



## **NICFA APPEALS POLICY**

### **Policy Statement**

The Association has a duty of fairness and accountability to its members, and as such, some decisions must be open to reconsideration through a formal appeal process.

### **Policy Scope**

Members may appeal policies that expressly allows for appeals and only on the scope outlined. This policy shall not be used in relation to any policy that prohibits appeal, beyond the scope cited, or to overturn a decision made by the membership in a general meeting.

### **Procedures & Responsibilities**

Members who wish to appeal a decision by the Executive or Council shall normally do so within ten business days of the outcome prompting the appeal. This timeline may be waived when there are documented and justifiable reasons for doing so, normally to a maximum of 30 calendar days.

The member must send their appeal, in writing, to the president or designate. This should outline their concerns with the decision and the changes requested.

The Council members initially involved in the decision under appeal shall reconsider the matter. At their discretion, they may agree with the appeal and overturn the initial decision fully or partly. This should be done in a timely manner, normally within one calendar week. If this is done to the appellant's satisfaction, then the matter is closed.

When the Council members deny an appeal such that the appellant remains unsatisfied, then the President will create an Ad Hoc Appeal Committee to decide the matter. The Committee's purpose is to determine whether the initial decision was meritless, excessive, arbitrary, discriminatory, and/or made in error, and to determine the appropriate outcome. The Committee can only alter the outcome within the scope provided; it cannot overturn NICFA policy or provisions of the Collective Agreement.

The Committee will be composed of three Association members, one of whom shall be selected by the appellant, one by the Executive, and one selected by those two members and mutually agreeable to all parties. The parties may supply the name of alternates as well. Everybody involved shall maintain confidentiality throughout the process.

The Committee must uphold the Collective Agreement, the NICFA Bylaws and Constitution, NICFA Policies, the Labour Code and other applicable statutes.



The committee may be aided by an independent party who will provide advice on matters of law, procedure, etc. if requested. This party will remain neutral and will not advise on outcomes.

The president or designate will arrange to schedule a meeting to review the matter. The Association will accommodate schedules and arrange for substitutes, as needed. In order, the President or Executive representative will outline the circumstances to the Committee. Then, the appellant will outline their reasons for requesting a reconsideration, with the President or designate describing why and how the outcome came to be. The Committee will then have an opportunity to ask questions and receive other information. Both parties may make a concluding statement. The appellant and the Executive representative may present information to the Committee in writing before the meeting as long as it includes the other party.

The Committee shall strive to resolve the issue quickly, normally within seven business days. A brief overview of their perspective, findings, and final decision shall be sent in writing to the NICFA President or designate and the appellant. This decision shall be final and binding on both parties.

The appellant has the right to pursue remedies externally. Members who do so forfeit their right to appeal a matter's decision under NICFA policy.