

Appealing Professional Certification Unit Decisions

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All decisions concerning the evaluation of your eligibility for certification, salary classification and recognition of prior experience are evaluated under the requirements of the [Teaching Certificates and Qualifications Regulation 115/2015](#) made under The Education Administration Act.

You may appeal a decision made by the Professional Certification Unit (PCU) if you consider that an error has been made in applying the relevant provision of the Teaching Certificates and Qualifications Regulation 115/2015.

There are two steps in the Appeal process.

STEP 1: Request for Reconsideration

This is the initial step in the appeal process and is followed before pursuing a formal appeal as outlined in STEP 2.

1. To request reconsideration of a decision made by PCU, complete a **Request for Reconsideration** within 45 days of the date of the decision. The request is sent to the Director of Teacher Certification and Standards at the address identified on the form. This form may be printed from the following web site:

www.edu.gov.mb.ca/k12/profcert/reviews_appeals.html

Note: There is no fee for this step of the appeal process.

2. Any **additional** information you would like to include for consideration must accompany the request. If this information includes documentation concerning your academic credentials from a university or other post-secondary institution, **this documentation must be sent directly by the institution to PCU** who will forward it to the Director.

Note: If the additional **information** you would like to include with your request cannot be provided within the 45 day time limit, please send a written request for a time extension to the Director of Teacher Certification and Standards outlining the reasons why.

3. The Director of Teacher Certification and Standards will review your **Request for Reconsideration** and any additional information you provide. The Director may also make inquiries with other sources where possible and appropriate.
4. Every effort will be made to provide a written notification of the Director's response within 90 days of the date of the **Request for Reconsideration**. High volumes of reconsideration requests may result in longer response times. If you are not satisfied with the outcome, proceed to step 2.

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Before you appeal

Please ensure that you understand the regulations and policies used in the evaluation of your credentials. You may consult PCU for further information in this regard.

Reasons why Request for Appeal may not be accepted

The Provincial Evaluations Committee (PEC) may refuse to conduct a hearing of an appeal requested, if in its opinion, the request for a review of the Reconsideration decision is frivolous, vexatious, an abuse of process or deemed outside of its jurisdiction.

STEP 2: Formal Appeal to the Provincial Evaluations Committee

If you wish to appeal the decision you receive as a result of your **Request for Reconsideration**, you may submit a **Request for Appeal** to the Provincial Evaluations Committee.

1. To appeal a reconsideration decision, complete a **Request for Appeal** within 45 days from the date of this decision. Your appeal request must be accompanied by a fee of \$99.00. The request is sent to the Professional Certification Unit at the address identified on the form. This form may be printed from the following web site:

www.edu.gov.mb.ca/k12/profcert/reviews_appeals.html

If your appeal is successful, the fee will be refunded.

2. All written relevant material and documentation submitted to PCU by the applicant is sent to PEC for review against regulatory requirements. The onus is on you to ensure that all relevant documents pertinent to your case are submitted prior to your appeal date.
3. An appeal hearing will be scheduled. The PEC is an objective and impartial formal appeal body that provides further assurance that decisions regarding teacher certification, salary classification and experience recognized are transparent and fair. As an advisory appeal committee, PEC is responsible for holding appeal hearings for the purpose of assessing whether the department has made an error in interpreting and/or applying regulatory and policy requirements. The Committee makes a recommendation(s) respecting its findings following a hearing to the Director of Teacher Certification and Standards. Every effort will be made to have the Committee hear your appeal within 120 days of the date of your **Request for Appeal** was received by the PCU.
4. You may make a verbal presentation to the PEC at the hearing and may be assisted or represented by a representative of your choice. If you are unable to attend, the hearing can proceed based on the written information and documentation present in your file and submitted with your Request for Appeal.
5. You will be provided with written notification of the date of your appeal hearing at least 14 days before the date of the hearing.
6. The PEC will communicate its findings and recommendation to the Director of Teacher Certification and Standards within 21 days of the date of the hearing. The Director will provide you with the decision in writing within 28 days.
7. The decision of the Director of Teacher Certification and Standards is final but subject to judicial review.

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Procedural Process followed in an Appeal Hearing before the Provincial Evaluations Committee

The following information outlines the process followed in an Appeal hearing:

1. Committee members review all documents related to your Appeal prior to your hearing. You will receive a copy of the documents provided to PEC.
2. Committee members are introduced.
3. If you have decided to attend the hearing, you or your representative will be asked to summarize your reasons for appealing.
4. The department presents the rationale for the decision to the Committee.
5. Committee members will ask questions for clarification.
6. Once all pertinent points have been made, the Committee considers your case and the materials presented *in camera*. A decision is not made the day of the hearing.
7. The Director of Teacher Certification and Standards will send a letter informing you of the results of the appeal within approximately 28 days from the date of the hearing.

If you have any questions regarding the hearing procedural process, please contact:

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Professional Certification Unit
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Russell Manitoba R0J 1W0
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