

APPEALING A DECISION

This fact sheet outlines the process, requirements and time lines for appealing a decision related to your registration with the College of Occupational Therapists of Manitoba (COTM). For more detailed information on specific requirements, refer to *The Occupational Therapists Act* and Regulation.

I don't agree with a decision that the Board of Assessors has made about my application for registration. Can I appeal the decision?

Yes, *The Occupational Therapists Act*, section 11, dictates that applicants to COTM are able to appeal decisions related to their application for registration. Filing an appeal is a very formal process as detailed in this legislation.

It is also possible to request reconsideration of a decision. This is a less formal process. If you feel you are able to provide additional information that may affect a decision that has been made, you can provide that information in writing and request the decision be reconsidered. The COTM Board of Assessors will meet to reconsider the additional information. You will be notified of the new decision in writing.

When can I request an appeal?

You will receive a decision regarding your application for registration in writing. Appeals regarding the decision must be made in writing within 30 days of your having received the decision.

How can I request an appeal?

Requests must be made in writing, and must describe why you feel the decision is unfair. COTM is not able to change their eligibility criteria, but will consider any additional information you may be able to provide.

What happens when I file an appeal?

A hearing will be held within 90 days of the date that COTM receives your request for an appeal. You are entitled to appear with legal representation to present your appeal to the council of COTM. The council will make their decision within 90 days of the hearing. You will be notified of the decision within 30 more days.

If I disagree with the COTM council response, can I appeal that decision?

Yes. If you wish to appeal the decision of the council, an appeal can be made to the provincial Court of Appeal. This appeal must be made within 30 days of receiving the council's decision.

I am not satisfied with my CAOT exam result. Can I appeal the exam or request a re-write?

Appeals regarding the Canadian Association of Occupational Therapists (CAOT) National Occupational Therapy Certification Examination (NOTCE) must be made directly to CAOT.

Exams with a failing result are scored a second time by hand by CAOT to ensure accuracy. It is not possible to appeal a failed exam score.

There are some very specific circumstances under which you can request that your exam not be marked. These circumstances include ill-health and administrative issues which you feel may have contributed to a poor exam result. An appeal based on health or administrative issues must be made in writing to CAOT within 14 days of writing the exam.

If your appeal is approved, your appeal fee will be refunded, and the fee to rewrite the exam may be waived.

To confirm this information and acquire more details on the NOTCE, you are encouraged to visit the CAOT website (<http://www.caot.ca/default.asp?pageid=1069>) or contact CAOT.

What is the consequence of appealing the NOTCE on my COTM registration application?

If your appeal is approved, COTM will disregard the attempt. You will continue to be registered in the same category as prior to the attempt. You will be expected to write the exam at the next available opportunity. The attempt at writing the exam will not be counted as one of your exam attempts.

If your appeal is denied, the attempt will be recorded as a failure and the consequences of a failed exam attempt will be imposed. This will be a requirement of greater supervision (if it was your first or second attempt) or suspension of your registration (if it was your third attempt). You will be expected to write the exam at the next available opportunity if you wish to continue pursuing registration with COTM.

For more information, please contact COTM at (204) 957-1214 or by email at OTinfo@cotm.ca

This publication is provided for general information. For more specific information see *The Occupational Therapists Act and Regulation*.

COTM publications are available on our website at www.cotm.ca

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