

By-Laws

2018

Approved May 2018

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I – General

1.00 By-laws, Head Office and Members of the Corporation

- 1.01 These By-laws are made pursuant to an *Act to Incorporate the National Dental Examining Board of Canada* (1952) 1 Elizabeth II Chapter 69 as amended by (1973) 21-22 Elizabeth II, Chapter 55.
- 1.02 The head office of The National Dental Examining Board of Canada (hereafter the "Corporation" in Section I "General" of the By-laws) shall be in the City of Ottawa in the Province of Ontario and at such a place therein as the Corporation may determine from time to time.
- 1.03 Members of the Corporation are those members appointed to the Corporation pursuant to Section 4 of the *Act to Incorporate the National Dental Examining Board of Canada* (1952) 1 Elizabeth II Chapter 69 as amended by (1973) 21-22 Elizabeth II, Chapter 55.

2.00 Status and Conduct

- 2.01 The government and management of the Corporation's business and affairs shall be conducted on a not-for-profit basis without pecuniary gain to its members.
- 2.02 Members of the Corporation, examiners and other agents shall comply with the Conflict of Interest Guidelines as established by the Corporation from time to time.

3.00 Corporate Seal

- 3.01 The seal, an impression of which is stamped in the margin hereof, shall be the seal of the Corporation.
- 3.02 The seal of the Corporation may, when required, be affixed to contracts, documents and instruments in writing signed by any officer or officers appointed by resolution of the Corporation. Failure to affix the seal does not invalidate the contract, document, or instrument.
- 3.03 The seal shall remain in the custody of the Registrar.

4.00 Meetings

- 4.01 Once in each calendar year the Corporation shall hold an Annual Meeting at the head office of the Corporation or at any other place and on such day as the Corporation may determine.
- 4.02 Meetings of the Corporation or any other Committee may be held at a time and place to be determined by the Corporation or any other Committee provided that thirty (30) clear days' notice of a meeting of the Corporation and seven (7) clear days' notice of a meeting of a Committee shall be sent in writing, electronically, or communicated by telephone call to each Corporation member or member of the Committee before the meeting takes place.
- 4.03 No errors or omission in giving notice of any meeting of the Corporation or a Committee shall invalidate such a meeting or make void any proceedings. Any Corporation member or Executive



Committee member may, at any time, waive notice of any such meeting and the Corporation or Committee may, by a majority vote, ratify, approve and confirm any or all proceedings.

- 4.04 Other meetings of the Corporation, whether special or general, may be convened by order of the President or Vice-President/Treasurer or by petition of three (3) members of the Corporation to the President or Vice-President/Treasurer.
- 4.05 Eight (8) members of the Corporation shall form a quorum for the transaction of business. The quorum for the transaction of business at a meeting of any committee appointed by the Corporation shall be two-thirds (2/3) of such committee. The Corporation may stipulate the composition of a quorum.
- 4.06 Questions arising at any meeting of the Corporation or any committee thereof shall be decided by a majority vote of the members of the Corporation or the committee, as the case may be, in attendance at such meeting. The President or Chair shall vote at the same time as the other members of the Corporation or committee vote; however, the Chair's vote or President's vote shall not be counted unless there is a tie vote.
- 4.07 Save and except the Annual Meeting of the Corporation, members of the Corporation or members of a Committee of the Corporation may participate at duly called meetings of the Corporation or a Committee by means of telephone, electronic, or other communications facilities as to permit all persons participating in the meeting to communicate with each other simultaneously and instantaneously. A person participating in such a meeting by such a means shall for all purposes be deemed to be present at the meeting.
- 4.08 Resolutions may also be approved by the Corporation or a Committee of the Corporation provided the members of the Corporation or members of the Committee receive the proposed resolution in writing or electronically seven (7) clear days before the return date then the resolution agreed to and signed by a majority of members of the Corporation or members of a committee shall be as effective as if passed at a meeting of the Corporation or a Committee, respectively.

- 4.09 No procedural irregularity shall, in and of itself, invalidate any action or proceeding of the Corporation or of any committee or officer thereof.

5.00 Appointment of Officers, Consultants, Committee Members, Examiners, Chief Examiners, and Public Representative

Officers

- 5.01 The officers of the Corporation shall be the President, Vice-President/Treasurer, immediate Past-President, Registrar and Executive Director. The Registrar and Executive Director need not be members of the Corporation and may consist of one (1) or more persons.
- 5.02 The Registrar and Executive Director of the Corporation shall be appointed by the Corporation. The Registrar shall have received a dental licence issued by a province in Canada or shall be eligible for dental licensure in a province in Canada. In addition to the duties specified by the By-laws, these officers shall be given such other duties and powers as are assigned by the Corporation, the Executive Committee, and under the direction of the Executive Committee by other committees. Without limiting the generality of the foregoing, such duties and powers may include the hiring and supervision of employees and consultants to assist the Registrar and Executive Director of the Corporation in fulfilling the statutory mandate of the Corporation.
- 5.03 The Corporation, at its Annual Meeting, shall appoint or engage an Auditor to hold office of the Auditor until the conclusion of the next Annual Meeting.

Standing Committees

- 5.04 The Corporation, after receiving nominations from the Nominating Committee, at its Annual Meeting, shall, unless otherwise provided elect members for the following standing committees:
- Executive Committee
 - Finance and Audit Committee
 - Examinations Committee
 - By-laws Committee
 - Appeals Committee
 - Nominating Committee
 - Research Committee
- 5.05 The Corporation may create ad hoc committees and appoint or elect members and other persons to the ad hoc committees.
- 5.06 Unless otherwise stated, the Corporation shall elect a Chair and a Vice-Chair for each standing committee. The Chair shall be responsible for the conduct of meetings of the committee. The



Vice-Chair shall, in the absence or inability of the Chair, perform the Chair's duties and shall carry out such other duties as are assigned by the Chair.

- 5.07 Each Committee of the Corporation shall conduct itself in accordance with Terms of Reference attached as appendices to these By-laws. In the Terms of Reference for each committee, "Board" shall have the same meaning as "Corporation" in Section I General of these By-laws.

Executive Committee

- 5.08 The Executive Committee of the Corporation shall consist of the President, Vice-President/Treasurer, immediate Past-President and two (2) other elected members of the Corporation. The President shall be the Chair and the Vice-President/Treasurer the Vice-Chair of the Executive Committee. The Executive Committee members shall be elected by the Corporation for a two (2) year term.
- 5.09 The Executive Committee shall meet immediately before the Annual Meeting of the Corporation and at such other times as may be called by the President.
- 5.10 Subject to any provisions in its Terms of Reference established in By-law 5.11, the Executive Committee shall act for and with the full power of the Corporation upon all such matters as may require attention between Corporation meetings and as required to hear and determine Compassionate Appeals pursuant to By-law 23.00.
- 5.11 The Terms of Reference for the Executive Committee are attached as Appendix I to these By-laws.

Finance and Audit Committee

- 5.12 The Finance and Audit Committee of the Corporation shall consist of the President, Vice-President/Treasurer, two (2) other members of the Corporation elected by the Corporation and an independent chartered professional accountant elected by the Corporation. The Vice-President/Treasurer shall be the Chair of the Finance and Audit Committee. The Vice-Chair of the Committee shall be elected by the Corporation at the Annual Meeting of the Corporation. The independent chartered professional accountant cannot be an employee of the Corporation or an employee or partner of the present auditors or past auditors.
- 5.13 The Finance and Audit Committee of the Corporation shall conduct itself in accordance with the Terms of Reference for the Finance and Audit Committee attached as Appendix II to these By-laws.



Examinations Committee

- 5.14 The Examinations Committee of the Corporation shall consist of nine (9) voting members elected by the Corporation. One (1) of these members may be the Public Representative. No more than two (2) persons can be recommended to be members by each of the Ordre des Dentistes du Québec, the Association of Canadian Faculties of Dentistry and the Dental Council of New Zealand. Except for the Public Representative, committee members may be appointed for a three (3) year term and are eligible for reappointment for an additional three (3) year term. The Public Representative's term shall be in accordance with By-law 5.33. At least two (2) members of the Committee shall have at least two (2) years of experience as examiners. The Chair and Vice-Chair of the Committee shall be elected by the Corporation annually.
- 5.15 The Examinations Committee of the Corporation shall conduct itself in accordance with the Terms of Reference for the Examinations Committee attached as Appendix III to these By-laws.
- 5.16 The Corporation, on the recommendation of the Examinations Committee, shall annually appoint a sufficient number of Examiners to develop, construct, validate, administer and evaluate all of the Examinations and Assessments offered by the Corporation.
- 5.17 The Corporation, based upon the recommendation of the Examinations Committee, shall at each Annual Meeting or such other time it deems reasonable
- A. Establish the passing standard for each one of the Corporation's Examinations and Assessments.
 - B. Approve the protocols for each of the Corporation's Examinations and Assessments.
- 5.18 The Corporation, on the recommendation of the Examinations Committee, shall appoint Chief Examiners for each of the Corporation's Examinations and Assessments for a term of one (1) years. Chief Examiners are normally reappointed annually for a maximum of six (6) years unless otherwise approved by the Corporation. For the term of their appointments, Chief Examiners will be responsible for the development of the Examination or Assessment in accordance with the By-laws, policies and guidelines of the Corporation and its committees and be an advisor to Corporation staff.

By-laws Committee

- 5.19 The By-laws Committee of the Corporation shall consist of three (3) members elected by the Corporation annually. All committee members must be members of the Corporation. At least one (1) By-law Committee member must also be an Executive Committee member.
- 5.20 The By-laws Committee of the Corporation shall annually review the By-laws and recommend changes, if any, to the Corporation for approval.
- 5.21 The By-laws Committee of the Corporation shall conduct itself in accordance with the Terms of Reference for the By-laws Committee attached as Appendix IV to these By-laws.



Appeals Committee

- 5.22 The Appeals Committee of the Corporation shall consist of up to twenty-five (25) members elected by the Corporation to a one (1) year term. The Chair and Vice-Chair shall be elected annually by the Corporation.
- 5.23 A person who has been appointed to six (6) consecutive, one (1) year terms is not eligible for a further appointment until and unless a period of at least one (1) year has elapsed since the end of his or her sixth (6th) successive appointment, and during the period of at least one (1) year following the sixth (6th) successive year, the person has participated in the evaluation of the Assessment of Clinical Skills in By-law 17.00.
- 5.24 An Appellant, who has appealed pursuant to By-law 22.00, shall be heard by a panel of three (3) members of the Appeals Committee, with one (1) member appointed by the Chair of the Appeals Committee as Chair ("panel"). The Chair of the Appeals Committee shall not select an Appeals Committee member for an Appeals Panel who participated in the administration of the Assessment under appeal.
- 5.25 The Appeals Committee has the power to establish procedures for the conduct of Appeals or Special Appeals. In making a determination, a panel will determine that the Appeal be upheld or dismissed, or make such other determinations that it deems reasonable and just.
- 5.26 Any decision of the Panel of the Appeals Committee, pursuant to By-law 22.00, shall be final.
- 5.27 The Panel of the Appeals Committee and the Appeals Committee shall act in accordance with the Terms of Reference for the Appeals Committee attached as Appendix V and Appendix VIII to these By-laws.

Nominating Committee

- 5.28 The Nominating Committee of the Corporation shall consist of the President and immediate Past-President. The immediate Past-President shall be the Chair.
- 5.29 The Nominating Committee of the Corporation shall conduct itself in accordance with the Terms of Reference for the Nominating Committee attached as Appendix VI to these By-laws.

Research Committee

- 5.30 The Research Committee of the Corporation shall consist of one (1) member of the Corporation, two other members qualified in research and the Registrar and Director of Examinations. Committee Members other than the Registrar and Director of Examinations shall be elected for a term not to exceed three (3) years and may be re-elected to one (1) further term not to exceed three (3) years. The terms for members of the Research Committee shall be selected to ensure a rotation in membership. The Chair and Vice-Chair shall be elected annually by the Corporation.
- 5.31 The Research Committee of the Corporation shall have the authority to retain consultants to provide advice on matters under its consideration. Consultants may only be retained within financial limits established by the Corporation in the annual budget.

- 5.32 The Research Committee of the Corporation shall conduct itself in accordance with the Terms of Reference for the Research Committee attached as Appendix VII to these By-laws.

Public Representative

- 5.33 The Public Representative is a person appointed by the Corporation after reviewing nominations from the Nominating Committee in accordance with Appendix VI. The person appointed by the Corporation as the Public Representative cannot be a current or former licensed dentist or a person who has studied to become a dentist. The term of the Public Representative shall be three (3) years and may be renewed by the Corporation for a further three (3) year term unless otherwise determined by the Corporation.
- 5.34 The role of the Public Representative is to be an active participant by preparing for and attending Corporation meetings and committee meetings if the Public Representative is appointed to the Committee. At meetings, the Public Representative is to seek clarification and articulate views that represent public interest.

Order of Elections

Executive Committee

- 5.35 In the year when there are vacancies on the Executive Committee, the Chair of the Annual Meeting shall proceed to first call an election for President followed by Vice-President/Treasurer. After the election of the President and Vice-President/Treasurer, the Corporation shall elect a further two (2) members to the Executive Committee. (The fifth position is held by the immediate Past-President of the Corporation for a two (2) year term).

Finance and Audit Committee

- 5.36 The Chair of the Annual Meeting shall proceed, after the election of the Executive Committee members, to call an election for the three (3) remaining positions of the five (5) person Finance and Audit Committee. (The Finance and Audit Committee consists of the President and Vice-President/Treasurer and three (3) other elected members. The Vice-President/Treasurer is the Chair of the committee.) Once the members have been elected to the Finance and Audit Committee then the Chair shall call an election for the position of Vice-Chair for the Finance and Audit Committee.

Examinations Committee

- 5.37 The Chair of the Annual Meeting shall proceed, after the election of the Finance and Audit Committee members, to call an election of the nine (9) members for the Examinations Committee. Once the members have been elected to the Examinations Committee then the Chair shall call an election for the positions of Chair and Vice-Chair for the Examinations Committee.



By-laws Committee

- 5.38 The Chair of the Annual Meeting shall proceed, after the election of the Examinations Committee members, to call an election of the three (3) members for the By-laws Committee. (One (1) of the members of the By-laws Committee shall also be a member of the Executive Committee). Once the members have been elected to the By-laws Committee, then the Chair shall call an election for the positions of Chair and Vice-Chair for the By-laws Committee.

Appeals Committee

- 5.39 The Chair of the Annual Meeting shall proceed, after the election of the By-laws Committee members, to call an election of up to twenty-five (25) members for the Appeals Committee. Once the members have been elected to the Appeals Committee, then the Chair shall call an election for the positions of Chair and Vice-Chair for the Appeals Committee.

Research Committee

- 5.40 In the year when there are vacancies on the Research Committee, the Chair of the Annual Meeting shall proceed, after the election of the Appeals Committee, to call an election of the five (5) members of the Research Committee. (One (1) member of the Research Committee shall be a member of the Corporation. The remaining four (4) members shall be persons qualified in research). Once the members have been elected to the Research Committee, then the Chair shall call an election for the positions of Chair and Vice-Chair for the Research Committee.

Public Representative

- 5.41 In the year there is a vacancy, the Chair of the Annual Meeting shall proceed, after the election of the Research Committee to call an election of the Public Representative.

Elections' Process

- 5.42 Nominations from the floor
- A. Prior to calling for an election for each of the standing committees or ad-hoc Committees, the Chair of the Annual Meeting shall solicit nominations from the floor for all of the committees at the same time. In the event there are no nominations from the floor then the members nominated by the Nominating Committee are declared by acclamation.
 - B. Prior to calling for an election of committee positions (Chair and Vice Chair), the Chair of the Annual Meeting shall solicit nominations from the floor for all of the committee positions. In the event there are no nominations from the floor then the members nominated by the Nominations Committee are declared by acclamation.
- 5.43 The Chair of the Annual Meeting will declare nominations are closed for the "insert name of Committee or Position".
- 5.44 If the number of nominees nominated equals the number of vacancies, the Chair of the Annual Meeting shall declare nominations closed and the nominees elected by acclamation.
- 5.45 If the number of nominees is greater than the number of vacancies, the Chair of the Annual Meeting shall state that there are "insert number of vacancies " vacancies for the" insert name of the Committee or Position" and there are "insert number of nominations " nominations, so a vote is required.

- 5.46 With the exception of nominees for the Examinations Committee, Appeals Committee and Research Committee, the nominees shall have the opportunity to speak to the members of the Corporation, for a maximum of three (3) minutes, about their suitability for the "insert name of Committee or Position". The nominees shall be given advance notice that they will have an opportunity to speak to the members of the Corporation before the voting begins at the Meeting.
- 5.47 The Chair of the Annual Meeting will ask the Corporation to appoint a vote counter(s).
- 5.48 The vote counter(s) will report the results of the vote to the Chair.
- 5.49 The Chair of the Annual Meeting declares the elected nominee(s).
- 5.50 The Chair of the Annual Meeting shall vote at the same time as the other members of the Corporation vote, however the Chair's votes shall not be counted unless there is a tie vote.

6.00 Duties of Officers

- 6.01 The President shall preside at all meetings of the Corporation and Executive Committee, enforce due observance of By-laws, rules and regulations, ensure that the officers and employees of the Corporation perform their duties, call special meetings of the Corporation when necessary, be an ex-officio member of all committees of the Corporation, and perform such other duties as the Corporation may direct through By-law or resolution.
- 6.02 If the President wishes to submit a motion, the President shall leave the chair and call the Vice-President/Treasurer to take the chair.
- 6.03 The Vice-President/Treasurer shall, in the absence or disability of the President, perform the duties and exercise the powers of the President and shall perform such other duties as shall from time to time be established by the Corporation. A vacancy in the office of the Vice-President/Treasurer shall be filled by the immediate Past-President.
- 6.04 In the temporary absence of the President, the Vice-President/Treasurer and the immediate Past-President, and the remaining members of the Corporation, at a meeting duly called, shall elect one (1) of themselves as Chair. This Chair, while presiding at such a meeting, shall have the same powers and exercise the same functions as the President.
- 6.05 All elected officers, unless otherwise specified, shall serve for a term of two (2) years and shall be subject to removal by resolution adopted by at least two-thirds (2/3) of the members of the Corporation.
- 6.06 Vacancies in the positions occupied by the officers, members of committees and examiners, occurring by reasons of death, resignation, disqualification, disability or otherwise, may be filled temporarily by the President and shall be filled permanently by the Corporation at a meeting duly called and held, and in any event not later than the next Annual Meeting of the Corporation.

7.00 Financial Indemnification

- 7.01 The bank account or accounts of the Corporation shall be kept in such bank or banks in the city of the head office of the Corporation as the Corporation may from time to time determine.

7.02

- A. Contracts, documents, or any instruments with an NDEB obligation to pay \$250,000.00 per year or more requires execution by the Corporation and shall be signed by any two of the President, Registrar or Vice-President/Treasurer. All contracts, documents, and instruments are in full force and effect and are binding on the Corporation even if the only signature on the contract document or instrument is the signature of the Registrar. The President or Vice-President/Treasurer may approve the contract, document, or instrument after it comes into effect where only the signature of the Registrar appears on the contract, document, or instrument.
- B. Contracts, documents, or any instruments with an NDEB obligation less than 250,000.00 requires signature of the Registrar, President, or Vice-President/Treasurer only or the signature of the Registrar's delegate in accordance with NDEB policies and procedures. All such contracts, documents, or instruments in writing so signed shall be binding upon the Corporation without further authorization or formality. 7.03 The remuneration of all members and officers of the Corporation other than the Registrar and Executive Director shall be fixed by resolution of the Corporation. Members of the Corporation in attendance at meetings of the Corporation duly called, or committees thereof, shall be reimbursed reasonable amounts necessary for travel and other expenses.

7.04 The imposition and collection of dues or fees payable by persons for Examinations, Assessments, appeals or petitions conducted by the Corporation or any of its committees shall be such as from time to time are fixed by the Corporation. The Registrar shall notify persons of the appropriate dues or fees payable by them and the additional dues or fees if the appropriate dues or fees are not paid within the prescribed period or if persons withdraw from Examinations or Assessments, appeals or petitions.

7.05 No members or officers of the Corporation or members of any Committees appointed by the Corporation are liable for the acts, receipts, neglects or defaults of any other member, or for joining in any receipts or other act for conformity, or for any loss or expenses happening to the Corporation through the insufficiency or deficiency of any security in or upon which any of the monies of the Corporation shall be invested, or for any loss or damage arising from the bankruptcy, insolvency or tortious act of any person with whom any of the monies, securities or effects of the Corporation shall be deposited, or for any other loss, damage or misfortune whatever which shall happen in the execution of the duties of their office or in relation thereto unless the same shall happen through their own dishonesty or be occasioned by their own willful default or neglect.

7.06 All members and officers of the Corporation, or members of any Committees appointed by the Corporation, their heirs, executors, administrators, estate and effects respectively are to be indemnified and saved harmless at all times out of the funds of the Corporation from and against

- A. all liabilities, costs, judgements, charges, and expenses whatsoever which such members or officers sustain or incur in or about any action, suit or proceeding which is brought, commenced, or prosecuted against them for or in respect of any act, deed, matter or thing whatsoever made, done or permitted by them in or about the execution of the duties of their office in the Corporation alleged so to be except such liabilities, judgements, costs, charges or expenses as are occasioned by their own willful default or neglect; and

- B. all other liabilities, judgements, costs, charges, and expenses which they sustain on affairs of the Corporation, except such liabilities, judgements, costs, charges or expenses as are occasioned by their own willful default or neglect.
- 7.07 Members and officers of the Corporation may rely upon the accuracy of any statement or report certified by the Corporation's auditors and shall not be responsible or held liable for any loss or damage resulting from acting upon such statement or report.



II – Definitions

For the purposes of Sections III, IV and V and Appendices attached to these By-laws.

“Accredited Program” means an undergraduate dental program offered by a university dental institution recognized through an accreditation process approved by the Board or a mutual recognition agreement approved by the Board.

“Advanced Education in General Dentistry Program” or “General Practice Residency Program” means a post graduate dental program approved through accreditation established by the Board with reference to the American Dental Association Commission on Dental Accreditation.

“Assessment” means one or more Examinations established by the Board as part of the Board Equivalency Process described in By-law 10.00.

“Board” means the National Dental Examining Board of Canada or NDEB;

“Board Equivalency Process” means an Assessment process established by the Board (see By-law 10.00) to determine whether a person who has graduated from a Non-Accredited Program has the equivalent dental knowledge and dental training as a graduate of an Accredited Program.

“Board members” or “members of the Board” mean those members appointed to the Board pursuant to Section 4 of the *Act to Incorporate the National Dental Examining Board of Canada* (1952) 1 Elizabeth II Chapter 69 as amended by (1973) 21-22 Elizabeth II, Chapter 55.

“Board official” means an employee or other individual appointed by the NDEB to observe the administration of an Examination or Assessment or to supervise the administration of an examination or assessment.

“Certificate” means the certificate of qualification in the form prescribed by the Board and issued by the Board pursuant to an *Act to Incorporate the National Dental Examining Board of Canada* (1952), 1 Elizabeth II, Chapter 69, as amended by (1973) 21-22 Elizabeth II, Chapter 55.

“Dental Residency Program” means a post graduate dental program approved through accreditation established by the Board with reference to the Commission on Dental Accreditation of Canada.

“Dental Specialty Core Knowledge Examination” or “DSCKE” mean an Examination used to facilitate the admission process for entry into Dental Specialty Assessment and Training Programs (DSATP) offered by some Canadian Faculties of Dentistry.

“DSCKE Participant” means a person who has fulfilled the requirements set out in By-law 11.00.

“Examiner” means a person who is appointed by the Board to develop, construct, validate, administer and evaluate all of the Examinations and Assessments offered by the Board.

“Graduate of an Accredited Program” means a person who has graduated from an Accredited Program or who has successfully completed the Board Equivalency Process as described in By-law 10.00.

“Non-Accredited Program” means an undergraduate dental program offered by a university dental institution that has not been recognized through an accreditation process approved by the Board or a mutual recognition agreement approved by the Board.

“OSCE” means the Objective Structured Clinical Examination set by the Board and described in By-law 14.00.



“Participant” means a graduate of a Non-Accredited Program who is approved to participate in the Board Equivalency Process.

“Qualifying Program” means a Qualifying or Degree Completion Program for graduates of non-accredited university-based undergraduate dental programs recognized through an accreditation process approved by the Board or a mutual recognition agreement approved by the Board.

“Written Examination” means the Written Examination set by the Board and described in By-laws 13.00.

III - Certification

8.00 Certification Eligibility

- 8.01 For the purposes of these By-laws, “Candidate” for Board certification means a person who has applied to the Board and who has demonstrated that they are
- A. a person who is a graduate of an Accredited Program and not more than sixty (60) months has elapsed since the date of graduation;
 - B. a person who is a graduate of a Non-Accredited Program and who has successfully completed a Qualifying Program and not more than sixty (60) months has elapsed since the date of such successful completion of a Qualifying Program;
 - C. a person who is a graduate of a Non-Accredited Program and who has successfully completed the Board Equivalency Process and not more than sixty (60) months has elapsed since the date of such successful completion of the Board Equivalency Process;
 - D. a person who has failed the Written Examination or OSCE three (3) times and has successfully completed the requirements described in By-law 15.02; or
 - E. a person, for the purpose of taking the Written Examination and OSCE described in By-laws 13.00 and 14.00, who is within three (3) months of his or her expected graduation from an Accredited Program or a Qualifying Program.
- 8.02 Persons who are more than sixty (60) months from the date of their graduation from an Accredited Program or successful completion of a Qualifying Program respectively, may petition the Executive Committee for special consideration to be a Candidate. Such applications will be considered on an individual basis and the determination of the Executive Committee will be based upon the circumstances applicable to each individual applicant.
- 8.03 Persons who are more than sixty (60) months from the date of successful completion of the NDEB Equivalency Process may petition the Executive Committee for special consideration to be a Candidate. Such applications will be considered on an individual basis and the determination of the Executive Committee will be based upon the circumstances applicable to each individual applicant.
- 8.04 A person ceases to become a Candidate if he/she has not successfully completed the Written Examination and OSCE within sixty (60) months of the date of his/her graduation and must apply for special consideration.

- 8.05 The Dean of the Accredited Program or Qualifying Program in which persons described in By-law 8.01E are enrolled will be required to confirm the person's status of being within three (3) months of expected graduation or successful completion of the programs on the date established for the Examinations.
- 8.06 A person shall be ineligible to be a Candidate if
- A. the person's licence to practise dentistry, issued by any Dental Licensing/Regulatory Authority, has suspended or cancelled, or if the person is on probation within any licensing jurisdiction, or
 - B. if the person has had their certificate cancelled or revoked pursuant to By-law 9.08.

9.00 The Board's Certification Process

- 9.01 Persons who are Candidates under By-laws 8.01A, 8.01B, 8.01C, 8.01D, 8.01E, 8.02, or 8.03 shall be granted a Certificate upon presentation of the following documentation:
- A. Proper application to the Board which includes, if applicable, providing evidence to the satisfaction of the Board that the Candidate is considered in good standing with all Dental Licensing/Regulatory Authorities in all jurisdictions in which the Candidate has been or is currently registered or licensed;
 - B. Evidence, to the satisfaction of the Board, of graduation from an Accredited Program, successful completion of a Qualifying Program, or successful completion of the Board Equivalency Process; and
 - C. Evidence, to the satisfaction of the Board, that the person has passed the Written Examination described in By-law 13.00 and the OSCE described in By-law 14.00.
- 9.02
- A. A person applying to the Certification Process shall provide evidence to the satisfaction of the Board that he or she has fulfilled the requirements set out in By-law 8.01.
 - B. A person whose application has been rejected may submit a written Appeal to the Board and the Board shall hear any such Appeal pursuant to the Board's Application Rejection Appeal Process as stated in Appendix X.



- 9.03 Persons who pass the Written Examination and OSCE within three (3) months of their expected graduation from an Accredited Program or completion of a Qualifying Program and who do not subsequently graduate from an Accredited Program or who do not complete a Qualifying Program in the same year, will have their Written Examination and OSCE results held valid for eighteen (18) months from the date of successful completion of the Written Examination and OSCE. Such Candidates will be granted a Certificate if they graduate from an Accredited Program or if they successfully complete a Qualifying Program within this eighteen (18) month period. If a person passes the Written Examination and/or OSCE but does not graduate within eighteen (18) months they must successfully complete the Written Examination and OSCE after they have graduated.
- 9.04 If a candidate fails either the Written Examination or OSCE then a Candidate has 18 months from the date the Candidate successfully completed the Written Examination or OSCE to successfully complete the failed examination. If a Candidate does not successfully complete the failed examination within 18 months the result of the successfully completed examination will be voided. The voided examination will not be considered as an attempt when calculating the number of times a Candidate may take the Written Examination and OSCE pursuant to By-law 13.00 and By-law 14.00.
- 9.05 A person who has presented all of the documentation required in By-law 9.01 will be considered to have met the standards of the Board and qualified for certification and shall be entitled to receive a Certificate. Such persons shall have their name entered in the Board Register.
- 9.06 The Board shall determine the format of a single type of Certificate to be issued to successful Candidates. The Certificate shall be signed by the President or Vice-President/Treasurer and the Registrar and shall bear the corporate seal of the Corporation.
- 9.07 A person who has been granted a Certificate may not retake a Board Examination unless requested to do so by a Provincial Dental Regulatory Authority. Persons taking a Board Examination or Assessment at the request of a Provincial Dental Regulatory Authority are not Candidates and shall not be issued a Certificate.
- 9.08 The Board shall immediately cancel and revoke a Certificate granted to a person who has
- A. engaged in fraud, dishonesty, cheating, or other misconduct in connection with the process or conduct of a Board Examination or Assessment.
 - B. not disclosed to the Board that his or her licence to practice dentistry, issued by any Dental Licensing/Regulatory Authority, was suspended or cancelled prior to the Board granting such Certificate.
 - C. violated the Board's copyrights, including but not limited to
 - (i) infringement of the Board's copyright of any or all Examination and Assessment questions posted on the website, distributed or provided at the time of the Examination or Assessment by reconstructing any or all Examination and Assessment questions through memorization, recollection, or digital recording or producing in any manner whatsoever the exact wording or the substance of the wording of questions or publishing, republishing, distributing, transferring, selling or sharing with any person,

corporation, partnership or entity any or all examination or assessment questions or answers to those questions (hereinafter referred to as the "materials") without the prior written consent of the Board. Access to the Board's websites, including ndeb-bned.ca, does not constitute a license or a right to, without the Board's prior written express consent, do any of the following acts with respect to the materials: reproducing; distributing; publishing; editing; manipulating; translating; selling or offering for sale; whether alone or by adding answers, suggested answers, commentary, or adding any other additional content to the "materials"; or

- (ii) infringement of the Board's trademarks including but not limited to, the unauthorized use of the name of the Board in both English and in French ("Le Bureau national d'examen dentaire du Canada"), NDEB, BNED, and the Board's logos. The use of these marks requires express written consent from the Board, and any unauthorized use is strictly prohibited.

10.00 The Board's Equivalency Process

10.01 Persons who are graduates of Accredited Programs but who have failed either the Written Examination or OSCE three (3) times or persons who are graduates of Non-Accredited Programs shall be eligible to apply to the Board to be a Participant in the Board Equivalency Process.

10.02

- A. A person applying to the Equivalency Process shall provide evidence to the satisfaction of the Board that he or she has graduated from a university-based undergraduate dental program.
- B. A person whose application has been rejected may submit a written Appeal to the Board and the Board shall hear any such Appeal pursuant to the Board's Application Rejection Appeal Process as stated in Appendix X.

10.03 The Board Equivalency Process shall consist of the

- A. Assessment of Fundamental Knowledge as described in By-law 16.00,
- B. Assessment of Clinical Skills as described in By-law 17.00., and
- C. Assessment of Clinical Judgement as described in By-law 18.00.

10.04 Participants who successfully complete the Board Equivalency Process by passing the Assessment of Fundamental Knowledge, the Assessment of Clinical Skills and the Assessment of Clinical Judgement will be determined to be equivalent to a graduate of an Accredited Program.

11.00 The Dental Specialty Core Knowledge Examination

11.01 Persons applying to take the Dental Specialty Core Knowledge Examination (DSCKE) shall provide evidence to the satisfaction of the Board that he or she has

- A. graduated from a university-based undergraduate dental program; and
- B. successfully completed a non-accredited specialty program affiliated with a Faculty/College/School of Dentistry that is located in a University that is sanctioned by

Government to award degrees. The specialty program must be a specialty recognized by the Commission on Dental Accreditation of Canada.

- 11.02 A person whose application has been rejected may submit a written Appeal to the Board and the Board shall hear any such Appeal pursuant to the Board's Application Rejection Appeal Process as stated in Appendix X.

12.00 The Board/Royal College of Dentists of Canada Certificate

- 12.01 For the purpose of By-laws 12.02 and 12.03 inclusive, the following abbreviations and definitions shall apply:

"NDEB" means the National Dental Examining Board of Canada.

"RCDC" means the Royal College of Dentists of Canada.

"NDEB/RCDC Certificate" means the Specialist Portability Certificate granted jointly by the NDEB and the RCDC.

"Fellow of the RCDC" means a person who has successfully completed the National Dental Specialty Examination, has been awarded a Fellowship diploma, has graduated from a post-graduate program acceptable to the RCDC, and is associated with a specialty recognized by the Commission on Dental Accreditation of Canada or possesses special qualifications in the dental sciences, as may be determined by the RCDC and has fulfilled all other requirements of the RCDC.

- 12.02 Fellows of the RCDC who have successfully passed the NDEB's Certification Process described in By-law 9.00 and who have received a Certificate shall

A. be granted the NDEB/RCDC Certificate upon application to the NDEB within five (5) years of becoming a Fellow of the RCDC, and

B. have their names entered in the Register for Canada of Dental Specialists.

- 12.03 The NDEB and the RCDC shall determine the format of a single type of Certificate of Qualification to be issued to persons eligible to receive a certificate pursuant to By-law 12.02. The Certificate of Qualification shall be signed by the Presidents or Vice-President/RCDC Vice-President, and the Registrars of the NDEB and the RCDC. The Certificate of Qualification shall bear the corporate seals of the NDEB and the RCDC.

IV – Examinations/Assessments

13.00 Written Examination

- 13.01 The Written Examination shall consist of one (1) Examination taken in a one (1) day session or such other duration as determined by the Board from time to time.

- 13.02 The Board may establish obligations for Candidates as a condition for taking the Written Examination.



- 13.03 The passing standard for the Written Examination shall be established at the Annual Meeting of the Board, Interim meeting of the Board or a special meeting of the Board and shall be applied for a minimum of one (1) year from the day the passing standard is established unless otherwise determined by the Board.
- 13.04 Results will be reported to Candidates as a "Pass" or "Fail". Candidates who receive a "Fail" result will also be given their equated, re-scaled score.
- 13.05 The Written Examination may be taken a maximum of three (3) times unless the Candidate qualifies pursuant to By-law 15.02.
- 13.06 On the first attempt, Candidates must take the Written Examination the day immediately before the day the Candidate takes the OSCE unless otherwise directed by the Board.

14.00 Objective Structured Clinical Examination (OSCE)

- 14.01 The OSCE shall consist of one (1) Examination taken in a one (1) day session or such other duration as determined by the Board from time to time.
- 14.02 The Board may establish obligations for Candidates as a condition for taking the OSCE.
- 14.03 The passing standard for the OSCE shall be established at the Annual Meeting of the Board, the Interim Meeting of the Board or a special meeting of the Board and shall be applied for a minimum of one (1) year from the day the passing standard is established unless otherwise determined by the Board.
- 14.04 Results will be reported to Candidates as a "Pass" or "Fail". Candidates who receive a "Fail" result will also be given their equated, re-scaled score.
- 14.05 The OSCE may be taken a maximum of three (3) times unless the candidate qualifies pursuant to By-law 15.02.
- 14.06 On the first attempt, Candidate's must take the OSCE the day immediately after the day the Candidate takes the Written Examination unless otherwise directed by the Board.

15.00 Repeating the Written Examination and the OSCE

- 15.01 Subject to By-law 15.02, a person is no longer a "Candidate" pursuant to By-law 8.00 if the person has failed either the Written Examination or the OSCE three (3) times.
- 15.02 A person who has failed either the Written Examination or the OSCE three (3) times may re-apply to be a Candidate provided the person
 - A. successfully completes a Qualifying Program, an Advanced Education in General Dentistry Program, a General Practice Residency Program or a Dental Residency Program (hereafter "a Program") which the person has enrolled in and taken subsequent to the failures, and not more than sixty (60) months have elapsed since the date of successful completion of such a Program; or



- B. successfully completes the Board Equivalency Process described in By-law 10.00 and not more than sixty (60) months have elapsed since the date of successful completion of the Board Equivalency Process.
- 15.03 A person who applies to become a Candidate under the circumstances described in By-law 15.02 must successfully pass both the Written Examination described in By-law 13.00 and the OSCE described in By-law 14.00 subsequent to becoming a Candidate through the process described in By-law 15.02.
- 15.04 A person who has failed the Written Examination or the OSCE three (3) times, and who fulfills one of the requirements described in By-law 15.02 and then subsequently fails the Written Examination or the OSCE three (3) additional times, will no longer be a Candidate pursuant to By-law 8.00 and shall not be permitted to take any further Board Examinations or Assessments.
- 15.05 In the event a person fails the OSCE or Written Examination, on the first attempt, then the person will be eligible to retake the OSCE or Written Examination two (2) more times. If the person fails the OSCE or Written Examination three (3) times then the person must comply with By-law 15.02 before the person is eligible to retake the Written Examination or OSCE.

16.00 Assessment of Fundamental Knowledge

- 16.01 The Assessment of Fundamental Knowledge is an evaluation in a multiple choice format. The evaluation must be taken in a one (1) day session held in the morning and afternoon of the same day or such other duration as may be determined by the Board from time to time.
- 16.02 The Board may establish obligations for Participants as a condition for taking the Assessment of Fundamental Knowledge.
- 16.03 The passing standard for the Assessment of Fundamental Knowledge shall be established at the Annual Meeting of the Board, the Interim Meeting of the Board or a special meeting of the Board and shall be applied for a minimum of one (1) year from the day the passing standard is established unless otherwise determined by the Board.
- 16.04 Results will be reported to Participants as a "Pass" or "Fail". Participants will also receive their equated, re-scaled score.
- 16.05 The Assessment of Fundamental Knowledge may be taken a maximum of three (3) times.
- 16.06 A person who has failed the Assessment of Fundamental Knowledge three (3) times will not be eligible to apply to retake the Board Equivalency Process described in By-law 10.00.
- 16.07 A person must pass the Assessment of Fundamental Knowledge before proceeding to the Assessment of Clinical Skills and the Assessment of Clinical Judgement.

17.00 Assessment of Clinical Skills

- 17.01 The Assessment of Clinical Skills is an evaluation of the skills of Participants demonstrated through simulated dental procedures performed on manikins in a clinical setting. The evaluation

must be taken in a two (2) consecutive day session or for such other duration as determined by the Board from time to time.

- 17.02 The Board may establish obligations for Participants as a condition for taking the Assessment of Clinical Skills.
- 17.03 The passing standard for the Assessment of Clinical Skills shall be established at the Annual Meeting of the Board, the Interim Meeting of the Board or special meeting of the Board and shall be applied for a minimum of one (1) year, from the day the passing standard is established unless otherwise determined by the Board.
- 17.04 Results will be reported to Participants as a "Pass" or "Fail". Participants will also receive their score for each requirement.
- 17.05 The Assessment of Clinical Skills in its entirety may be taken a maximum of three (3) times.



- 17.06 A person who has failed the Assessment of Clinical Skills three times will not be eligible to apply to retake the Board Equivalency Process described in By-law 10.00.

18.00 Assessment of Clinical Judgement

- 18.01 The Assessment of Clinical Judgement is an evaluation in the areas of Diagnosis, Treatment Planning, Clinical Decision Making and Radiographic Interpretation. The evaluation shall consist of a written Assessment taken in a one (1) day session or for such other duration as determined by the Board from time to time.
- 18.02 The Board may establish obligations for Participants as a condition for taking the Assessment of Clinical Judgement.
- 18.03 The passing standard for the Assessment of Clinical Judgement shall be established at the Annual Meeting of the Board, the Interim Meeting of the Board or a special meeting of the Board and shall be applied for a minimum of one (1) year from the day the passing standard is established unless otherwise determined by the Board.
- 18.04 Results will be reported to Participants as a "Pass" or "Fail". Participants will also receive their equated, re-scaled score.
- 18.05 The Assessment of Clinical Judgement in its entirety may be taken a maximum of three (3) times.
- 18.06 A person who has failed the Assessment of Clinical Judgement three (3) times will not be eligible to apply to retake the Board Equivalency Process described in By-law 10.00.

19.00 Dental Specialty Core Knowledge Examination

- 19.01 The Dental Specialty Core Knowledge Examination shall consist of one (1) component taken in a one-half (1/2) day session or such other duration as determined by the Board from time to time.
- 19.02 The Board may establish obligations for participants as a condition for taking the Dental Specialty Core Knowledge Examination.
- 19.03 Results will be reported as a score.
- 19.04 The Dental Specialty Core Knowledge Examination may be taken a maximum of two (2) times.



20.00 Misconduct

- 20.01 The integrity of the Board's processes must be respected and maintained at all times. Any departure from the processes may result in immediate action or become the subject of subsequent action following an investigation of the suspected departure from the process.
- 20.02 If during the application process a person's application documentation is not valid, does not demonstrate the required qualifications, or a person compromises, in any manner whatsoever, the integrity of the application process, then
- A. the Registrar may reject the application and
 - B. shall provide the person who made the application with written reasons for such rejection.
- 20.03. A person whose application has been rejected by the Registrar may submit a written Appeal to the Board and the Board shall hear any such Appeal in writing pursuant to the Board's Application Rejection Appeal Process as stated in Appendix X. The Board may
- A. deny the appeal of a rejected application,
 - B. grant the appeal of a rejected application, or
 - C. make such other decision as it determines is fair and reasonable in the circumstances of the application.

Any such decision shall be communicated in writing to the person who appealed the rejection of their application.

- 20.04 If before, during or after an Examination or Assessment, the Board observes or received information that a Candidate, Participant or DSCKE Participant has compromised, in any manner whatsoever, the integrity of an Examination or Assessment by alleged committing misconduct, then the Registrar shall gather evidence and review the allegation of misconduct. Upon completion of this review, the Registrar shall
- A. dismiss the allegation of misconduct, or
 - B. refer the matter to the Examinations Committee.
- 20.05 The Examinations Committee shall consider the record of alleged misconduct as forwarded by the Registrar and make any one or more of the following determinations:
- A. dismiss the allegation of misconduct,
 - B. assign a grade of zero for any or all of the questions on an assessment or examination,
 - C. assign an overall grade of fail for the assessment or examination and grant permission to re-take the assessment or examination on or after a specified date,
 - D. assign an overall grade of fail for the assessment or examination and prohibit the Examinee from taking any future examinations or assessments,
 - E. require successful completion of courses as the Examinations Committee deems appropriate in the circumstances, or
 - F. impose other sanctions, as the Examinations Committee determines to be appropriate, in the circumstances.

- 20.06 An Examinee who has been found to have committed misconduct may appeal the decision or sanctions of the Examinations Committee by filing a written appeal with the Appeals Committee. Appeals must be filed within 21 days of the receipt of the decision of the Examinations Committee and state the relief sought and grounds for appeal.
- 20.07 The Chair of the Appeals Committee shall select three members of the Committee (Panel) to hear an appeal and appoint one of the three members to be Chair of the Panel. A member of a Panel is not permitted to hear an appeal if he/she participated in the Examinations Committee decision under appeal.
- 20.08 The Panel may
- A. hear the appeal in writing; or
 - B. permit oral submissions if the circumstances are considered exceptional.
- 20.09 Following a consideration of the relevant submissions, the Panel shall affirm, reverse, or modify the decision or sanction(s) of the Examinations Committee. The determination of the Panel is final.
- 20.10 Where it is considered to be warranted by the circumstances, the Panel may, in its discretion, award costs of the proceedings.
- 20.11 The Board may withhold the result from Candidates, Participants, or DSCKE Participants if
- A. the Candidate, Participant, or DSCKE Participant is under investigation for misconduct pursuant to By-law 20.00, or
 - B. the Candidate, Participant, or DSCKE Participant has failed in any obligation owed to the Board as a condition of taking an Examination or Assessment.
- 20.12 Without restricting the generality of By-law 20.00, a Candidate, Participant, or DSCKE Participant shall be deemed to have compromised the integrity of the Examination or Assessment process if, at any time, an attempt is made, directly or indirectly, to contact members of the Board or Examiners outside the confines of an Examination or Assessment, for any reason pertaining to any aspect of an NDEB Assessments or Examinations. Any such communication by a Candidate, Participant, or DSCKE Participant, or a person on behalf of the Candidate, Participant, or DSCKE Participant, with the Board and its officials must be made or directed to the Registrar.

- 20.13 Notwithstanding By-laws 20.03 to 20.04, if immediately prior to or during an Examination or Assessment a Board Official determines that a Candidate, Participant, or DSCKE Participant has compromised in any matter what so ever the integrity of the Examination or Assessment, the Board Official may immediately dismiss the Candidate, Participant, or DSCKE Participant from the Examination or Assessment. The Board Official will provide a written report to the Registrar who will start an investigation following the processes and procedures set out in Appendix IX.
- 20.14 No Examinee with a pending allegation of misconduct can participate in an Examination or Assessment, or be issued an NDEB Certificate until a final decision is rendered.
- 20.15 In the event an Examinee is found to have committed misconduct after the granting of an NDEB Certificate, the Board may revoke the Certificate and advise the recipient and Provincial Dental Regulatory Authorities of the decision.

21.00 Appeals of the Written Examination, the OSCE, the Assessment of Fundamental Knowledge, the Assessment of Clinical Judgement and the Dental Specialty Core Knowledge Examination

- 21.01 Persons who have taken the Written Examination or the OSCE, or the Assessment of Fundamental Knowledge or the Assessment of Clinical Judgement, or the Dental Specialty Core Knowledge Examination may, within three (3) months of the release of results, appeal to the Board to have their answer score sheets manually checked against the answer key. Any such appeal must be accompanied by a filing fee as set by the Board from time to time. The score for the person will be that produced by the manual check. This score will determine whether a person passed or failed as established by By-laws 13.00, 14.00, 16.00, 18.00, and 19.00.

22.00 Appeals of the Assessment of Clinical Skills

- 22.01 Within three (3) months of the release of results, a person who has failed the Assessment of Clinical Skills may make submissions in writing to the Appeals Committee of the Board setting out the grounds for requesting to have the Fail changed (hereafter "the Appellant"). Any such Appeal must be accompanied by the filing fee as set by the Board from time to time.
- 22.02 If, on consideration of the Appeal record as defined in the Assessment of Clinical Skills Appeal Process (Appendix VIII), the Panel of the Appeals Committee determines that there was a mistake of fact of such significance that it would have altered the Appellant's Fail, then the Appeal shall be granted. The decision to grant the Appeal shall be final.



- 22.03 If, on consideration of the Appeal record, as defined in the Assessment of Clinical Skills Appeal Process (Appendix VIII), the Panel of the Appeals Committee determines that there was no mistake of fact of such significance that it could have altered the Appellant's Fail, then the Appeal shall be dismissed. The decision to dismiss the Appeal shall be final.
- 22.04 On an extraordinary basis, if the Appellant's submissions demonstrate there were unusual circumstances in the administration of the Assessment of Clinical Skills beyond the control of the Appellant that prevented the Appellant from demonstrating his or her ability during the Assessment of Clinical Skills, then a Panel of the Appeals Committee may void the results of an Assessment of Clinical Skills. Any such determination by the Panel of the Appeals Committee shall include the return of the filing fees to the participant and approval to retake the Assessment of Clinical Skills at the next available session.

23.00 Compassionate Appeal

23.01

- A. A Candidate, Participant, or DSCKE Participant who is prevented from demonstrating his/her ability during the assessment or examination by virtue of a serious health circumstance or unanticipated extenuating circumstances beyond the control of the Candidate, Participant, or DSCKE Participant and which occurred immediately before or during the examination or assessment may, within one (1) week after the examination or assessment has concluded, submit a Compassionate Appeal to the Executive Committee. A Candidate, Participant, or DSCKE Participant may seek to withdraw from the Examination or Assessment to void the results of the Examination or Assessment with a refund of fees, and to grant permission to the Candidate, Participant, or DSCKE Participant to register for the Examination or Assessment at another scheduled session of the Examination or Assessment. For the purpose of this By-law "immediately before" means twenty-four (24) hours before the commencement of the Examination or Assessment.
- B. If the circumstances in By-law 23.01(A) occur more than twenty-four (24) hours before the commencement of the Examination or Assessment then the Candidate, Participant, or DSCKE Participant must withdraw from the Assessment or Examination according to NDEB policies and procedures.

- C. If the Candidate, Participant, or DSCKE Participant is unable to withdraw because of the circumstances in By-law 23.01, the Candidate, Participant, or DSCKE Participant must submit a Compassionate Appeal in accordance with 23.02 and include documentation that substantiates that the Candidate, Participant or DSCKE Participant could not withdraw from the Assessment or Examination within twenty-four (24) hours before the start of the Assessment or Examination.
- 23.02 Any such request for a Compassionate Appeal and for a fee refund must be in writing and the Candidate, Participant, or DSCKE Participant must describe and provide supporting documentation for the serious medical circumstances or unanticipated extenuating circumstances beyond the control of the Candidate, Participant, or DSCKE Participant, which prevented the Candidate, Participant, or DSCKE Participant from demonstrating his/her ability during the Assessment or Examination to permit the Executive Committee to make a determination.
- 23.03 The Executive Committee may grant the Compassionate Appeal if satisfied that the serious medical circumstance or unanticipated extenuating circumstances beyond the control of the Candidate, Participant or DSCKE Participant immediately before or during an Examination or Assessment prevented the Candidate, Participant, or DSCKE Participant from demonstrating his/her ability during the Assessment or Examination. The determination of the Executive Committee shall be final.
- 23.04 In the event the Candidate, Participant, or DSCKE Participant submits the Compassionate Appeal after the one (1) week time period stated in By-law 23.01(A), then the Candidate, Participant, or the DSCKE Participant must provide to the Executive Committee, together with the Compassionate Appeal submission, a reasonable explanation for not filing the Compassionate Appeal within the one (1) week time period stated in By-law 23.01(A). If the Executive Committee is not satisfied with the explanation then, the Executive Committee will not hear the Compassionate Appeal and the Assessment or Examination will be graded without consideration of the Compassionate Appeal. The decision of the Executive Committee is final.

24.00 Test Accommodations

- 24.01 Board examinations and assessments are structured in such a way to permit examinees to demonstrate their knowledge and abilities. Examinees will be permitted to submit requests for test accommodation to address special requirements personal to them. Such a request for test accommodation must be made by a properly documented application prior to the applicable test registration deadline date.
- 24.02 The Accommodation Request Form includes an authorization for the NDEB to contact any professional who submitted supporting documentation for the requested accommodation. The Registrar and Executive Director or designate may discuss the request for accommodation with the applicant for an accommodation or any professional who provides supporting documentation. Such a discussion will be limited to the necessity to grant an accommodation and, if granted, the nature and extent of any such accommodation. The decision to grant an accommodation and the

type of accommodation granted is at the sole discretion of the Registrar and Executive Director or their designate and will be valid for one examination or assessment session. The Board may reserve the right to determine the date, location and time of the examination or assessment session given that a type of accommodation may not be available at every site or on every date.

25.00 Administrative Review

- 25.01 At the sole discretion of the Registrar or the Registrar as directed by the Chair of the Examinations Committee, Chair of the Appeals Committee or by the Executive Committee may conduct an Administrative Review of any NDEB processes, procedures, examinations, assessments or results for irregularities or inconsistencies.
- 25.02 If, upon completion of the Administrative Review the Registrar determines that there may be irregularities or inconsistencies that may have adversely affected the NDEB processes, procedures, examination, or assessment results then the Registrar shall:
- A. Report the finding to the Chair of the Appeals Committee or the Chair of the Examinations Committee. In the event the Executive Committee directs the Registrar to conduct an Administrative Review, then the Registrar will also report the findings to the Executive Committee.
 - i. If the findings of the Registrar relate to an irregularity or inconsistency in the administration of an examination or assessment then the Registrar, in consultation with the Chief Examiner, will take such action as it deems necessary to correct the irregularity or inconsistency.
 - ii. If the findings of the Registrar relate to an irregularity or inconsistency in the administration of the appeals process then the Registrar, in consultation with the Chair of the Appeals Committee, will take such action as it deems necessary to correct the irregularity or inconsistency.
 - B. Report the findings and decision of the Registrar and the Chief Examiner or Chair of the Appeals Committee to the Executive Committee and Board at the next meeting of the Executive Committee and Board, respectively.

V - Interpretation

26.00 Interpretation

- 26.01 In these By-laws and in all other By-laws of the Board hereafter passed, unless the context otherwise requires, words importing the singular number or the masculine gender shall include the plural number and the feminine gender, as the case may be, and vice versa, and reference to persons shall include firms and corporations.
- 26.02 These By-laws are available in both English and French, and both versions are of equal effect. In the event of any inconsistency or error in translation between the English and French versions, the English version prevails.



VI – Appendices

Terms of Reference – Executive Committee

Membership

The Executive Committee is elected by the Board and shall consist of the President, immediate Past-President, Vice-President/Treasurer and two (2) other elected members of the Board. The President shall be the Chair and the Vice-President/Treasurer the Vice-Chair of the Executive Committee. The Executive Committee members shall be elected by the Board for a two (2) year term.

Duties

1. The Executive Committee shall assist the Board in conducting the necessary business and administrative affairs of the Board between the meetings of the Board by carrying out the functions described below. When assisting the Board the Executive Committee shall, during intervals between meetings of the Board, have all the powers of the Board other than the power to
 - A. approve any strategic plan
 - B. approve any budget or amendment to a budget, and
 - C. adopt, amend or repeal By-laws.
2. Approve audited financial statements upon the recommendation of the Finance and Audit Committee.
3. Serve in an advisory capacity and provide general guidance to the President, Registrar and Executive Director.
4. Conduct an annual review of the performance of the Registrar and Executive Director and approve any changes to the compensation of the Registrar and Executive Director by May 1st of each year.
5. With the assistance of the Nominating Committee, when a vacancy arises, assist in the recruitment of the Registrar and Executive Director for approval by the Board.
6. Recommend development of a strategic plan for approval by the members of the Board at its Annual Meeting.
7. Advise the President on the agenda for any meeting of the Board including the Annual Meeting.
8. Hear and determine Compassionate Appeals and Petitions.
9. Undertake any other duty as assigned by the Board from time to time.

Reporting

Notice of a meeting, including an agenda for the meeting, of the Executive Committee shall be provided to all other members of the Board at the same time as members on the Executive Committee. Any such notice shall include an invitation for any member of the Board to attend but only members of the Executive Committee shall be eligible for reimbursement of reasonable amounts necessary for travel and other expenses. Any minutes of meetings of the Executive Committee shall be provided to all other members of the Board at the same time as they are provided to members of the Executive Committee.



Terms of Reference – Finance and Audit Committee

Membership

The Finance and Audit Committee of the Board shall consist of the President, Vice-President/Treasurer, two (2) other elected members of the Board, and an independent chartered professional accountant (referred to as Independent Member) elected by the Board. The Vice-President/Treasurer shall be the Chair of the Finance and Audit Committee. The two (2) elected members and the Independent Member shall be elected annually. The Vice-Chair of the Committee shall be elected by the Committee.

Duties

1. The purpose of the Finance and Audit Committee is to assist the Board in fulfilling its role with respect to
 - A. oversight of the annual external audit by
 - i. reviewing the annual audited financial statements;
 - ii. reviewing the audit results and significant findings, meeting with the auditors if necessary;
 - iii. reviewing the independence and performance of the auditor;
 - iv. approving, on behalf of the Board, the selection of the audit firm and the terms of engagement of the audit; and
 - v. recommending approval of the annual audited financial statements by the Executive Committee.
 - B. oversight of the financial planning process by
 - i. reviewing and recommending approval by the Board of the annual operating and capital budgets, including the fee schedule;
 - ii. monitoring financial performance against budget throughout the year.
 - C. oversight of financial policies and processes by
 - i. reviewing and recommending Board approval of



- a. the delegated signing authorities policy,
 - b. the Internally Restricted Net Asset (Reserve Fund) policy, and
 - c. the Investment policy.
- ii. monitoring management of financial risk and mitigating strategies.
- D. undertaking such other activities/responsibilities as the Board shall delegate to the Finance and Audit Committee from time to time.

Meetings

The Finance and Audit Committee will meet twice a year or more frequently if necessary.

Quorum

A quorum for a meeting shall consist of the Chair or the Chair's delegate plus two (2) other members.



Terms of Reference – Examinations Committee

Membership

The Examinations Committee of the Board shall consist of nine (9) members elected by the Board. One (1) of these members may be the Public Representative. No more than two (2) persons can be recommended to be members by each of the Ordre des dentistes du Québec, the Association of Canadian Faculties of Dentistry and the Dental Council of New Zealand. With the exception of the Public Representative, committee members may be elected for a three (3) year term and are eligible for re-election for one additional three (3) year term. The Public Representative's term shall be in accordance with By-law 5.33. At least two (2) members of the Committee shall have at least two (2) years of experience as an Examiner. The Chair and Vice-Chair of the Committee shall be elected by the Board at the Annual Meeting of the Board.

Duties

The Examinations Committee has the responsibility to make recommendations that will provide for the conducting of Examinations and Assessments in a fair and equitable manner for all concerned. Each year the Examinations Committee of the Board shall:

1. Review the standards and procedures of all Examinations and Assessments and make recommendations to the Board on all matters concerning the Examinations and Assessments.
2. Review the passing standard for each Examination and Assessment and make a recommendation to the Board.
3. Review a roster of possible Examiners suggested by representatives of Accredited Programs located in Canada, by the Provincial Dental Regulatory Authorities and the Dental Council of New Zealand. The Committee shall recommend a list of Examiners to permit the Board to appoint a sufficient number of Examiners to develop, construct, validate, administer and evaluate all of the Examinations and Assessments.
4. Recommend to the Board, Chief Examiners for each of the Board's Examinations and Assessments.
5. Appoint Assistant Chief Examiners for each of the Board's Assessments and Examinations. The Assistant Chief Examiners may be appointed for a one (1) year term.

6. Recommend to the Board, consultants to assist in the development, validation and administration of Examinations and Assessments.
7. Review the protocols for each of the Board's Examinations and Assessments and submit the protocols to the Board for approval.
8. Make decisions under By-laws and Appendix IX.



Terms of Reference – By-laws Committee

Membership

The By-laws Committee of the Board shall consist of three (3) members elected by the Board annually. All Committee members must be members of the Board. At least one (1) Committee member must also be an Executive Committee member. The Chair and Vice-Chair shall be elected annually by the Board.

Duties

The By-laws Committee shall meet annually to conduct a complete review of the By-laws and appended Terms of Reference of Standing Committees and any *ad hoc* committees.

1. The Chair of the Committee shall ensure that the By-laws Committee will communicate with the Chairs of all other Committees, the Registrar and the Executive Director and Legal Counsel to identify issues and to consider whether changes need to be proposed to the current By-laws and Terms of Reference for all Standing Committees and any *ad hoc* committees.
2. Following its annual review, the By-laws Committee shall make recommendations to the Board concerning any proposed changes to the By-laws and Terms of Reference for all Standing Committees and any *ad hoc* committees in sufficient time for proper notice and consideration at the next Annual General Meeting of the Board.



Terms of Reference – Appeals Committee

Membership

The Appeals Committee of the Board shall consist of up to twenty-five (25) members elected by the Board to a one (1) year term. The Chair and Vice-Chair shall be elected annually by the Board.

Duties

1. The Chair of the Appeals Committee shall select three (3) members of the Committee ("Panel") to hear an Appeal on a case by case basis and appoint one (1) of the three (3) members as Chair of the Panel. Members of a Panel are not permitted to hear an Appeal if the member participated in the administration of the Assessment or Examination under appeal, or participated in the Examinations Committee decision under appeal.
2. The Appeals Committee shall hear an Appeal in accordance with Appeals Procedures as stated in Appendix VIII and Appendix IX of these By-laws.
3. In the case of an ACS appeal, a Panel will hear the appeal based upon the written appeal record and will then determine whether the Appeal should be dismissed or granted or make such other determination as it deems appropriate in the circumstances. If the Panel grants the Appeal, then it may have the effect of reinstating Assessment results or allowing the Appellant the privilege of repeating the Assessment.
4. On an extraordinary basis, a Panel may consider whether there were unusual circumstances in the administration of the Assessment of Clinical Skills beyond the control of the Appellant that prevented the Appellant from demonstrating their ability during the Assessment of Clinical Skills. In such circumstances, a Panel of the Appeals Committee may determine, in its sole discretion, to void the results of an Assessment of Clinical Skills. Any such determination by the Panel of the Appeals Committee shall include the return of the appeal fees to the Appellant and approval to take the Assessment of Clinical Skills at the next available session.
5. In the case of a decision by the Examinations Committee regarding misconduct, an Appeals Panel may
 - A. Hear the appeal in writing; or
 - B. Permit oral submissions if the circumstances are considered exceptional.



6. Following a consideration of the relevant submissions, the Panel shall affirm, reverse, or modify the decision or sanction(s) of the Examinations Committee. The determination of the Panel is final.



Terms of Reference – Nominating Committee

Membership

The Nominating Committee shall consist of the President and immediate Past-President. The immediate Past-President shall be the Chair of the Nominating Committee.

Duties

The Nominating Committee shall assist the Board by identifying and nominating persons to serve on the Standing Committees and any *ad hoc* committees consistent with the Board's By-laws. Each year the Nominating Committee of the Board shall:

Committees and Registrar/Executive Director

1. Give full consideration to answering the proper complement of members on Standing Committees and any *ad hoc* committees of the Board with due regard to succession planning for these positions and the positions of Registrar and Executive Director.
2. Canvas and consult with members of the Board, the Registrar and Executive Director to determine potential nominees for the Executive positions, Standing Committees and *ad hoc* Committee positions.
3. Determine competencies for Board members considered to be potential members for Executive positions, Standing Committees and *ad hoc* Committees.
4. Meet in person or by telephone with any Board member being considered for a committee or committee position to determine competency and to discuss expectations as it relates to time commitment, committee service and involvement with respect to the particular committee or committee position being considered.
5. Recommend to the Board at its Annual Meeting a list of nominees for election to Executive positions, Standing Committees and *ad hoc* Committees consistent with the requirements of the By-laws.
6. As required, conduct orientation for new Board members and members elected or appointed to Committees for the first time.
7. When a vacancy arises, provide assistance to the President for the hiring of persons to fill the positions of Registrar and Executive Director.



Public Representative

8. The Nominating Committee shall request in writing, nominations from all the Provincial Dental Regulatory Authorities for the Public Representative position.
9. The nominations received by the Nominating Committee for the Public Representative position shall be presented to the Board at the Annual Meeting.



Terms of Reference – Research Committee

Membership

The Research Committee of the Board shall consist of one (1) member from the Board and four (4) persons qualified in research. Committee Members shall be elected by the Board for a term not to exceed three (3) years and may be re-elected to one (1) further term not to exceed three (3) years. The terms for members of the Research Committee shall be selected to ensure a rotation in membership. The Chair and Vice-Chair shall be elected annually by the Corporation.

Duties

1. Identify innovative research with respect to learning and teaching that advances Assessment and certification in dentistry.
2. Review existing resources (including technical manual, examiners manuals, and analytical reports) and provide advice, guidance, and support concerning the utilization and adequacy of the resources.
3. Evaluate and respond to requests from the Board and Standing Committees and *ad hoc* Committees related to research.
4. Authorize and supervise research on identified projects when appropriate and within the budget approved by the Board.
5. Develop Requests for Proposals (RFPs) for research that requires external expertise and resources and evaluate responses to RFPs.
6. Develop, maintain and administer a system to review proposals for potential research projects.
7. Report once a year to the Board on studies that are required, are on-going or have been completed to support the validity and reliability of the Board's Examinations, Assessments and certificate responsibilities.



Assessment of Clinical Skills Appeal Process

1. Pursuant to By-law 22.00, a Participant who has failed the Assessment of Clinical Skills (the "Appellant") may make submissions in writing to the Appeals Committee of the Board setting out the grounds for requesting to have the "Fail" grade changed. Any such appeal must be accompanied by the filing fee as set by the Board from time to time.
2. Once the Appellant's written submission has been received, staff will verify that the filing fee has been paid and the Participant will be notified when the Appeals Committee will review the appeal record.
3. Appellants may submit additions or amendments to their appeal submissions provided the addition or amendment is received at least fifteen (15) days prior to the date the Appeals Committee is scheduled to review the appeal submission. If the Appellant's addition or amendment is received less than fifteen (15) days prior to the date the Appeals Committee is scheduled to review the appeal submission, the Appellant's appeal will be delayed and reviewed at the next available date. Additions or amendments to an appeal submission received after the Appeal Committee has reviewed the appeal will not be considered.
4. Once payment has been verified, staff will prepare documents and materials (appeal record) for distribution to the Appeals Committee.
5. The appeal record will consist of the
 - A. appellant's submission and any and all documents the Appellant deems necessary.
 - B. Report of Results for the grades under consideration.
 - C. typodonts with all Assessment teeth in position.
 - D. Participant Communication Form.
 - E. Invigilator Notes Form for Participant.
 - F. any photographs taken during the evaluation of the Appellant's typodonts; however, there is no requirement to take photographs during the evaluation.

In addition, if the Appellant has appealed a change of grade for

 - G. Infection Control, the Infection Control Grading Form shall be included.
 - H. Record of Procedure, the Record of Procedure Grading Checklist shall be included.
 - I. Dental dam, the Dental Dam Requirement Grading Form shall be included.
6. The Chair of the Appeals Committee, pursuant to its Terms of Reference (Appendix V) shall select a three (3) member Panel to hear the appeal.
7. The Panel, having reviewed the appeal record, shall

- A. First make a determination whether any of the grades under consideration, initially graded as an "E" or a "D" could be changed to a higher grade;
 - B. Then request Board staff to provide the grades that were not the subject of the appeal; and
 - C. Then use all of the grades to determine whether the "Fail" should be changed to a "Pass".
8. On an extraordinary basis, a Panel may consider whether there were unusual circumstances in the administration of the Assessment of Clinical Skills beyond the control of the Appellant appealing that prevented the Appellant from demonstrating their ability during the Assessment of Clinical Skills. In such circumstances, a Panel of the Appeals Committee may determine, in its sole discretion, to void the results of an Assessment of Clinical Skills. Any such determination by the Panel of the Appeals Committee shall include the return of the appeal fees to the Appellant and approval to take the Assessment of Clinical Skills at the next available session.
9. If, on the consideration set out in paragraph 7 above, the Panel determines that there was no mistake of fact of such significance that it could have altered the Appellant's "Fail", then the appeal shall be dismissed. The decision to dismiss the appeal shall be final. The reasons for the determination made for each grade under consideration will be included in the report of the appeal, which will also be provided to the Appellant.
10. If, on the consideration set out in paragraph 8 above, the Appeals Committee determines that there was a mistake of fact of such significance that it alters the Appellant's "Fail", then the appeal shall be granted. The decision to grant the appeal shall be final. The reasons for the determination made for each grade under consideration will be included in the report of the appeal, which will also be provided to the Appellant.



Misconduct

1. Pursuant to By-law 20.00, if the NDEB has received an allegation of misconduct the Registrar or a designate (collectively the "Registrar") shall gather evidence and review the allegation together with any evidence supporting the allegation of misconduct. Upon completion of this review the Registrar shall
 - A. dismiss the allegation of misconduct, or
 - B. refer the matter to the Examinations Committee
2. If the Registrar determines that the matter is to be referred to the Examinations Committee, the Registrar will inform the examinee
 - A. that he/she is under suspicion of misconduct and provide the examinee with the evidence;
 - B. that he/she has the opportunity to respond to the allegation and provide an explanation;
 - C. that he/she is not required to provide an explanation or attend an interview, if requested; and
 - D. of the possible sanctions for the alleged misconduct if he/she is found to have committed misconduct.
3. The Registrar will provide the examinee with the documents that will be considered by the Examinations Committee.
4. During the Examinations Committee meeting, the Committee will
 - A. dismiss the allegation of misconduct; or
 - B. decide whether the Examinee has committed misconduct and determine the sanctions to be imposed if misconduct has been committed.
5. The Examinations Committee will provide the examinee with a written decision including any sanctions imposed.
6. If the Examinations Committee determines that additional information is required prior to making a decision, then the information will be requested and the matter will be referred to a subsequent meeting of the Examinations Committee.
7. Where it is considered to be warranted by the circumstances, the Examinations Committee may in its discretion, award costs of the proceedings.



Publishing decision and sanction

1. Where it is appropriate, the Examinations Committee or the Appeals Panel may determine that a decision be published on the NDEB website with the name of the Examinee withheld.



Application Rejection Appeal Process

1. If the Board rejects an application then the Applicant may appeal the decision to reject the application to the NDEB Board.
2. If the Applicant wishes to appeal the decision of the Board then the Applicant must file a notice to appeal within fifteen (15) days after the Applicant receives the rejection of the application from the Board.
3. Upon receipt by the Board of the notice to appeal, the Board within fifteen (15) days of receiving the notice of appeal from the Applicant, will provide to the Applicant the following documents (if the documents are in the possession of the Board):
 - A. The Applicant's application.
 - B. The Applicant's file and all documentation contained in the file.
 - C. The detailed notes of the credential assessor(s).
 - D. The Country / School education profile for the documents in question.
4. Upon receipt by the Applicant of the documents in paragraph 3 above, the Applicant may provide a written appeal submission to the Board within fifteen (15) days after the receipt of the documents listed in paragraph 3.
5. Upon receipt by the Board of the documents in paragraph 3 and the Applicant's written appeal submission, the Board will
 - A. grant the Applicant's appeal; or
 - B. deny the Applicant's appeal; or
 - C. make such other decisions as it deems fair and just in the circumstances.
6. The decision of the Board will be in writing and sent to the Applicant within forty-five (45) days after the documents in paragraph 3 are provided to the Applicant.
7. The decision of the Board will be final.

