

# **Klahoose First Nation**



Adopted: July 8, 2020

Amended:

## 1. Purpose of Policy

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

## 2. Definitions

Complainant:	the party appealing a decision
Individual:	a Klahoose First Nation Member, community member, regular or casual employee.
Days:	calendar days.
Support Person:	an individual chosen by the complainant to accompany him/her to a Level 3 Appeal presentation with council. This individual is present solely for the support of the complainant and shall not address council or speak on behalf of the complainant.

## 3. 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 Klahoose First Nation 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.

## 4. Procedure

### Lodging an Appeal:

To appeal a decision made under a Klahoose First Nation policy an individual shall submit their appeal in writing to the Program Manager within 10 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.

## **Reviewing the Appeal:**

### Level 1 – Appeal reviewed by Program Manager

The Program 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 Program 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 Administrator

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

The Administrator 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 Administrator 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 Administrator, they may appeal the Administrator's decision to Council. The individual must submit their Level 3 appeal in writing within (10) ten days of receipt of the Administrator's decision on their Level 2 appeal. This appeal must provide a copy of the original appeal, the Program Manager's and the Administrator'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 Klahoose First Nation 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 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.***

This policy does not preclude an employee from filing a complaint under any applicable Human Rights legislation.

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 8<sup>th</sup> day of July, 2020

APPROVED BY:

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Chief Kevin Peacey

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Councillor Billy Barnes

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Councillor Steven Brown

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Councillor Helen Hanson

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Councillor Michelle Robinson

