



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 I. 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 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 II. 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 III. 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

* Bylaw in accordance with Article 9 of the Constitution. This bylaw was passed by the ECVPH Council on its meeting of 06 Juli, 2015

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

Article IV. 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.
2. The College shall allow Appeals to be made up to 60 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).
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) 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 V. 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.

4. 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.

5. 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.

6. 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.

7. 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 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.

2. Appeals to the EBVS must be made in writing to the EBVS Secretariat, which will act as the main point of contact and coordinator of the appeal process.

3. The adverse decisions of a College against which an affected party may Appeal to the EBVS are those specified in article 1 above, as well as a decision of a College not to conduct an Appeal article IV.8 above. The grounds for Appeal are those specified in article .III above.

4. An Appeal must be submitted to the EBVS Secretariat within 60 days of the date on which the outcome of an Appeal was communicated to the Appellant by the College, and shall include a clear statement of the grounds for Appeal of the decision.

5. The Notice of Appeal must provide all appropriate documentation being relied upon in support of the appeal, indexed and arranged chronologically, and which must include correspondence details of the Appellant in both forms (e-mail address and mailing address). One hard copy of each document must be submitted via registered mail, as well as copies of all documents electronically to the EBVS Secretariat.

6. Submission of the Appeal to EBVS must be accompanied by a deposit of €1500 to ensure that the expenses of the Appeal will be covered.

7. Within 5 working days of receipt of the submitted documentation EBVS will acknowledge its receipt to the Appellant and inform the College that an appeal has been received.

8. Alongside the Notification to the College of the receipt of an Appeal, the College will be invited to submit a written defence of its decision and any documentation it wishes to rely upon in support of its decision. Any such defence and documentation must be received by EBVS within 15 days of the date of receipt of

the EBVS letter. Correspondence between the EBVS and the two parties will be via the EBVS Secretariat and via electronic means.

9. No other information should be submitted to the EBVS, unless requested by the Appeal Committee.

10. On receipt of all the documentation from both parties, the Secretariat will forward them within 5 working days to the EBVS President, who will review the case and decide whether the Appellant has identified a proper ground of Appeal.

11. If no proper ground of Appeal is identified the case will be considered as a **Complaint**. A **Complaint** will be handled by the President or another member of the Executive Committee designated by the President. The President or his/her nominee may request further information (if required) from either party, or call a meeting of the parties in dispute. At the conclusion of the complaint process the EBVS may make a recommendation to its resolution. This may be that the complaint is not upheld and so no further action is necessary, or by way of Advice to the College as to how the complaint should be resolved fairly and proportionately. This Advice is not considered binding on the College. If it has not been possible to resolve the complaint or, despite all efforts to ensure a convenient timing for a meeting, either party refuses to attend a meeting, the matter will be dealt with as an appeal. The whole process of handling a complaint may not last for more than 60 days.

12. If the decision of the EBVS President or his/her nominee was that the matter be dealt with as an **Appeal**, an Appeal Committee will be appointed by the Executive Committee of the EBVS within 30 days of the time the members of the Executive Committee are informed by the President or his/her nominee that the matter will be dealt with as an appeal. The Appeal Committee shall be made up of EBVS Board Members, who shall not be serving members of the Executive Committee, and shall consist of three members, one of whom shall act as Chair, nominated by the EBVS Executive Committee. Wherever possible the Appeal Committee members will be members of fully recognised Colleges and will have served as EBVS Board members for at least two years. No member of the Appeal Committee should be a Diplomat, or hold any other category of membership, of the College involved in the dispute. Any conflict of interest statement must be submitted by all members to the EBVS Secretariat in writing.

13. The two parties will be informed of the proposed membership of the Appeal Committee and will be given an opportunity to raise any concerns with the EBVS Secretariat before the Appeal Committee's membership is confirmed. Any concerns must be submitted in writing to the Secretariat within 7 working days of receipt of the proposed membership together with the reasons for any concerns/objections.

14. The EBVS Executive Committee will consider any objections to the composition of the Appeal Committee. The Executive Committee will make a decision as to whether the member in question should be asked to stand down from the Appeal Committee. The decision will be communicated in writing to the parties in dispute, and the proposed members of the Appeal Committee. The decision of the Executive Committee will be final.

15. If a proposed member of the Appeal Committee is to be replaced, the Executive Committee will seek to appoint another member to the Appeal Committee as soon as possible. The two parties will be notified of the individual who is proposed as the replacement member of the Appeal Committee and the process set out above will apply.

16. Within 5 working days of the Appeal Committee's appointment, the EBVS Secretariat shall forward to the members of the committee all the papers relating to the dispute.

17. The Appeal Committee will conduct the appeal, with administrative support from the EBVS CEO to ensure consistency. Having received all the papers relating to the dispute from the EBVS Secretariat, the members of the Appeal Committee shall review the case, request further information, if required, and, at their discretion, call a hearing of either party or both parties, giving at least 14 days notice. The EBVS Secretariat will supply both parties with the grounds for Appeal and supporting evidence at least 10 days in advance of the hearing.

18. The Appeal Committee will reach a decision on the Appeal within 90 days of receipt of the original documentation relating to the dispute. The decision of the Appeal Committee will be reached by a majority vote of the members of the Committee, the Chair will have the casting vote if necessary, and will be announced as the decision of the Committee. Individual Committee members' views will be treated as confidential.

19. The EBVS Appeal Committee may reject or uphold the appeal. Where the Appeal Committee upholds the appeal, the Committee may modify or reverse the decision of the College, and/or adjust any sanction.

20. The Chairperson of the Appeal Committee will submit their decision in writing to the President of the EBVS via the Secretariat not more than 15 days after the decision is made. In communicating the decision of the Appeal Committee, the Chairperson will indicate the reasons for the decision.

21. The EBVS Executive Committee will check that the Appeal Committee has followed the procedures and, if these have been followed correctly, accept their recommendation.

22. The decision of the EBVS Executive Committee in relation to the Appeal is final.

23. The EBVS Executive Committee shall communicate the decision to the parties via the EBVS secretariat within 15 days of receipt of the recommendation of the EBVS Appeal Committee.

24. The whole process of complaint/appeal must be handled in due confidence.

25. Financial aspects

a. The EBVS shall not be responsible for any of the costs incurred by any party in the handling of a Complaint or an Appeal process. All costs, including travel and subsistence, incurred by the parties in dispute are entirely the responsibilities of those parties. Any expense-sharing agreement between the parties will be independent of the EBVS.

b. Apart from the initial Euro 1500 deposit from the Appellant, a Euro 1500 deposit will be invoiced by the EBVS to the other party, to act as security against expenses incurred by EBVS in handling of a complaint and/or an appeal. If either party does not pay their deposit within 30 days of receiving an invoice then this will be deemed an admission of liability.

c. If at the conclusion of a complaint process the recommendation by EBVS is accepted by both parties, any administrative costs incurred by the EBVS in handling the case shall be met equally by the two parties. If a case goes to appeal, all administrative costs incurred by the EBVS in handling of a complaint and/or an appeal, including any travel and subsistence costs of the Appeal Committee members and the Secretariat attending an oral hearing, shall be met by the losing party. Any remaining deposit will be re-paid to either party together with an itemisation of the costs retained.