

# 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](http://www.edu.gov.mb.ca/k12/profcert/reviews_appeals.html)

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 sent 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. You may appeal the decision to the Provincial Evaluations Committee.

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## **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.

The Provincial Evaluations Committee (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.

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](http://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 the Professional Certification Unit by the applicant is sent to the Committee for review against regulatory requirements.
3. An appeal hearing will be scheduled. Best efforts 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 Professional Certification Unit.
4. You may make a verbal presentation to the Committee at the hearing and may be assisted or represented by a representative of your choice. If you choose not to attend the hearing or have a representative make a presentation on your behalf, your case will be reviewed based on the written information and documentation contained in your certification 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 Committee will communicate the Committee's findings and recommendation to the Director of Teacher Certification and Standards within 21 days of the date of the hearing. The Director shall review the recommendation, make a final determination and apprise the appellant within approximately four weeks of the decision respecting his or her appeal.
7. The decision of the Director of Teacher Certification and Standards is final but subject to judicial review.

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## **Reasons why Request for Appeal may not be accepted**

The Committee 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.

## **Before you Appeal**

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

Your appeal will be scheduled for the earliest possible opening with the Committee.

The onus is on you to ensure that **all** relevant documents pertinent to your case are submitted prior to your appeal date.

## **Do you have questions regarding the appeal process?**

If you have questions regarding the appeal process, please contact:

**Program Coordinator  
Professional Certification Unit  
P.O. Box 700  
Russell MB R0J 1W0  
Telephone: 204-773-2998 ext. 103  
In Manitoba: 1-800-667-2378 ext. 103  
Fax: 204-773-2411**

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

The following information outlines the procedural process that is followed at Appeal hearings:

1. Committee members receive all documents related to your **Request for Appeal** and carefully review them prior to your appeal hearing.
2. Committee members are introduced.
3. The applicant summarizes their case to the Committee.
4. A presentation is not required for an appeal. However, if you have decided to attend the hearing or have a representative attend on your behalf, you or your representative will be asked to present your reasons for appeal to the Committee.
5. The department presents its position to the Committee.
6. If necessary, Committee members will ask questions for clarification.
7. Once all pertinent points have been made, the Committee considers your case and the materials presented *in camera*. A decision is not provided to the parties at the time of the hearing.
8. The Director of Teacher Certification and Standards will send a letter to you informing you of the results of the appeal within approximately four weeks from the date of the hearing.

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

**Program Coordinator  
Professional Certification Unit  
P.O. BOX 700  
402 Main Street N.  
Russell Manitoba R0J 1W0  
Telephone: 204-773-2998 ext. 103  
In Manitoba: 1-800-667-2378 ext. 103  
Fax: 204-773-2411  
Email: certification@gov.mb.ca**