

## 1. APPEALS POLICY

### Objective:

The objective of this policy is to provide resolution to band members, community members and employees in a fair, timely and affordable manner without recourse to external legal procedures.

### Application and Scope:

West Moberly First Nations band members, community members, regular and casual employees.

### Definitions:

- Appellant:** the party appealing a decision
- Individual:** a WMFN band member, community member, regular or casual employee.
- Days:** WMFN business days.
- Support Person:** an individual chosen by the appellant to accompany him/her to a Level 3 Appeal presentation with council. This individual is present solely for the support of the appellant and shall not address council, or speak on behalf of the appellant.

### Policy:

Any individual may appeal a decision that has affected them directly. Legal guardians may appeal a decision that directly affects a minor in their care.

### Grounds for an Appeal:

An individual may appeal a decision made under a WMFN policy when the appeal falls under one or more of the following categories:

- The policy was not applied which impacted the outcome of the decision being appealed.
- There was a lack of procedural fairness which impacted the decision being appealed (i.e. any procedural error, improper investigation, or discrimination).
- New information has come to light rendering the original decision unreasonable in light of the new information presented.
- The policy cannot be rationally supported or there is a defect in the policy which is immediate and obvious.

### Procedure:

#### Lodging an Appeal:

To appeal a decision made under a WMFN policy an individual shall submit their appeal in writing to the Department Manager within 10 business days of having been advised of the decision by the department.

An individual wishing to initiate an appeal beyond the (10) ten day period must provide a written request stating reasons for an exemption. The decision to allow, or not to allow an appeal beyond the (10) ten day period will be at the sole discretion of Council and can not be appealed.

#### The appeal shall include:

- a) The full name, address and contact information of the individual lodging the appeal.
- b) A description of the decision being appealed.
- c) A brief statement of the reason for the appeal including the grounds under which the individual is making the appeal.
- d) Any supporting documentation.
- e) The appeal shall be signed and dated by the individual.

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*CHART*

**Reviewing the Appeal:**

Level 1 – Appeal reviewed by Department Manager

The Department Manager will review the appeal and provide the individual a written response to the appeal within (10) ten days of receipt of the appeal. On completion of the review of the appeal, the Department Manager shall confirm in writing either:

- a) The decision being appealed has been revised in favor of the individual.
- b) The policy was followed and there are no reasonable grounds for an appeal.

Level 2 – Appeal reviewed by Director of Operations

Where the individual does not agree with the decision of the Department Manager, they may appeal the Department Managers decision to the Director of Operations. The individual must submit their Level 2 appeal in writing within (10) ten days of receipt of the Department Managers decision on their Level 1 appeal. This appeal must provide a copy of the original appeal and the Department Manager's response.

The Director of Operations will review the appeal and provide the individual a written response to the appeal within (10) ten days of receipt of the appeal. On completion of the review of the appeal, the Department Manager shall confirm in writing either:

- a) The decision being appealed has been revised in favor of the individual.
- b) The policy was followed and there are no reasonable grounds for an appeal.

Level 3 – Appeal reviewed by Council

Where the individual does not agree with the decision of the Director of Operations, they may appeal the Director of Operations decision to Council. The individual must submit their Level 3 appeal in writing within (10) ten days of receipt of the Director of Operations decision on their Level 2 appeal. This appeal must provide a copy of the original appeal, the Department Manager's and the Director of Operation's responses.

The appeal shall be tabled at the next Council meeting. At the request of Council a verbal presentation may be made by the department and/or the individual. The individual is entitled to bring one (1) Support Person of their choice. However, this appeal policy is an internal review process of WMFN and therefore legal counsel may not attend meetings that are held during any Level of this process.

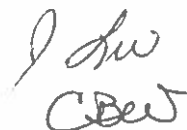
In considering the appeal, Council shall determine whether the department based its decision according to the policy, without bias or favoritism and without error in interpretation of the policy.

Council will review the appeal and provide the individual a written response to the appeal within (10) ten days of receipt of the appeal. On completion of the review of the appeal, Council shall confirm in writing to the applicant whether:

- a) The decision being appealed has been revised in favor of the individual; or
- b) The policy was followed and there are no reasonable grounds for an appeal.

***The decision of Council is final.***

Where Council has confirmed that the decision being appealed has been revised in favor of the individual and where the appeal is based on the grounds that the policy is patently unreasonable, Council shall make amendments to the appropriate policy in the matter of the decision being appealed.



**REVIEWED & RECOMMENDED**

Dated this   13   day of   April  , 2016  

**APPROVED BY:**

\_\_\_\_\_  
Chief Roland Willson

  
\_\_\_\_\_  
Councillor Laura Webb

\_\_\_\_\_  
Councillor Patricia Brown

  
\_\_\_\_\_  
Councillor Dean Dokkie

  
\_\_\_\_\_  
Councillor Clarence Willson



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Handwritten initials and signature in the bottom right corner. The initials appear to be 'J' and 'dw', and the signature below them appears to be 'CBW'.

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**APPROVED BY:**

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