

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.

1. Definitions

- 1.1. “**Student**” is any individual who purchases, uses or partakes of any products or services offered by CPLED, regardless of the format in which such products and services are delivered.
- 1.2. “**PREP**” is CPLED’s Practice Readiness Education Program.
- 1.3. “**Disciplinary**” is any punitive measure taken by CPLED in response to a **Student's** conduct.
- 1.4. “**Suspension**” is the **Disciplinary** removal of a **Student** from their current program intake by CPLED.
- 1.5. “**Expulsion**” is the **Disciplinary** removal of a **Student** from their program by CPLED for an extended period.
- 1.6. “**Phase**” is one of the four stages of **PREP**; **Foundation Modules, Foundation Workshops, Virtual Law Firm, and Capstone.**
- 1.7. “**Foundation Modules**” is the first **Phase** of **PREP** in which **Students** complete self-directed online study.
- 1.8. “**Foundation Workshops**” is the second **Phase** of **PREP** in which **Students** participate in interactive workshops.
- 1.9. “**Virtual Law Firm**” is the third **Phase** of **PREP** in which **Students** work through a simulated legal matter in a **Virtual Law Firm.**
- 1.10. “**Capstone**” is the fourth and final **Phase** of **PREP**, which is the evaluative **Phase.**
- 1.11. “**Capstone Attempt**” is the participation in the **Capstone**, regardless of whether a **Student** completed the entire **Phase.**
- 1.12. “**Disqualified Capstone**” is when a **Student’s Capstone Attempt** is terminated for **Disciplinary** reasons.
- 1.13. “**CEO**” is the Chief Executive Officer of CPLED who oversees the application of the Reconsideration and Appeal Policy. In this policy, a reference to the **CEO** includes the designate(s) of the **CEO.**
- 1.14. “**Appellant**” is the individual filing an appeal.

1.15. “Appeal Committee” is the committee responsible for considering appeals of the CEO’s decisions in accordance with this policy.

1.16. “Appeal Panel” is the **Appeal Committee** members assigned to hear an appeal.

2. Authority and Application of Policy

2.1. This policy applies to **PREP Students** only.

2.2. Students agree to abide by this policy pursuant to the academic integrity statement which all **Students** signed upon entry to their program.

2.3. This policy applies to both the in-person and virtual environments.

3. Decisions Subject to Reconsideration and Appeal

3.1. 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 **Capstone** after reaching the maximum number of permitted **Capstone Attempts**;
- f. Results of the **Capstone** upon second, third or fourth **Capstone Attempt**;
- g. Results of the **Capstone** upon first attempt if it was a **Disqualified Capstone**; and
- h. An assessment result based on the grounds of failure to accommodate.

4. Reconsideration Process

4.1. A **Student** may request the reconsideration of a decision listed in section 1 by submitting a written request for reconsideration to the **CEO** within 14 calendar days of receiving the decision. The request for reconsideration must include relevant information and documentation and must be submitted electronically.

4.2. The **CEO** will provide the **Student** with a written reconsideration decision in a timely fashion. Where the **CEO** upholds the initial decision, the **CEO** will advise the **Student** of the right to appeal the initial decision in accordance with these guidelines.

5. Initiation of Appeal

5.1. A **Student** may appeal a decision by electronically submitting a [Notice of Appeal](#) in the required form and the appeal fee to CPLED within 14 days of the **Student**’s receipt of the reconsideration decision.

- 5.2. CPLED will confirm receipt of the Notice of Appeal and payment of the appeal fee. CPLED will also send an outline of the appeal process.
- 5.3. 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.
- 5.4. 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**.
- 5.5. CPLED will provide a copy of the completed Notice of Appeal to the Chairperson of the Appeals Committee and to counsel for CPLED.

6. Appointment of Appeal Panel

- 6.1. The Chairperson of the Appeals 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**.
- 6.2. 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.

7. Appeal Format

- 7.1. 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.
- 7.2. The **Appeal Panel** may convene in any manner, including by teleconference, video conference, or in-person.
- 7.3. 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.
- 7.4. Each party will bear its own costs of appearing before the **Appeal Panel** and the costs of obtaining a transcript if required.
- 7.5. Appeal hearings are not open to the public.

8. Written Materials

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

8.2. 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.

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

8.4. 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**.

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

9. Setting the Appeal Date

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

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

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

10. Standard of Review

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

11. The Decision of the Appeal Panel

11.1. 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.

11.2. 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.

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

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

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

12. Stay of Proceedings

12.1. 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.

12.2. If the **Appellant** fails to pursue with reasonable dispatch an appeal of a decision listed in Section 1, the **CEO** may terminate a stay of a decision upon providing 14 days' notice to the **Appellant**.

Appendix

Policy Name	PREP Reconsideration and Appeal Policy
Effective Date	2020-07-28
Reviewed or Revised Date	2021-12-01 Revised
Authorizer	Dr. Kara Mitchelmore, Chief Executive Officer, CPLED
Related Documents	Notice of Appeal