

## **COLLEGE PENSION BOARD OF TRUSTEES APPEAL PROCESS**

### **General Process**

1. The following appeal process is established.
2. Information on the appeal process will be communicated to College Pension Plan (the “Plan”) members.
  - Brochures on the process are to be available to Plan members. When making significant decisions in the application of the pension Plan rules (the “Plan Rules”) that directly affect a person or an organization, the Plan’s administrative agent (“Pension Corporation”) is requested to advise those involved of their appeal rights.
3. The College Pension Board of Trustees (the “Board”) must review and resolve the appeals made to it.
  - Appeals will be reviewed at regularly scheduled Board meetings. If required, the Board will schedule additional meetings.
  - As established below, the process is a written one. If an appellant requests an oral hearing, the appellant will be asked to provide a submission showing cause why an oral hearing is necessary. The Board will decide if an oral hearing is appropriate and if the appellant is to be reimbursed for any costs incurred in attending an oral hearing.
  - In the case of an oral hearing, it is recognized that both the appellant and the Pension Corporation have a right to be present and to be represented as they see fit. It is further recognized that the Board may also seek representation.
4. The Board will be provided with a quarterly appeals activity report.
  - Statistical information on appeals is to be reported quarterly.
  - Copies of the appeal report for resolved and abandoned appeals will be distributed with the quarterly report. Appeal reports are returned for destruction to the Board secretary at the Board meeting or, if downloaded as an electronic version to a trustee’s device, deleted from the device immediately upon the conclusion of the Board’s consideration of the appeal and removed from the trustee website.
  - Appeals for Board review will contain appellant correspondence and the Pension Corporation’s appeal report. The appeal file(s) is returned for destruction to the Board secretary at the conclusion of the meeting or, if downloaded as an electronic version to a trustee’s device, deleted from the device immediately upon the conclusion of the Board’s consideration of the appeal.

## Specific Process

1. Any person or organization directly affected by a decision of the Pension Corporation concerning the application of the Plan Rules may file an appeal.
2. An appellant may initiate an appeal by writing to the Appeals Registrar indicating what is being appealed. The written correspondence must contain sufficient information to identify the issue and to locate the pertinent Pension Corporation files. The appeal must be initiated within 12 months of the decision being appealed.
3. On receipt of an appeal, the Appeals Registrar will send a letter of acknowledgement to the appellant. Included in the letter is an explanation of the process and the timelines to be followed. In addition, the Appeals Registrar will forward a copy of the appeal to the Pension Corporation.
4. The Pension Corporation must review the appeal and respond to the Appeals Registrar. The response is to be a formalized report on the issue and clearly state the Pension Corporation's position on the appeal and reasons for this position.
5. The Appeals Registrar will forward a copy of the report to the appellant together with a covering letter. This response is to be sent within 30 days of receipt of the appeal. The covering letter will indicate that:
  - If the appellant is not satisfied with the explanation provided by the report, he or she can appeal directly to the Board by completing a "Notice of Appeal - Step 2" form or indicating in writing that he or she wishes to appeal directly to the Board.
  - The appellant can submit any additional material that he or she considers necessary.
  - The "Notice of Appeal – Step 2" form or the written correspondence indicating that the appellant wishes to appeal directly to the Board is to be submitted within 30 days of receipt of the report.
  - An appellant may request a time extension for extenuating circumstances.
6. A copy of the completed "Notice of Appeal - Step 2" form or the written correspondence indicating that the appellant wishes to appeal directly to the Board, together with any additional material provided, will be forwarded to the Pension Corporation for comment. The Pension Corporation will be asked to indicate within 7 days if it wishes to comment on any of the new information provided. If so, the Pension Corporation will have 30 days to report (as per item 4). The Pension Corporation response will be forwarded to the appellant who, again, will have the opportunity to comment within 30 days. This step will be repeated until no new information is forthcoming.

7. Each appeal file will be prepared for Board decision by the Appeals Registrar. All correspondence and copies of the relevant legislative and procedural documents will be included. Copies of the file will be sent to the appellant and the Pension Corporation.
8. Board members will decide the appeal after reviewing the information presented in the file. The decision will be made using the voting requirements for Board decisions prescribed in the Plan's Joint Trust Agreement. The written decision will set out the reasons for the Board's decision, including relevant facts and evidence, and any College Pension Plan Rules or legislation relied upon.
9. In respect of any appeal to the Board that concerns a decision made by the Pension Corporation in its capacity as Plan administrative agent for the Board, the Board may take any or all of the following actions:
  - a. Confirm the decision of the Pension Corporation;
  - b. Vary the decision of the Pension Corporation;
  - c. Substitute the Board's decision for the decision of the Pension Corporation; or
  - d. Make any other decisions the Board considers just.
10. The Board will issue a detailed explanation of its decision to the appellant within 15 days.