

THE HONG KONG INTERCOLLEGIATE BOARD OF SURGICAL COLLEGES

Examination Complaints and Appeals Procedures for the MHKICBSC Examinations

This Complaints and Appeals procedure applies to all parts of the Membership Examination of Hong Kong Intercollegiate Board of Surgical Colleges (MHKICBSC), including MHKICBSC Part 1, Part 2 and Part 3 (OSCE). It is intended to provide a formal means for reviewing a decision made on candidate assessment and resolve the candidates concerns in a fair and consistent manner.

Any examination candidate who makes a complaint or appeal in good faith will not be disadvantaged in current or future examinations. Candidates should feel able to make a complaint, secure in the knowledge that it will be fairly investigated.

COMPLAINTS

Definition

1. **A complaint** is defined as a specific concern about the provision of an examination; the administration of an examination; or the conduct of an examination (including the behaviour of staff or examiners). A complaint does not deal with concerns or disagreement with the pass/fail outcome of an examination.

Complaints Procedure

2. Complaints may be made at the time of the examination to the Chairman of the HKICBSC Examination Committee. Should the matter not be resolved to the satisfaction of the candidate, the candidate may submit a formal and written complaint to the Chairman of the HKICBSC Examination Committee stating what redress, if any, the complainant desires. The date of the complaint arriving in the HKICBSC Secretariat should be recorded. The complaint will not be processed if the formal submission is not received at the HKICBSC Secretariat within 14 days after the publication of results of the relevant Part of the Examination.
3. Anonymous complaints will not be considered.
4. On receipt of the complaint, the Chairman of the HKICBSC Examination Committee will acknowledge the communication and consider the admissibility of the complaint. If the complaint is established to be vexatious or frivolous, it will be rejected and the candidate will be informed in writing as to the reasons for doing so. If the complaint is considered admissible, experienced examiners / Examination Committee Members / Fellows of the respective Specialty who have no material interest in the complaint will be nominated to investigate the complaint.
5. The Investigation Panel will respond in writing to the complainant upon the adjudication meeting, addressing the issues raised and delivering a verdict on the complaint. Should the complaint be upheld, the HKICBSC will make appropriate redress to the candidate and follow internal procedures to address any matters requiring further attention.
6. It is important to note that complaints will not always produce the outcome preferred by the complainant. There may be a number of reasons for this, including lack of evidence to

substantiate the complaint or the fact that circumstances beyond the HKICBSC's control may affect the level of service provided. However, whatever the decision, candidates will be informed of the result of their complaints in writing and will be provided with the reasons for the outcome.

7. Should the candidate be dissatisfied with the outcome of the complaint, he or she should write to the Chairman of the HKICBSC Council re-stating the complaint and the reasons for the continued dissatisfaction.
8. Privacy and confidentiality will be maintained in the handling of complaints except where disclosure is necessary to progress the complaint. It is the HKICBSC's expectation that the confidentiality of any documentation generated by a complaint will be respected by all parties. Disclosure of information provided by a candidate in the course of a complaint or appeal will be restricted to those individual examination staff members and college representatives directly involved in their consideration.

APPEALS

Definition

9. **An appeal** is defined as a request for a review of a decision made by an examiner or examiners. No candidate may appeal on the basis of the results of the examination; however, he/she may make an appeal based on the conduct of the examination.

Appeals Procedure

10. Candidates who wish to appeal against their exam results must address it to the Examination Secretariat within 14 days after the publication of results of the relevant Part of the Examination upon payment of a processing fee determined by the HKICBSC, which is non-refundable.
11. The request for reconsideration should be based on the following factors:
 - a. That there was bias or unfairness in the determination of the decision, and/or
 - b. That there was an administrative irregularity or procedural failure giving rise to a reasonable possibility that, had it not occurred, the decision would have materially altered. This factor includes any appeal that may be based on the failure of the HKICBSC administration to take into account any medical or adverse personal circumstances that had been notified to the HKICBSC in accordance with normal procedures.

NOTE: Disagreement with the academic judgement of the examiners is not acceptable grounds for appeal.

12. The candidate should make a formal written appeal to the Chairman of the HKICBSC Examination Committee, stating:
 - a. The candidate's name and address for correspondence and, if available, telephone number and e-mail address;
 - b. The nature of the appeal;
 - c. The full and specific grounds on which the application is based, including the names of the examiners if known.
13. The candidate should also enclose:
 - a. Any supporting documentation;
 - b. An administrative fee of half the amount of the fees for that mentioned exam for the appeal.

14. The formal written appeal must be received no later than the 14 days after the publication of results of the relevant Part of the Examination. Failure to meet this deadline will result in the appeal being denied.
15. An Appeal Board chaired by the Chairman of HKICBSC Examination Committee will review the appeal, and appropriate reports and statements will be requested as required, including from the examiner(s) concerned. Experienced examiners / Examination Committee Members / Fellows of the respective Specialty who have no material interest in the appeal will be nominated to investigate the appeal.
16. Should the situation arise whereby the Chairman of the HKICBSC Examination Committee was directly involved in the events stated within the appeal, then an alternative member of the HKICBSC Examination Committee will be appointed as the Chairman of the Appeal Board to consider the appeal.
17. The outcome of the appeal may be as follows:
 - a. That the appeal is rejected and no further action taken.
 - b. That the appeal is upheld and the result of the examination be declared void. In this case the candidate will be entitled to sit the next diet of examination with the examination fee waived. 50% of the administrative fee for the appeal will be refunded.
18. Any candidate whose appeal is upheld shall not be disadvantaged with respect to the number of maximum attempts permitted or any time constraint placed on the candidate for successful completion of the examination. The examination that has been declared void will not count towards the number of examination attempts that the candidate has undertaken. Similarly, if the candidate is subsequently "time-expired" before he or she has passed the examination, an extension of time of one diet only will be given to the candidate; if the candidate fails to sit the examination at the next available diet after the initial time-expiry, or does not pass the examination at the next available diet after the initial time-expiry, he or she will then be declared time expired. The decision will be final and the matter regarded as closed.
19. Should the candidate be dissatisfied with the decision made by the Appeal Board, he or she should write to the Chairman of the HKICBSC Council lodging a notice of appeal against this decision.

Note: The examination result cannot be changed – if the candidate was originally given a fail or a low mark, it will not be changed to be a pass or a higher mark.

20. The appellant will receive a response in writing upon investigation of the appeal. A copy of the response will be submitted to the HKICBSC Examination Committee and HKICBSC Council.