

PREP Reconsideration and Appeal Policy

Policy Statement

This policy governs the process for **PREP Students** seeking reconsideration or appeal of a decision made by CPLED.

Defined terms are in **bold text**; definitions can be found in the [PREP Policy Definitions](#) document.

1. Authority and Application of Policy

- 1.1. This policy applies to **PREP Students** only.
- 1.2. **Students** agree to abide by this policy pursuant to the **Student Agreement** which all **Students** signed upon entry to their program.
- 1.3. This policy applies to both the in-person and virtual environments.

2. Decisions Subject to Reconsideration and Appeal

- 2.1. The following decisions are subject to reconsideration and appeal:
 - a. A denial of admission or readmission to **PREP**;
 - b. A **Suspension** or **Expulsion** from **PREP**;
 - c. A requirement to repeat **PREP**;
 - d. An inability to repeat **PREP** after reaching the maximum number of permitted **Capstone Attempts**;
 - e. An inability to reattempt the **Capstone Evaluation** after reaching the maximum number of permitted **Capstone Attempts**;
 - f. Results of the **Capstone Evaluation** upon second, third or fourth **Capstone Attempt**;
 - g. Results of the **Capstone Evaluation** upon first attempt if it was a Disqualified **Capstone**; and
 - h. An assessment result based on the grounds of failure to accommodate.

3. Reconsideration Process

- 3.1. **Students** must complete the reconsideration process before being eligible to proceed to appeal.
- 3.2. A **Student** may request reconsideration of a decision by submitting a [PREP Notice of Reconsideration](#) to the **CEO** with payment of the reconsideration fee within 14 calendar days of receiving the decision subject to reconsideration.

- 3.3. The Notice of Reconsideration must include specific facts and evidence which support the request for reconsideration. The Notice of Reconsideration must include all relevant documentation.
- 3.4. The **CEO** will provide the **Student** with a written reconsideration decision in a timely fashion.

4. Initiation of Appeal

- 4.1. A **Student** may appeal a decision by submitting a [PREP Notice of Appeal](#) to CPLED with payment of the appeal fee within 14 days of receiving the reconsideration decision.
- 4.2. The **Appellant** may retain counsel and notify CPLED of the same to represent them on appeal. The **Appellant** is responsible for paying the legal fees, disbursements and costs of their counsel.
- 4.3. The **Appellant**, counsel for CPLED and the **Appeal Panel** will each receive a copy of all materials considered in making the initial decision and what was considered by the **CEO** in making the reconsideration decision, with the exception that privileged information will not be provided to the **Appellant**.
- 4.4. CPLED will provide a copy of the completed Notice of Appeal to the Chairperson of the Appeal Committee and to counsel for CPLED.

5. Appointment of Appeal Panel

- 5.1. The Chairperson of the Appeal Committee will appoint three members of the committee to serve on the **Appeal Panel** and will appoint one member to act as Chair of the **Appeal Panel**.
- 5.2. The **Appellant** and counsel for CPLED will be advised of the proposed composition of the **Appeal Panel** to determine if either party has an objection based upon a conflict of interest or bias.

6. Appeal Format

- 6.1. The **Appeal Panel** will consider an appeal based solely on written materials unless the **Appellant** requests an oral hearing or the Chairperson of the **Appeal Panel** directs an oral hearing.
- 6.2. The **Appeal Panel** may convene in any manner, including by teleconference, video conference, or in-person.
- 6.3. Witnesses, including the **Appellant**, may be called during oral hearings only with the leave of the **Appeal Panel** and only in exceptional circumstances as may be determined by the **Appeal Panel**. The testimony of an **Appellant** or witness at an oral hearing must be taken under oath unless the Chairperson of the **Appeal Panel** waives the requirement.

6.4. Each party will bear its own costs of appearing before the **Appeal Panel** and the costs of obtaining a transcript if required.

6.5. Appeal hearings are not open to the public.

7. Written Materials

7.1. All materials, including the Notice of Appeal, must be submitted electronically to CPLED.

7.2. Appeals are limited only to the materials before the **CEO** when the reconsideration decision was made. Fresh materials will only be accepted if all the following factors are considered and satisfied:

- a. The materials could not have been provided to the **CEO** at the time of reconsideration;
- b. The materials are relevant in the sense that they bear upon a decisive or potentially decisive issue in the appeal;
- c. The materials are reliable and reasonably capable of belief; and
- d. If believed and when taken with the other materials before the **CEO**, the materials could have affected the result.

7.3. Upon receipt, the **Appellant's** materials will be provided to counsel for CPLED.

7.4. In response to the appeal, counsel for CPLED will provide written materials to CPLED within a reasonable period of time which, upon receipt, will be provided to the **Appellant**.

7.5. The **Appellant** will be provided a brief right of response upon receipt of written materials from CPLED counsel.

8. Setting the Appeal Date

8.1. Upon receipt of the **Appellant's** materials, CPLED will schedule the appeal.

8.2. CPLED will forward all written materials and appeals submissions to the **Appeal Panel** no less than 14 days prior to the hearing date.

8.3. In its discretion, the **Appeal Panel** may seek additional information from the parties and set timelines for the submission of such materials.

9. Standard of Review

9.1. The standard of review on an appeal from a decision is reasonableness.

10. The Decision of the Appeal Panel

10.1. If the **Appeal Panel** determines that the **CEO's** decision is reasonable, it will dismiss the appeal. The decision of the **CEO** remains in force.

10.2. If the **Appeal Panel** determines that the **CEO**'s decision was not reasonable, it will allow the appeal and:

- a. Set aside all or part of the decision and issue a new decision; or;
- b. Set aside all or part of the decision and refer the matter back to the **CEO** with such directions as the **Appeal Panel** considers appropriate.

10.3. The **Appeal Panel** must provide written reasons for its decision to CPLED who will provide it to the **Appellant** and to counsel for CPLED.

10.4. The decision of the **Appeal Panel** is final. There is no right of appeal from the **Appeal Panel**'s decision.

10.5. CPLED will not publicize **Appeal Panel** decisions.

II. Stay of Proceedings

11.1. At the written request of the **Appellant**, the **CEO** may stay a decision to suspend or expel the **Appellant** from **PREP** pending the outcome of the appeal or for such longer period as the **CEO** considers just in the circumstances.

11.2. If the **Appellant** fails to pursue with reasonable dispatch an appeal of a decision, the **CEO** may terminate a stay of a decision upon providing 14 days' notice to the **Appellant**.