

APPEAL POLICIES

Policy 1.6 (Admission to the Roster – Application Refused by Roster Committee)

An applicant whose application is refused on its merits by the Roster Committee will be informed in writing by the chair of the Roster Committee. This letter will provide the reason(s) for the decision. This letter will also advise the applicant that he or she may appeal the decision of the Roster Committee by writing to the president of the Society within 30 days of the date of this letter.

Policy 1.7 (Admission to the Roster – Appeals by Applicants)

Appeals by applicants concerning the process or decision about admission to the Roster will be determined by a single director appointed for this purpose by the president. The director appointed will not be a member of the Roster Committee.

APPEAL PROCESS

1 Guiding Principles

- 1.1 The appeal process is to determine whether:
 - (a) there were reasonable grounds for the Roster Committee to refuse the application of an applicant on the merits, or
 - (b) there is additional information which might reasonably be expected to alter the decision of the Roster Committee.
- 1.2 The process is guided by the following principles:
 - (a) *Timeliness*: Appeals will be dealt with in reasonable timeframes;
 - (b) *Confidentiality*: The process will respect the applicant's right to privacy as well as the Society's obligation to maintain the confidentiality of background or reference information provided to the Roster Committee or the Society either orally, or in writing;
 - (c) *Transparency*: The process and the decision will be fully disclosed to the applicant.

2 Appeal Panel

- 2.1 Each appeal will be considered and decided by a one-director appeal panel appointed by the president.
- 2.2 A director appointed to constitute an appeal panel will not be a member of the Roster Committee or a director who was a member of the Roster Committee at the time when the applicant's application was considered.

3 Initiation of Appeal

- 3.1 An applicant may appeal the decision of the Roster Committee by writing to the president of the Society within 30 days of being advised that his or her application has been refused.
- 3.2 Within 14 days of receiving notice of an appeal, the president will:
 - (a) appoint a Reviewing Director to consider the appeal;
 - (b) appoint a representative of the Roster Committee, and
 - (c) advise the applicant in writing of their names and contact information.

4 Consideration of Appeal

- 4.1 As soon as the Reviewing Director is appointed to consider an appeal, the Mediator Roster Manager will provide the Reviewing Director and the representative of the Roster Committee with:
 - (a) the applicant's application form and letters of reference;
 - (b) all relevant correspondence between the applicant and the Society;
 - (c) the decision letter from the chair of the Roster Committee;
 - (d) any relevant confidential documents;
 - (e) a summary of any relevant confidential oral communications..
- 4.2 The Mediator Roster Manager will also provide any additional non-confidential material the Mediator Roster Manager considers relevant to the appeal, to the applicant and to the representative of the Roster Committee ("the Parties") as well as the Reviewing Director.
- 4.3 The Reviewing Director may consult with the Mediator Roster Manager concerning admission policies, including training and experience criteria, and the status of courses, but not the merits of the Roster Committee's decision.
- 4.4 The Reviewing Director may consider an appeal by receiving written submissions from the Parties, by meeting with the Parties to receive oral submissions, or by a combination of written and oral submissions.
- 4.5 Within 21 days of being appointed to consider an appeal, the Reviewing Director will consult with the Parties concerning the process for consideration of the appeal, including time frames for receiving the Parties' submissions.
- 4.6 Within 14 days of consulting with the Parties, the Reviewing Director will determine the process by which the appeal will be considered and the timeframes, to a maximum of 60 days, for delivering or exchanging submissions, and will notify the Parties of the same in writing.

5 Determination of Appeal

- 5.1 The Reviewing Director will determine the appeal within 21 days of the date set for receiving the last of the submissions.

- 5.2 The Reviewing Director considering the appeal must dismiss the appeal unless the Reviewing Director determines that:
 - (a) the Roster Committee did not have reasonable grounds to refuse the application on the merits, or
 - (b) there is additional information which might reasonably be expected to alter the decision of the Roster Committee.

- 5.3 If the appeal is allowed, the Reviewing Director must:
 - (a) admit the applicant to the Roster,
 - (b) admit the applicant to the Roster on a provisional basis, with conditions or on specified terms; or
 - (c) remit the application to the Roster Committee for re-consideration.

- 5.4 The Reviewing Director will advise the applicant in writing of the determination of the appeal, and will provide written reasons for the decision.

- 5.5 The Reviewing Director will provide the president of the Society and the chair of the Roster Committee with a copy of the decision and reasons.

- 5.6 There is no further right of appeal.