

THE TRIO'S MISUSED OBSOLETE GATB CDN AND THE CAREER HANDBOOK

302. Dr. Westcott had her technicians administer the GATB CDN (Nelson, 1986) to Ms. [REDACTED] and then misused the GATB CDN scores with the Career Handbook's Aptitude Levels to claim that Ms. [REDACTED] aptitude scores were below those required of elementary school teachers.

The Career Handbook was designed only for vocational counselling

303. The GATB CDN was used for occupational counselling and job exploration in conjunction with the National Occupational Classification (NOC) and the Career Handbook published by Human Resource Development Canada ("HRDC").
304. The Career Handbook clearly states it is "intended for career counselling, development and exploration purposes", and equally clearly states that the Career Handbook data **are not appropriate** for other uses:

The Career Handbook is intended for career counselling, development and exploration purposes. HRDC neither condones nor recommends the use of this information for other purposes. The profiles presented here are *not appropriate* [emphasis in the original] for other uses such as screening applicants for particular positions or determining insurance benefits. The data *do not* [emphasis in the original] replace the use of criterion-referenced testing to establish performance requirements for work as it occurs in the labor market...

305. The Career Handbook also gives three specific reasons why the use of aptitude ratings published in the Career Handbook "*do not* [emphasis in the original] replace the use of criterion-referenced testing to establish performance requirements for work as it occurs in the labour market." One reason is that the aptitude ratings are not based on any "actual workers":

The rated information in the Handbook is not based on experimental data collected from representative samples of the employed labour force for the occupations of the NOC.

306. The Career Handbook also clearly explains that "the ratings [Aptitude Levels] assigned to groups reflect **the most frequently occurring levels of aptitudes** [emphasis added]..." As is widely known and explained in all introductory psychology and introductory testing texts, in the symmetrical bell shaped distributions, the most frequent scores (known as "modes") occur in the middle of the distributions and in fact the most frequent scores/modes are equal to medians and mean scores in the symmetrical bell shaped distribution of scores.
307. The Career Handbook explains that it uses 5 Aptitude Levels (1, 2, 3, 4, 5) "based on the normal curve" [bell shaped symmetrical distribution] of aptitudes and that the five levels are defined as follows:

1. The highest 10% of the working population [standard scores > 125]
2. Upper third, exclusive of the highest 10% [standard scores 109 to 125]

3. Middle third, exclusive of the lowest 10% [standard scores 92 to 108]
4. Lowest third, exclusive of the lowest 10% [standard scores 75 to 91]
5. Lowest 10% of the working population [standard scores < 75]

308. For example, for the NOC 4142.0 "Elementary School and Kindergarten Teachers", the Career Handbook lists the Aptitude Profile G = 2, V = 2, N = 3, S = 4, P = 4, Q = 3, and K = 4. Since the Aptitude Levels are not based on any experimental data of any "actual workers", it is unknown where exactly within the Aptitude Level bands the "most frequently occurring levels of aptitude" lie for any of the occupations listed in the NOC.

309. The table shows the Aptitudes, 4142.0 Aptitude Levels, Aptitude Bands with the "most frequently occurring levels of aptitudes", Lower Bound of Aptitude Band minus 1 SD, and Lower Bound of Aptitude Band minus 2 SD.

Aptitude	4142.0 Aptitude Levels	Aptitude Bands with the "most frequently occurring levels of aptitudes" or the centers of aptitude distributions	Lower Bound of Aptitude Band +/- 1 SD (20)	Lower Bound of Aptitude Band minus 2 SD (40)
G	2	109-125	89-129	69
V	2	109-125	89-129	69
N	3	92-108	72-112	52
S	4	75-91	55	35
P	4	75-91	55	35
Q	3	92-108	72	52
K	4	75-91	55	35
F	4	75-91	55	35
M	4	75-91	55	35

Dr. Westcott administered GATB CDN to Ms. [REDACTED] in 2010

310. Dr. Westcott administered GATB CDN to Ms. [REDACTED]. The Figure shows the top right corner of the front page of Result Sheet of GATB CDN found in Dr. Westcott's clinical records. It clearly shows that Ms. [REDACTED] was tested on July 30, 2010, with the GATB CDN, published by Nelson Canada, that is, with the GATB CDN.

Results Sheet

General Aptitude Test Battery

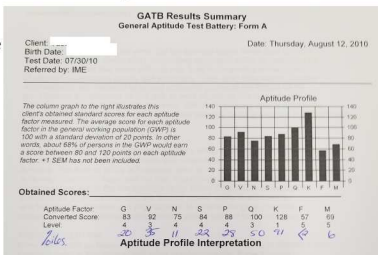
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Given Names: [REDACTED] Tel. No.: [REDACTED]

Birthdate: [REDACTED] Sex: M F

311. The Figure shows GATB Results Summary – a computerized printout – found in Dr. Westcott's clinical records. The GATB Results Summary states:

"The column graph to the right illustrates this client's obtained standard scores for each aptitude factor measured. The average score for each aptitude factor in the general working population (GWP) is 100 with a standard deviation of 20 points. In other words, about 68% of persons in the GWP would earn a score between 80 and 120 points on each aptitude factor. +1 SEM has not been included"



312. The GATB Results Summary shows Ms. [REDACTED] actual Aptitude Profile, standard scores/converted scores **without +1 SEM** added to her scores, and Aptitude Level. Ms. [REDACTED] G and V Aptitude Converted Scores were within the middle 68% of persons in the GWP and Ms. [REDACTED] N Aptitude Converted Score was slightly below.
313. The GATB CDN Manual makes it clear that +1 SEM (Standard Error of Measurement) must be added but, as it plainly states in the GATB Results Summary, this was not done. As stated in the GATB CDN Manual, the 1 SEM is 6 for G, 6 for V, 6 for N, 8 for S, 9 for P, 9 for Q, 7 for K, 12 for F, and 11 for M.
314. Accordingly, the **Aptitude Scores + 1 SEM** are: G = 89, V = 98, N = 81, S = 92, P = 97, Q = 109, K = 135, F = 69, and M = 80.
315. **When correctly scored**, Ms. [REDACTED] G, V, and N scores are all within the middle 68% of persons in the GWP based on the GATB CDN unknown "normative" and nearly 30 years obsolete sample.
316. Moreover, Ms. [REDACTED] G, V, and N scores are at or above those obtained by **Lakehead University Canadian undergraduate students** tested by Yesting (1994) some 8 years after the GATB CDN GWP norms were published and five years before Ms. [REDACTED] obtained her undergraduate degree in 2000.

Dr. Westcott misused the GATB CDN and the Career Handbook

317. Dr. Westcott used the CH NOC Aptitude Levels as a norm-referenced criterion against which she assessed Ms. [REDACTED] ability to perform her teaching duties. Specifically, Dr. Westcott took the CH NOC Aptitude Levels for the Elementary School Teachers "as listed in the National Occupational Classification" (the CH) and then compared Ms. [REDACTED] GATB CDN performance against those Aptitude Levels and made number of claims that Ms. [REDACTED] aptitudes are too low, do not meet expectations for the elementary school teachers, etc..
318. Specifically, Dr. Westcott made the following conclusions based on her comparison of Ms. [REDACTED] GATB CDN scores and the CH NOC Aptitude Levels:
- (a) With respect to the G Aptitude, Dr Westcott concluded (p. 16):

Ms. [REDACTED] demonstrated low average (20th percentile) ability Elementary school teachers typically demonstrate above average general learning ability compared to the general working population. This finding suggests a decline in Ms. [REDACTED] general learning ability subsequent to the completion of her Bachelor of Education degree.

(b) With respect to the V Aptitude, Dr. Westcott concluded (p. 17):

... her verbal aptitude as measured by the GATB is lower than expected given that elementary school teachers typically demonstrate above average verbal aptitude as reported in the NOC [Career Handbook]

(c) With respect to the N Aptitude, Dr. Westcott concluded (p. 17):

In terms of numerical aptitude, Ms. [REDACTED] performance on the GATB was in the below average range.... Elementary school teachers typically demonstrate average numerical aptitude as listed in the NOC [Career Handbook] (p. 17)

319. As detailed above, the CH Aptitude Levels do NOT allow these kinds of statements. First, the CH is explicit that the CH NOC Aptitude Levels cannot be used this way because the NOC Aptitude Levels are not based on any experimental data – they are NOT norms. The CH is clear (let's repeat for clarity):

The rated information in the Handbook is not based on experimental data collected from representative samples of the employed labour force for the occupations of the NOC.

320. The CH is also crystal clear that the CH Aptitude Levels do not represent any criterion for performance requirements for various occupations:

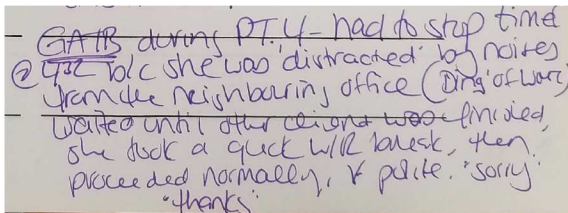
The data *do not* [emphasis in the original] replace the use of criterion-referenced testing to establish performance requirements for work as it occurs in the labor market...

321. **Dr. Westcott's use and the Trio's approval of the CH Aptitude Levels as norm-referenced criteria "required" for the elementary school teachers directly contravened the CH explicit directions for the CH users that the CH Aptitude Levels cannot and ought not to be used that way.**

322. The Career Handbook Aptitude Level data were incapable to support Dr. Westcott's conclusion and the Career Handbook explicitly stated this fact for Dr. Westcott to read.

Dr. Westcott failed to administer GATB CDN as required by the GATB CDN Manual

323. The GATB CDN Manual is clear that to obtain valid scores, the administration must follow the specific requirements in the manual.
324. As per Dr. Westcott's clinical notes, GATB CDN testing was interrupted during Part 4 (Vocabulary) due to "noises from the neighbouring office".



325. Part 4 Vocabulary contributes to both G and to V Aptitudes. Given the highly speeded nature of the test – there are 60 verbal problems for which one is afforded only 6 minutes, ANY distraction lowers the score, and especially the one where the testing must be stopped.
326. There is exactly zero mention in Westcott Sep. 15, 2009 Report that this is what happened. One has to go and examine her clinical files in order to find out that the GATB CDN was not administered according to the protocol.

Dr. Westcott's description and scoring of GATB CDN is incorrect and false

327. Dr. Westcott wrote:

In order to provide a wider range of vocational possibilities for Ms. [REDACTED] one standard error of measurement [SEM] was added to her obtained aptitude scores. This is a standard practice in vocational rehabilitation assessment.

328. Dr. Westcott's statement that 1 SEM was added is **false**. Dr. Westcott did not add 1 SEM to Ms. [REDACTED] aptitude standard scores as the GATB CDN Manual requires. This was pointed out already by one member of the Trio -- Dr. Suffield in Suffield December 30 2011 Report.

329. The figure shows Dr. Westcott's Table 4 and 5 from Westcott Sep 15 2010 Report with corrected text and numbers in **bold/red**:
- (a) Dr. Westcott's label "Aptitude Level" in Table 4 is **false**; the numbers are "Standard Scores".
- (b) Dr. Westcott's label "Standard Scores" in Table 4 is **false**; the numbers are Aptitude Levels.

Psychological Assessment Report Page 16

15 September 2010

Table 4. Summary of Ms. [REDACTED] Scores on the GATB.

Factor	Cognitive				Perceptual				Psychomotor		
	G	V	N	S	P	Q	K	F	M		
Standard Score	89	98	81	92	97	100	135	69	80		
Aptitude Level	4	3	4	3	4	2	3	1	5		
Standard Score	29	46	17	34	42	60	96	6	16		
Percentile	20	75	11	32	48	50	96	2	16		

The Most Frequently Occurring Levels of Aptitudes
Occupational Classifications

Factor	Cognitive				Perceptual			Psychomotor	
	G	V	N	S	P	Q	K	F	M
Aptitude Level	2	2	3	4	4	3	4	4	4

Key to Tables 4 and 5

Aptitudes		
G - General Learning Ability	V - Verbal Aptitude	N - Numerical Aptitude
S - Spatial Aptitude	P - Form Perception	Q - Clerical Perception
K - Motor Coordination	F - Finger Dexterity	M - Manual Dexterity

1 = Significantly Above Average 2 = Above Average 3 = Average
4 = Below Average 5 = Significantly Below Average

Appeal of Dr. Troy Janzen's dismissal of complaints against Dr. J. Braxton Suffield -- 82 of 171

- (c) Dr. Westcott's Standards Scores in Table 4 **are all incorrect**; they did not include 1 SEM required by the GATB CDN Manual.
- (d) Dr. Westcott's label "Standard Score" in Table 5 **is false**; the numbers are "Aptitude Levels".
- (e) Dr. Westcott's caption for Table 5 stating that the numbers were "required" aptitudes **is false**; the numbers are "the most frequently occurring levels of aptitudes" – the center of the hypothesized aptitude distributions.

330.

Dr. Westcott largely plagiarized her description and interpretation of the GATB CDN

331. The figure below shows the page 15 of Westcott September 15 Report with annotations. The text highlighted in yellow is verbatim identical copy of text in *Vespa v. Dynes*, 2002 ABQB 25, para 137, available on canlii.org (<https://canlii.ca/t/4zvn>).

Dr. Westcott failed to identify which of the two different GATB tests was used to test Ms. Tuson. Dr. Westcott's clinical records show that she administered the GATB CND or GATB Canadian Edition normed in 1985 on Canadians and published by Nelson Canada in 1985 (and did not administer the USES GATB normed prior to 1985 in USA and published by the US Department of Labour.

Psychological Assessment Report Page 15
15 September 2010

4.3 Vocational Aptitudes

On this page, the text highlighted in yellow is verbatim copy of text in Vespa v. Dynes, 2002 ABCB 25, para 137, available on canlii.org

General Aptitude Test Battery (GATB)

The General Aptitude Test Battery (GATB) is the most widely-used aptitude test in North America. It consists of nine sub-tests that are grouped together into three major areas of functioning: cognitive abilities; perceptual abilities; and psychomotor abilities. Scores on the nine aptitude areas of the GATB are related to the requirements of specific jobs which are listed in the National Occupational Classifications (NOC), and as such it is possible to draw conclusions about the jobs a person might be capable of performing (from an aptitude point of view) by comparing GATB scores with aptitude requirements listed in the NOC. The GATB does what very few other tests do: it permits comparison of client characteristics with those of actual workers in specific occupations. By convention, an aptitude level of 5 reflects very poor performance, within the bottom 10 percent of the population. An aptitude level of 4 is rated within the 11th to 36th percentile, and is considered to be below average. An aptitude level of 3 is "average", and reflects performance within the 37th to the 64th percentile. An aptitude level of 2 is above average, and is rated within the 65th to 90th percentile. An aptitude level of 1 reflects performance within the top 10% of the population, and represents exceptional ability. The average range for a standard score for each aptitude is 90 to 110. In order to provide a wider range of vocational possibilities for Ms. , one standard error of measurement was added to her obtained aptitude scores. This is a standard practice in vocational rehabilitation assessments. For comparison, the aptitudes typically required of an elementary school teacher as listed in the NOC are also presented below. most frequently occurring levels of

Dr. Westcott falsely stated that she added one standard error of measurement (SEM). She did not and failed to follow the GATB CND Manual directions.

Dr. Westcott falsely stated that she added the Career Handbook Aptitude Levels and GATB CND "permits comparison of client characteristics with those of actual workers in specific occupations."

The Career Handbook is crystal clear that Career Handbook Aptitude Levels were not based on any scores of any workers in any actual occupation.

The Career Handbook says: "The rated information in the Handbook (Aptitude Levels) is not based on experimental data collected from representative samples of the employed labour force for the occupations of the NOC.

(see noc.esdc.gc.ca/CareerHandbook_section "Purpose of the Career Handbook")

332. The para 137 of Vespa reads as follows:

[137] The General Aptitude Test Battery (GATB) is a widely used aptitude test in North America. It consists of nine sub-tests which are grouped together in three major areas of functioning, namely cognitive abilities, perceptual abilities and psychomotor abilities. The nine aptitude areas are general learning ability, spatial aptitude, motor coordination, verbal aptitude, form perception, finger dexterity, numerical aptitude, clerical perception

and manual dexterity. Scores on the nine aptitude areas are related to the requirements of specific jobs which are listed in the National Occupational Classification (NOC). From the scores, it is therefore possible to draw conclusions about the jobs a person might be capable of performing, from an aptitude point of view, by comparing the GATB scores with the aptitude requirements listed in the NOC. The GATB permits comparison of client characteristics with those of actual workers in specific occupations.

333. Dr. Westcott falsely presented the yellow highlighted text as her own. Dr. Westcott did not place any quotations mark around the verbatim copied text and she did not provide any citation nor any other indication that she copied this text from elsewhere and that where she copied it from.

334. Dr. Westcott's plagiarized text also includes the following false claim (in bold):

“The GATB [CDN which she used] does what very few other tests do: it permits comparison of client characteristics with those of actual workers in specific occupations.”

335. The GATB CDN was not normed on any elementary teachers and no occupation specific norms exist for the GATB CDN. The GATB CDN simply does NOT “permit comparison of client characteristics with those of actual workers in specific occupations.” as the Career Handbook clearly states. Dr. Westcott's statement (plagiarized from elsewhere) is patently false.

336. Furthermore, as detailed above, the Aptitude Levels provided in the Career Handbook -- and used by Dr. Westcott to make claims about the abilities elementary school teachers -- are not based on any experimental data and not based on any “actual workers in specific occupations”.

337. Clearly, either **Dr. Westcott plagiarized** the GATB description from Vespa v. Dynes, 2002 ABQB 25, para 137, or she plagiarized it from the same source provided to the Court in Vespa v. Dynes. Given that the GATB description in Vespa appears in the section detailing Dr. Michael Boissevain's testimony in Vespa, Dr. Westcott's colleague in Mandel & Associates Ltd, Dr. Westcott's false description of the GATB CDN and the NOC/Career Handbook Aptitude Scores appears to originate from Mandel & Associates Ltd internal **false beliefs** about the GATB CDN and the NOC Aptitude Levels. Contrary to those false beliefs, to repeat, **there are no known norms and no experimental data on Aptitude Levels of actual workers in any and all specific occupations, on how they perform on the GATB CDN. The the Career Handbook states that very clearly.**

1
15 September 2010 Psychological Assessment Report Page 16

Table 4. Summary of Ms. Scores on the GATB.

Factor	Cognitive			Perceptual			Psychomotor		
	G	V	N	S	P	Q	K	F	M
Score + 1SEM	89	98	81	92	97	109	135	69	90
Aptitude Level	83	92	76	84	98	100	128	57	89
Standard Score	4	3	4	4	4	3	1	5	5
Percentile	29	46	17	34	44	67	90	26	16
	20	35	11	22	28	50	81	<2	8

the Most Frequently Occurring Levels of
Table 5. Elementary School Teacher Required Aptitudes as Listed in the National Occupational Classifications.

Factor	Cognitive			Perceptual			Psychomotor		
	G	V	N	S	P	Q	K	F	M
Standard Score	2	2	3	4	4	3	4	4	4

These Aptitude Levels are "not based on experimental data collected from representative samples of the employed labour force" (Career Handbook)

Key to Tables 4 and 5

Aptitudes

G - General Learning Ability V - Verbal Aptitude N - Numerical Aptitude
S - Spatial Aptitude P - Form Perception Q - Clerical Perception
K - Motor Coordination F - Finger Dexterity M - Manual Dexterity

1 = Significantly Above Average

2 = Above Average

3 = Average

4 = Below Average

5 = Significantly Below Average

Ms. demonstrated low average (20th percentile) ability to "catch-on" to new tasks, instructions, and underlying principles as measured by the GATB. Based on these findings, she may be expected to successfully complete courses of study of less than two years in duration at the community college level. Her comparative general intellectual abilities are likely to be in the lower third of persons in the general working population. This finding is not consistent with her past achievement of a university degree. Elementary school teachers typically demonstrate above average general learning ability compared to the general working population. This finding suggests a decline in Ms. general learning ability subsequent to the completion of her Bachelor of Education degree. Lower scores on this scale can be attributed to behavioural, cognitive, emotional, and/or physical factors affecting test performance. This finding is consistent with her history of diagnosis of MS and evidence of cognitive decline as measured by the WAIS-IV, WTAR, D-KEFS, and RCFT.

Ms. demonstrated verbal aptitude in the mid-average range (35th percentile). This finding suggests that she has satisfactory English language vocabulary development. Her ability to understand the meanings of words and ideas is generally unremarkable. She is not likely to experience major difficulties presenting information and ideas clearly. Her ability to master self-instructional texts used in training and to understand reference materials used in a work situation is normal. Although, her verbal aptitudes were well within average range and consistent with her VCI

On this page, the text highlighted in yellow is copied verbatim without quotes and without acknowledgement from the computerized GATB CDN Results Summary report found in Dr. Westcott's clinical file.

338. The figure below shows the page 16 of Westcott September 15 Report with annotations. The text highlighted in yellow is copied verbatim from the GATB CDN computerized interpretive report found in Dr. Westcott's clinical files. The figure below shows the page 17 of

Dr. Westcott's interpretations of Ms. [REDACTED] GATB CDN scores are invalid and

339. Dr. Westcott's largely plagiarized interpretations of Ms. [REDACTED] GATB CDN scores spanning pages 16 and 17 of Westcott Sep 15, 2010 Report are invalidated by Dr. Westcott's failure to properly score GATB CDN and to add 1 SEM to the scores.
340. Dr. Westcott's "interpretation" is also invalidated by (a) Dr. Westcott's use of false percentiles, and (b) Dr. Westcott's failure to understand that Aptitude Levels in the Career Handbook do not represent "aptitude requirements" and are not "required" for the specific job but **merely describe where the "most frequently occurring levels of aptitude" lie**, according to beliefs of some unknown people, alleged anonymous experts.
341. It is a mathematical fact that in symmetrical normal distribution such as the distribution of the GATB CDN scores, the most frequent score is in the center of the distribution with 50% of the scores below and 50% of the scores above of the most frequent score. Furthermore, the most frequent score (called "mode") is also equal to the mean and to the median.
342. Dr. Westcott's claims in her report that Ms. [REDACTED] G score:
- (a) "is not consistent with her past achievement of a university degree. Elementary school teachers typically demonstrate above general learning ability compared to the general working population."
 - (b) "This finding suggests a decline in Ms. [REDACTED] general learning ability subsequent to the completion of her Bachelor of Education degree."
343. Dr. Westcott's claims are unsubstantiated. Dr. Westcott presented no valid evidence whatsoever how elementary school teachers, university students, or university degree holders score on the GATB CDN or what their intelligence/general learning ability/etc. is.
344. **Dr. Westcott's claims are also false.** As detailed above, in 1995, some 15 years before the GATB CDN was administered to Ms. [REDACTED] Yeasting (1996) reported that the Canadian university students scored approximately 1/2 standard deviation below the GATB CDN GWP norms. Their average G score was mere 90.94. Ms. [REDACTED] GATB CDN G score was 89, no different from the mean of the Canadian university students tested by Yeasting in 1995, five years before Ms. [REDACTED] graduated with B.Ed.

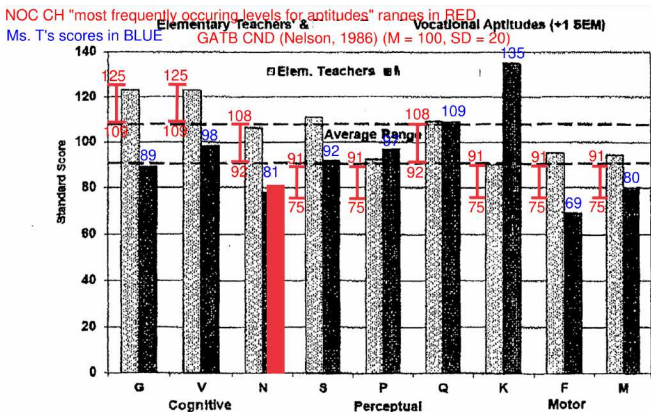
Dr. Suffield's falsehoods about Ms. [REDACTED] GATB CDN scores

345. Dr. Suffield recognized that Dr. Westcott failed to add +1 SEM. Dr. Suffield then claimed that he did. Unfortunately, Dr. Suffield was also unable to do so accurately, demonstrating his incompetence.
346. On page 9 of his Suffield December 2011 Report (CFS143), Dr. Suffield presents the figure allegedly comparing non-specified "Elementary Teachers" and Ms. [REDACTED] GATB CDN Standard Scores.
347. Twelve years after the fact, Dr. Suffield finally disclosed (CFS1062) where his grey bars representing "Elementary Teachers" came from. Dr. Suffield's stated that they are from the Career Handbook Aptitude Levels for the NOC Elementary School Teachers.

... level 2, High Average. This corresponds to the upper third of the general working population, exclusive of the top 10%: GATB standard scores ranging from 109 to 125. These are represented by the vertical bars for Elementary Teachers in the figure on page

9 of my report. Other aptitude scores associated with the Elementary Teacher profile are also shown,

348. **Dr. Suffield's figure marked up with the NOC Career Handbook Aptitude Level ranges for Elementary School teachers (in red) as well as Ms. [REDACTED] GATB CDN (1986) scores + 1 SEM (in blue) are shown below.** The vertical red bars shows the NOC CH Aptitude Level ranges with the end point values. Ms. [REDACTED] scores are in blue.

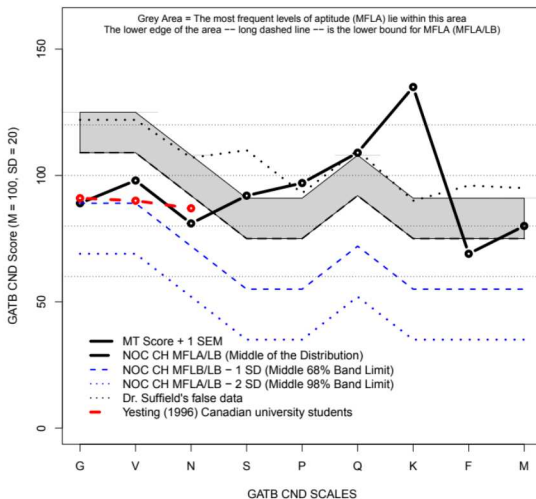


Cognitive skills: G = General Learning Ability; V = Verbal Aptitude; N = Numerical Aptitude
 Perceptual skills: S = Spatial Aptitude; P = Form Perception; Q = Clerical Perception
 Motor skills: K = Motor Co-ordination; F = Finger Dexterity; M = Manual Dexterity

349. As can be plainly seen from the marked up figure, Dr. Suffield's statements are patently false:

- Level 2, High Average, includes Standard Scores ranging from 109 to 125. Dr. Suffield's original figure plainly shows no ranges. The grey bars indicate one specific Standard Score for some Elementary Teachers.
- The Aptitude Levels do NOT say where in the range the mean Standards Scores of workers in particular occupations lie (recall that the Career Handbook Aptitude Levels are not based on any experimental data) and cannot be reduced to single scores.
- The grey bars do not correspond neither to the top nor to the bottom of the Aptitude Level ranges (shown in RED).

- (d) The grey bars are closest to the High Range Scores although, for example, Aptitude S score for Elementary Teachers is 19 (!) points higher than the High Range Score.
350. Dr. Suffield also stated that the black bars describing Ms. [REDACTED] Standard Scores include +1 SEM. Again, **Dr. Suffield's statement is patently false for Aptitude N Standard Score.** Ms. [REDACTED] Standard Score with 1 SEM was 81, not 78 as shown in Dr. Suffield's figure.
351. Accordingly, the data in Dr. Suffield's figure are false; they do not correspond to the reality.
352. The figure below shows Ms. [REDACTED] GATB CDN scores and the NOC CH Aptitude Level ranges (not based on any experimental data) for the "most frequent levels of aptitude" (MFLA) including minus 1 SD and minus 2 SD bands from the lower bound of the MFLA ranges. Clearly, Ms. [REDACTED] scores are no different from the MFLA lower bound.
353. The figure also shows the mean GATB CDN scores of Canadian university students reported by Yesting (1996). Ms. [REDACTED] scores are comparable to the means of these Canadian university students tested in 1995 with the same GATB CDN.
354. Dr. Suffield's false data are shown in the figure as dotted black line



355. Table below shows the actual numerical data and the degree of Dr. Suffield's errors.

Aptitude	NOC Aptitude Level	Suffield Figure	Low Range Score	High Range Score	Suffield's Error from Low Range Score	Suffield's Error from High Range Score
G	2	122	109	125	+13	-3
V	2	122	109	125	+13	-3
N	3	107	92	108	+15	-1
S	4	110	75	91	+35	+19
P	4	93	75	91	+18	2
Q	3	110	92	108	+18	2
K	4	90	75	91	+15	-1
F	4	96	75	91	+21	5
M	4	95	75	91	+20	4

356. **Dr. Suffield either lied about what the grey bars in his figure represent (where he took the values from) or he was not minimally competent to correctly plot aptitude level ranges. Either way Dr. Suffield is not competent to practice.**

357. However, if Dr. Suffield was merely incompetent, the difference between the Aptitude Level low range end points and Dr. Suffield's plotted values would be sometimes positive and sometimes negative. Instead, Dr. Suffield's errors from low range scores are all (a) positive and (b) large (approximately 1 SD or 20 GATB CDN points). The probability of 9 positive errors in plotting 9 values is $p = .002$. In turn, this demonstrates that with $p = .998$, Dr. Suffield knowingly fabricated the data to make Ms. [REDACTED] appear "impaired." Simple incompetence explanation is extremely unlikely.

The Trio's contravention of the HPA, COE and SOP

358. The Trio members, individually and jointly, contravened the HPA 1(pp)(i) by "displaying a lack of knowledge or or lack of skill or judgment in the provision of professional services" and the HPA 1(pp)(xii) by "conduct that harms the integrity of the regulated profession", by

- failing to recognize that the administration of the GATB CDN was invalidated "by noises from the neighbouring office" requiring interruption of testing in the middle of the task
- plagiarizing the description of the GATB CDN and the Career Handbook/NOC from Vespa v. Dynes or elsewhere without quotes and without acknowledgement
- making false statement that "The GATB does what very few other tests do: it permits comparison of client characteristics with those of actual workers in specific occupations."
- misusing the Career Handbook and Aptitude Levels for purposes they were not designed for and not suitable for
- making false statements that +1 SEM was added to the GATB CDN standard scores
- failing to accurately score the GATB CDN (Nelson, 1986) by failing to add +1SEM

Appeal of Dr. Troy Janzen's dismissal of complaints against Dr. J. Braxton Suffield -- 91 of 171

- (g) failing to accurately represent the GATB CDN scores on page 16 of Westcott September 2010 Report
 - (h) failing to accurately state which numbers were which and making false statements about the numbers in Table 4 and Table 5 of Westcott September 2011 Report
 - (i) misrepresenting "the most frequently occurring levels of aptitudes" as "required aptitudes"
 - (j) plagiarizing interpretation of the GATB CDN scores from the computerized report without quotes and without acknowledgement
 - (k) failing to be familiar with up to date data on how university students score on the GATB CDN, with Yesting (1996) data
 - (l) failing to understand that score ranges – two numbers -- cannot possibly be represented by a single bar as was done by Dr. Suffield in Suffield December 2011 Report
 - (m) failing to accurately represent Aptitude Level ranges in Suffield December 2011 Report
 - (n) failing to accurately represent Ms. [REDACTED] GATB CDN Aptitude N score in Suffield December 2011 Report
 - (o) being incompetent and unable or unwilling to accurately represent scores in tables and figures
 - (p) failing to correct factually false statements in Westcott September 2010 Report and in Suffield December 2011 Report
359. The Trio's members' actions detailed above also contravened the COE2000 standards:
- (a) Standard I.7 (misuse of psychological knowledge)
 - (b) Standard II.6 (competence)
 - (c) Standard II.9 (keep up to date with relevant knowledge...)
 - (d) Standard III.4 (maintaining competence)
 - (e) Standard III.8 (acknowledge limitations)
 - (f) Standard III.9 (not suppress disconfirming evidence)
 - (g) Standard III.1 (no participation in dishonesty, fraud, misrepresentation)
 - (h) Standard III.5 (accurately represent contributions)
 - (i) Standard III.7 (taking credit only for their work and give credit to others)
 - (j) Standard III.11 (communicating completely and objectively)
360. With respect to the Trio's conduct in 2021 to present, the corresponding COE2017 standards contravened by the Trio apply:
- (a) Standard I.7 (misuse of psychological knowledge)
 - (b) Standard II.6 (competence)
 - (c) Standard II.9 (keep up to date with relevant knowledge...)
 - (d) Standard III.4 (maintaining competence)
 - (e) Standard III.8 (acknowledge limitations/not suppress disconfirming evidence)
 - (f) Standard III.1 (no participation in dishonesty, fraud, misrepresentation)
 - (g) Standard III.5 (accurately represent contributions)
 - (h) Standard III.7 (taking credit only for their work and give credit to others)
 - (i) Standard III.11 (communicating completely and objectively)
361. The Trio members' actions detailed above, individually and jointly, also contravened the SOP2005 Standards requiring the Trio members to practice only within their areas of competence, to have sufficient knowledge, to base their opinions only on "the professional knowledge of the discipline", etc.:
- (a) Standard 3(1) "Psychologists shall limit practice and supervision to the areas of competence in which proficiency has been gained through education, training or experience."

- (b) Standard 4(1) "Psychologists shall maintain competency in the area in which they practice through continuing education or consultation with their peers in conformance with current professional standards."
- (c) Standard 8(4) "When conducting an assessment of a person, psychologists shall base opinions on, and limit opinions to, the professional based of the discipline."
- (d) Standard 8(5) "As inference involve a degree of confidence, psychologists shall recognize or document any limitations regarding the confidence they have regarding the results."

362. With respect to the Trio's conduct in 2021 to present, the corresponding SOP2019 standards contravened by the Trio are:

- (a) Standard 4.1 (competence)
- (b) Standard 4.2 (maintaining competence)
- (c) Standard 5.1 (supportable services/generally accepted practice and scientific knowledge)
- (d) Standard 5.2 (benefits/risks)
- (e) Standard 5.7 (no opinion outside of their competence)
- (f) Standard 5.9 (noting limitations)
- (g) Standard 5.10 (generally accepted scientific knowledge)
- (h) Standard 22.2 (include circumstances and limits)
- (i) Standard 22.5 (adhering with the HPA, COE, SOP and other legislation)

THE TRIO MISUSED TESTS FOR PURPOSES THE TESTS CANNOT ANSWER

363. On November 18, 2021, the United Response Trio – Drs. Mandel, Westcott, and Suffield -- finally admitted (CFM524) the following:
- (a) the Career Handbook is “only meant to provide guidance, not set absolute standards” for “a person’s ability to do a job”, and
 - (b) “the aptitude ratings in the Career Handbook were not empirically derived.”
364. The United Response Trio then continued and claimed that “nonetheless the Career Handbook, as its name suggests, provides a useful picture of abilities that are related to specific occupational groups.”
365. The issue is not whether the Career Handbook provided some useful information for some occupational groups for some other purpose such as low stakes career exploration and counselling decades ago. **The issue is for what purpose the Career Handbook information can be used for.**
366. As the Career Handbook makes clear, the information is to be used only for career exploration purposes and not to be used to set any kind of criteria for jobs. In other words, the GATB CDN and the Career Handbook Aptitude Levels are suitable (or more precisely once upon a time were suitable) for career exploration and counselling but they are NOT and were NEVER suitable for determining whether an examinee had the minimum required level of abilities for specific jobs.
367. Incidentally, the Career Handbook is very explicit that one reason why it is not suitable for anything but low stakes counselling and job exploration is that **occupations are not jobs and that requirements of specific jobs vary hugely within occupations** (see Ms. [REDACTED] complaints).
368. Ms. [REDACTED] did not attend for “vocational counselling and/or career exploration” but for, what the Trio now calls, “fitness for duty assessment.” For that purpose, the Career Handbook is clearly inappropriate as it clearly explains for anyone capable of reading.
369. As the CAP once understood and as the Court confirmed, the issue is not whether a test is used for some other purposes but whether it could be used for the purposes the Trio used them. I quote from Moll v. College of Alberta Psychologists, 2011 ABCA 110:

[29] But this is not a case about professional judgment and the application of a generalized standard where reasonable professionals might assess and act differently in respect of a particular situation. The issue here is much more precise: could the tests Moll administered properly be used to opine on brain dysfunction and did she use them for this purpose? On the first point, the finding, based on independent expert evidence, is that they could not be used to opine on brain dysfunction, even if Moll were a neuropsychologist, which she is not. Moll’s conduct here went beyond a simple error in judgment, as the Discipline Committee and Council both inferentially found. Moll was evidently unaware, because of her own lack of knowledge of the limitations of the tests in question, and her own limitations, that they could not properly be used to opine on brain dysfunction. Further, the opinions Moll inappropriately offered were pervasive, repeated in the context of several tests, couched in authoritative and assertive terms and plainly deliberate – even though they were based on tests incapable of supporting her

conclusions. All this being so, the Discipline Committee and Council could reasonably find that her inappropriate opinions constituted unskilled practice.

The Trio's contravention of the HPA, COE and SOP

370. The Trio members, individually and jointly, contravened the HPA 1(pp)(i) by "displaying a lack of knowledge or or lack of skill or judgment in the provision of professional services" and the HPA 1(pp)(xii) by "conduct that harms the integrity of the regulated profession", by
- failing to recognize that the Career Handbook was not designed and not suitable for high-stakes fitness-for-duty assessments
 - taking 12+ years to finally admit that "the aptitude ratings in the Career Handbook were not empirically derived"
 - failing to recognize that requirements of specific jobs vary within occupations
 - failing to state limitations of their misuses of the Career Handbook in Westcott September 2010 Report and Suffield December 2011 Report
 - failing to correct or issue addenda to their reports
371. The Trio's members' actions detailed above also contravened the COE2000 standards:
- Standard I.7 (misuse of psychological knowledge)
 - Standard II.6 (competence)
 - Standard II.9 (keep up to date with relevant knowledge...)
 - Standard III.4 (maintaining competence)
 - Standard III.8 (acknowledge limitations)
 - Standard III.9 (not suppress disconfirming evidence)
 - Standard III.1 (no participation in dishonesty, fraud, misrepresentation)
 - Standard III.11 (communicating completely and objectively)
372. With respect to the Trio's conduct in 2021 to present, the corresponding COE2017 standards contravened by the Trio apply:
- Standard I.7 (misuse of psychological knowledge)
 - Standard II.6 (competence)
 - Standard II.9 (keep up to date with relevant knowledge...)
 - Standard III.4 (maintaining competence)
 - Standard III.8 (acknowledge limitations/not suppress disconfirming evidence)
 - Standard III.1 (no participation in dishonesty, fraud, misrepresentation)
 - Standard III.11 (communicating completely and objectively)
373. The Trio members' actions detailed above, individually and jointly, also contravened the SOP2005 Standards requiring the Trio members to practice only within their areas of competence, to have sufficient knowledge, to base their opinions only on "the professional knowledge of the discipline", etc.:
- Standard 3(1) "Psychologists shall limit practice and supervision to the areas of competence in which proficiency has been gained through education, training or experience."
 - Standard 4(1) "Psychologists shall maintain competency in the area in which they practice through continuing education or consultation with their peers in conformance with current professional standards."
 - Standard 8(4) "When conducting an assessment of a person, psychologists shall base opinions on, and limit opinions to, the professional based of the discipline."

- (d) Standard 8(5) "As inference involve a degree of confidence, psychologists shall recognize or document any limitations regarding the confidence they have regarding the results.

374. With respect to the Trio's conduct in 2021 to present, the corresponding SOP2019 standards contravened by the Trio are:

- (a) Standard 4.1 (competence)
- (b) Standard 4.2 (maintaining competence)
- (c) Standard 5.1 (supportable services/generally accepted practice and scientific knowledge)
- (d) Standard 5.2 (benefits/risks)
- (e) Standard 5.7 (no opinion outside of their competence)
- (f) Standard 5.9 (noting limitations)
- (g) Standard 5.10 (generally accepted scientific knowledge)
- (h) Standard 22.2 (include circumstances and limits)
- (i) Standard 22.5 (adhering with the HPA, COE, SOP and other legislation)