The Chairperson will deliver all documents produced in evidence at a level one hearing to CCEB. The documents will be marked as exhibits and CCEB will retain custody of such documents until any Appeal from the hearing is held or the Appeal period has expired.

Section 3: Appeal Procedure

3.01 Level Two: Appeal Committee

- 3.01.01 The Candidate may appeal the Level One Request for Exemption decision by submitting a Notice of Appeal, in writing, to the Appeal Committee, through the CEO, within twenty (20) days of receiving the decision rendered by the Exemption Review Committee.
- 3.01.02 The Appeal Committee shall be composed of three (3) persons as follows:
- a. two (2) licensed Canadian Chiropractors and one (1) Canadian non-chiropractor appointed by the CEO, one of whom will be appointed the Chairperson.
- 3.01.03 No person who sat on the Exemption Review Committee for the Candidate's level one hearing shall sit on the Appeal Committee for that Candidate's level two hearing.
- 3.01.04 In the event that any member of the Appeal Committee shall be unable to continue to sit on the Appeal Committee, the appeal shall continue, with no less than two (2) members of the Appeal Committee. Provided that the appeal has not proceeded to adjudication, an alternative member may be appointed by the Chair of the Appeal Committee.
- 3.01.05 A simple majority of the members of the Appeal Committee shall determine all issues within its authority.
- 3.01.06 The Appeal Committee cannot provide any financial award to the Candidate, apart from returning any portion of or all of the fee, as per 3.01.16.
- 3.01.07 The Appeal Committee shall only consider Appeals referred to it in writing.
- 3.01.08 An appeal under this Section is a *de novo* hearing.
- 3.01.09 The Chair of the Appeal Committee shall within ten (10) days of receiving the Notice of Appeal, forward to the Candidate by email, a request for any further information or supporting documentation, if any.
- 3.01.10 The Candidate shall have the opportunity to reply, in writing, within ten (10) days to the documentation received by the Appeal Committee.
- 3.01.11 For the purposes of considering the Appeal, the Appeal Committee shall review the following:
- a. the Candidate's Formal Request for Exemption;
 - b. any documents provided to the Exemption Review Committee including the Candidate's response to any documents received by the Exemption Review Committee;
 - c. the decision of the Exemption Review Committee and the reasons therefor;
 - d. the Candidate's Notice of Appeal to the Appeal Committee;
 - e. any documentation provided to the Appeal Committee;

- f. the Candidate's response, if any, to the documentation received by the Appeal Committee; and
- g. any other material, documentation or information which the Appeal Committee determines necessary, relevant and appropriate.

3.01.12 The Chair of the Appeal Committee shall hold a meeting to consider the appeal within twenty (20) days of receiving final documentation. CCEB Legal Counsel may attend to provide procedural advice to the Appeal Committee but will not be part of the deliberating or decision.

3.01.13 Meetings of the Appeal Committee may be held in person, by telephone or video conference, at the sole discretion of the Chair.

3.01.14 The decision of a majority of the Appeal Committee will constitute the decision and will:

- a. be in writing;
- b. include the reasons for the decision;
- c. be signed by the chairperson; and
- d. be delivered to the Candidate within ten (10) days after the conclusion of the hearing.

3.01.15 The Appeal Committee, in making its decision shall:

- a. take notice of facts that may be judicially noticed;
- b. take notice of any generally recognized, scientific or technical facts; information or opinions within its scientific or specialized knowledge;
- c. admit, upon the Committee being satisfied as to its authenticity, any documentation or other thing.

3.01.16 The Appeal Committee has the authority to return any portion of or all of the fee for the Appeal to the Candidate as part of its decision.

Section 4: Fees

4.01 There is a fee of \$150.00 (CAD) for the Level One Request for Exemption which must accompany the written Request for Exemption.

4.02 There is a fee of \$250.00 CAD for a Level Two Appeal which must accompany the Notice of Appeal.

Section 5: Miscellaneous Matters

5.01 The qualifications and selection of the Canadian non-chiropractor person pursuant to Section 2.01.03 and 3.01.02 will be determined by the CEO in their sole discretion.

5.02 An appeal shall be set out in writing and reference the fact that the correspondence or documentation relates to an Appeal but need not reference the term "Notice of Appeal", detailing the nature of the appeal and all particulars necessary to sufficiently allow the appeal to be adjudicated, together with the applicable fee.

5.03 Under no circumstances shall any process, information or communication relating thereto be done verbally or other than in writing. Any Request for Exemption and decision must be set out in writing to be valid and binding upon the Candidate and the CCEB.

- 5.04 The Chair of the Exemption Review Committee and the Chair of the Appeal Committee shall be entitled to obtain such legal advice and representation as they deem appropriate, from time to time.
- 5.05 The Candidate shall be entitled to obtain legal advice or representation as he or she may so desire, at their own expense. The CCEB is not responsible for any costs related to the Request for Exemption or appeal that may be incurred by the Candidate. A failure by the Candidate to seek or obtain legal advice or representation, for any aspect of an appeal shall not be grounds for further appeal.
- 5.06 Any waiver of procedure by the CEO or any member of the Exemption Review Committee or Appeal Committee shall not be deemed to be a waiver of any further procedural requirements.
- 5.07 The Exemption Review Committee and Appeal Committee shall not be required to record or keep a detailed account of testimony or of its proceedings, but shall compile a record of proceedings in which adjudication has been determined, which shall include:
- a. any Request for Exemption or notice of appeal;
 - b. any documentary evidence filed with the Exemption Review Committee and the Appeal Committee;
 - c. the decisions, and the reasons therefor, of the Exemption Review Committee and the Appeal Committee.
- 5.08 The record required to be compiled herein may be destroyed by CCEB after the expiration of one (1) year from the date of the final decision of the Exemption Review Committee or the Appeal Committee.
- 5.09 Any notice or notices required to be given pursuant to this Policy shall be sent by email in which case delivery shall be deemed to have taken place at the time of transmission. It is the responsibility of the Candidate to ensure that the email address provided to CCEB is correct and that there is no delay in receipt of transmissions by voluntary or involuntary controls.
- 5.10 No action, or proceeding whatsoever, shall be commenced against any member, employee or governor of CCEB, members of the Exemption Review Committee or Appeal Committee, for their having participated in the process governed hereby, and it shall be an express undertaking by a Candidate that the instituting of a Request for Exemption or Appeal shall be based upon the Candidate's acknowledgement of this undertaking, and agreement to be bound by same, which shall be a complete defense to any action by the Candidate in contravention thereof.
- 5.11 The CEO shall represent the interests of CCEB with respect to the Request for Exemption or Appeal and shall be empowered to undertake such investigations as may be necessary for the purposes of presenting evidence and documentation to the Exemption Review Committee and/or the Appeal Committee.
- 5.12 No decision of the Exemption Review Committee or Appeal Committee shall be set aside as a result of any irregularities which occur pursuant to and under this policy.
- 5.13 No decision, order, direction, declaration or ruling of the Exemption Review Committee, or the Appeal Committee shall be questioned, appealed, or reviewed in any court; and no order shall be made or process entered or proceedings taken in any court, whether by way of injunction, declaratory judgment, judicial review, or otherwise; to question, review,

prohibit or restrain the Exemption Review Committee or Appeal Committee or any of its proceedings.

- 5.14 All Requests for Exemption and Appeals shall take place within the Province of Alberta unless directed and/or consented to by CCEB.
- 5.15 All decisions are strictly confidential to the parties of the Request for Exemption hearing and Appeal hearing and will not be revealed to any other party with the exception of any governing, regulatory and/or policing bodies.