

American Board of Colon & Rectal Surgery

Reconsideration and Appeals Policy

The American Board of Colon and Rectal Surgery hereby establishes the following policy with regard to reconsideration and appeals of decisions adverse to diplomates, candidates, and potential candidates.

1. **Questions or Complaints:** Any diplomate, candidate, or potential candidate who considers an action of the Board adverse to his/her interest to be wrong or to be based upon unfairness, inconsistency or inequality may request reconsideration. If reconsideration results in affirmation of the adverse decision or in another adverse decision, the diplomate, candidate or potential candidate may appeal that decision.
 - 1.1 There shall be no appeal of a failure of a written examination.
 - 1.2 An oral examination is subject to questions of fraud or misconduct by the examiner(s), but is not subject to questions of content of the examination, the sufficiency or accuracy of the answers given or any other matter.
2. **Reconsideration:** A request for reconsideration must be made in writing to the Board office within 60 days of the date of notice from the Board of the action in question. The request shall be accompanied by such documentation as the requestor considers appropriate. The request for reconsideration will be reviewed by a Reconsideration Committee consisting of the President, Executive Director, and Oral Examination Committee Chairman prior to the next regular Board meeting. The Reconsideration Committee will report its decision to the Board. Within 30 days following the meeting of the Board, the requestor shall be notified in writing of the Reconsideration Committee's actions and the reasons therefore.
 - 2.1 The decisions of the Reconsideration Committee shall be considered final unless the requestor, within 30 days of the date of notice from the Reconsideration Committee, gives written notification to the Board that a personal appeal is planned. This written notification shall include a request for a hearing and shall set forth the reasons for disagreement with the findings of the Reconsideration Committee.
3. **Personal Appeals:** When a request for a personal appeal is received, a hearing shall be scheduled before an ad hoc appeals committee prior to the next regular Board meeting. The appellant shall be notified in writing at least 30 days prior to the meeting of the time and location at which he/she should appear.
 - 3.1 The Appeals Committee, appointed by the President, shall consist of three (3) current or former members of the American Board of Colon and Rectal Surgery who did not participate in making the adverse appellate decision.
 - 3.2 Prior to the hearing, the Reconsideration Committee may ask the appellant to make available information or documents relevant to the adverse appellate

decision. Failure of the appellant to provide such information or documents may be an independent ground to affirm the appellate decision.

- 3.3** The appellant shall appear at the hearing in person and may be accompanied by counsel. A representative of the Reconsideration Committee shall present such oral and written evidence as he/she desires to support the decision of the Reconsideration Committee. The appellant and members of the Appeals Committee shall have the right to question the representative of the Reconsideration Committee and any other witness concerning the evidence presented. The appellant may present such oral and written evidence as he/she desires to challenge the decision of the Reconsideration Committee Members of the Appeals Committee and the representatives of the Reconsideration Committee shall have the right to question the appellant and any other witness concerning the evidence presented.
- 3.4** Upon completion of the hearing, the Appeals Committee, in closed session, shall make a determination by majority vote. Its decision will be presented to the Board.
- 3.5** The determination made by the Appeals Committee of the American Board of Colon and Rectal Surgery, Inc., shall be final and binding upon the Board and the appellant, and shall be transmitted to the appellant in writing within 30 days of the close of the hearing.