

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. A **Student** may request reconsideration by the **CEO** of the following decisions:

- a. A denial of admission or readmission to **PREP**;
- b. A **Suspension** or **Expulsion** from **PREP**;
- c. A requirement to repeat **PREP**;
- d. A decision regarding the **Student's** eligibility to reattempt the **Capstone Evaluation** after three unsuccessful **Capstone Attempts**;
- e. A decision to disqualify a **Student's Capstone Attempt**;
- f. Results of the **Capstone Evaluation** upon second, third or fourth attempt; and
- g. Results of the **Capstone Evaluation** upon first attempt if the sole basis for the reconsideration request is an alleged failure to accommodate during the **Capstone Evaluation**.

2.2. A **Student** may appeal a reconsideration decision to an **Appeal Panel**.

3. Reconsideration Process

3.1. A **Student** may request reconsideration of a decision identified in Section 2.1 by submitting the appropriate reconsideration request form with all relevant materials and payment of the reconsideration fee within fourteen (14) calendar days of receiving the decision. Note that there are different forms, depending on the decision in issue:

- a. For decisions identified in Sections 2.1(a) through (e), use the [PREP Reconsideration Request \(Registration or Disciplinary Decision\)](#) form. The

reconsideration request must detail specific factual information that supports the grounds for reconsideration and must include all relevant documentation.

- b. For decisions identified in Sections 2.1(f) and (g), use the [PREP Notice of Reconsideration \(Capstone Evaluation Result\)](#) form. (See Section 3.2 for further direction.)
- 3.2. Within a reasonable time after receiving a completed PREP Notice of Reconsideration form and payment of the reconsideration fee, CPLED will provide the **Student** with disclosure of the **Student's Capstone Materials**.
 - a. Within seven (7) calendar days after receiving disclosure of the **Student's Capstone Materials**, the **Student** must submit a [PREP Reconsideration Request \(Capstone Evaluation Result\)](#) form. The reconsideration request must detail specific factual information that supports the grounds for reconsideration and must include all relevant documentation.
- 3.3. Late reconsideration requests will not be considered except in extenuating circumstances, as determined by CPLED.
 - a. CPLED generally considers extenuating circumstances to include medical emergencies, the birth or death of an immediate family member, natural disasters, urgent personal legal obligations, severe personal or family crisis, or other grounds protected under applicable human rights law.
 - b. CPLED does not generally consider extenuating circumstances to include minor illnesses, common ailments, workload from school or employment, scheduling conflicts, vacations, transportation problems, or technical issues.
- 3.4. Reconsideration requests must be complete at the time they are submitted. The **CEO** will not consider information or documentation submitted after the **Student** submits a reconsideration request under Section 3.1(a) or 3.2(a), unless such information or documentation is specifically requested by the **CEO**.
- 3.5. Within a reasonable time after receiving a reconsideration request under Section 3.1(a) or 3.2(a), the **CEO** will provide the **Student** with:
 - a. A written reconsideration decision, and
 - b. An electronic copy of the materials considered by the **CEO** in making the reconsideration decision, excluding any privileged information.
- 3.6. A **Student** may withdraw a reconsideration request at any time before receiving a written reconsideration decision from the **CEO**, in which case the **CEO** will not issue a written reconsideration decision.
 - a. A **Student** who intends to withdraw a reconsideration request must confirm their intention to do so in writing.
 - b. If a reconsideration request is withdrawn, any fees paid by the **Student** will not be refunded and the original decision will be considered final.

4. Initiation of Appeal

- 4.1. A **Student** may appeal a reconsideration decision by submitting a [PREP Appeal Request](#) form to CPLED with payment of the appeal fee within 14 calendar days of receiving the reconsideration decision.
- For the purposes of an appeal under this policy, the materials provided to the **Student** under Section 3.5 will be considered the **Appeal Record**.
 - In the appeal request, the **Student** must fully explain, with reference to the **Appeal Record**, why the **Student** believes the reconsideration decision is unreasonable or why the **Student** believes they were negatively impacted by a lack of procedural fairness.
- 4.2. Late appeal requests will not be considered except in extenuating circumstances, as determined by the Chair of the **Appeal Committee**, after considering the factors set out in Section 3.3.
- 4.3. The **Student** may, at their own expense, retain counsel to represent them in the appeal. For clarity, the **Student** is responsible for paying the legal fees, disbursements and costs of their counsel, regardless of the outcome of the appeal.
- 4.4. The **CEO** is typically represented by counsel when responding to an appeal under this policy.

5. Composition of Appeal Panel

- 5.1. An appeal will be heard by an **Appeal Panel** consisting of three members of the **Appeal Committee**.
- The Chair of the **Appeal Committee** will appoint a member of the **Appeal Panel** to act as Chair of the **Appeal Panel**.
- 5.2. As soon as reasonably practical and in any event before an Appeal Panel receives the materials described in Section 7.4, the **Student** and the **CEO** 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 a reasonable apprehension of bias.
- 5.3. If, during an appeal, a member of an **Appeal Panel** cannot continue to act as a member of the **Appeal Panel** for any reason, the remaining members of the **Appeal Panel** may continue to deal with the appeal without the member who cannot continue acting.

6. Appeal Format

- 6.1. Unless an oral hearing is directed under Section 8, the **Appeal Panel** will consider an appeal based solely on written materials.
- 6.2. Appeals are limited only to the information and documentation in the **Appeal Record**, unless the **Appeal Panel** is satisfied that it is in the interests of justice to consider

factual information or documentation that was not before the **CEO** at the time of reconsideration, after considering all of the following factors:

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

6.3. The Appeal Panel may:

- a. Request additional information from the **Student** or the **CEO**, beyond what is set out in Sections 7 and 8, and set timelines for submission of such information; and
- b. Make any other procedural direction the **Appeal Panel** considers necessary to fairly decide the appeal.

7. Written Submissions

7.1. The **Student's** appeal request, as set out in Section 4.1, will be provided to the **CEO**.

7.2. The **CEO** will prepare a written response within a reasonable time after receiving the **Student's** appeal request. The **CEO's** written response will be provided to the **Student**.

7.3. The **Student** will be given an opportunity to make a brief written reply to new matters arising in the **CEO's** written response that the **Student** could not have reasonably anticipated when they submitted their appeal request.

7.4. CPLED will provide the **Appeal Panel** with:

- a. The **Appeal Record**;
- b. The **Student's** appeal request;
- c. The **CEO's** written response; and
- d. The **Student's** brief written reply, if any.

8. Oral Hearings

8.1. An oral hearing may be directed:

- a. By the Chair of the **Appeal Panel**, upon written request by the **Student**, if the Chair considers it necessary to ensure fairness to the **Student**; or

- b. By the **Appeal Panel**, on its own initiative, after receiving the materials described in Section 7.4.

8.2. The **Appeal Panel** or the Chair of the **Appeal Panel** may make any direction they consider appropriate with respect to an oral hearing, including but not limited to:

- a. Where an oral hearing is directed under Section 8.1(a), directing that that oral hearing take place instead of or in addition to written submissions;
- b. Directing how the oral hearing will be held, whether by teleconference, videoconference, in-person, or by a combination of these methods;
- c. Imposing time constraints on the parties' opportunity to make oral submissions;
- d. Requiring parties to address specific issues in their oral submissions;
- e. Requiring parties to limit their oral submissions to issues addressed in their written submissions; and
- f. Directing that the oral hearing be recorded or transcribed.

8.3. In exceptional circumstances, as determined by the **Appeal Panel**, the **Appeal Panel** may hear testimony from witnesses, which may include the **Student**. The testimony of a witness must be given under oath unless the **Appeal Panel** waives this requirement.

8.4. Each party is responsible for its own costs of appearing before the **Appeal Panel** and the costs of obtaining a transcript if required.

8.5. Appeal hearings are not open to the public.

9. Standard of Review

9.1. The **Appeal Panel** will not interfere with the reconsideration decision unless it concludes that the reconsideration decision is unreasonable, or that there has been a lack of procedural fairness to the **Student** that is not remedied by the reconsideration decision.

10. The Decision of the Appeal Panel

10.1. Within a reasonable time after receiving the materials described in Section 7.4, or after an oral hearing if applicable, the **Appeal Panel** must:

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

10.2. The **Appeal Panel** must provide a written decision with reasons for its decision to CPLED who will provide it to the **Student** and to the **CEO**.

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

10.4. A **Student** may withdraw an appeal at any time before receiving the **Appeal Panel's** decision, in which case the **Appeal Panel** will not issue a decision.

- a. A **Student** who intends to withdraw an appeal must confirm their intention to do so in writing.
- b. If an appeal is withdrawn, any fees paid by the **Student** will not be refunded and the reconsideration decision will be considered final.

I I. Disclosure of Reconsideration Decisions and Appeal Decisions

11.1. CPLED may disclose the **CEO's** reconsideration decision or an **Appeal Panel's** decision in accordance with the [CPLED Privacy Policy](#) but will not otherwise publicize reconsideration decisions or appeal decisions.

12. Stay of Decision to Suspend or Expel a Student

12.1. At the written request of the **Student**, the Chair of the **Appeal Committee** may stay a decision to suspend or expel the **Student** from **PREP** pending the outcome of an appeal under this policy, or for such longer period as the Chair considers just in the circumstances.

12.2. If the **Student** participates in the **Capstone Evaluation** while a **Suspension** or **Expulsion** is stayed pending the outcome of an appeal:

- a. The **Student's Statement of Results** will be withheld pending the outcome of the appeal.
- b. If the **Suspension** or **Expulsion** is set aside, the **Capstone Evaluation** will be counted as a **Capstone Attempt**, and the **Student** will receive their **Statement of Results**.
- c. If the **Suspension** or **Expulsion** is confirmed, the **Capstone Evaluation** will not count as a **Capstone Attempt** and the **Student** will not receive their **Statement of Results**. However, no fees paid by the **Student** will be refunded.

12.3. At the written request of the **CEO** and after giving the **Student** a reasonable opportunity to respond in writing, the Chair of the **Appeal Committee** may terminate a stay of a **Suspension** or **Expulsion**.

- a. Depending on the reason the **CEO** has requested that the stay be terminated, a "reasonable opportunity" for the **Student** to respond may be as brief as 24 hours, but in most cases should be at least three (3) calendar days.