

Grievances and Appeals

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(For information regarding this policy, contact [tbd] at GroupWise address [RecourseOCGA-RecoursBCGA \(RCMP-GRC\)](#).)

1. Policy

The objective of this policy is to explain the procedures members must follow in relation to a grievance or appeal in accordance with the *RCMP Act*, *RCMP Regulations, 2014* and *Commissioner's Standing Orders (Grievances and Appeals)*.

1.1. This policy applies to members who present a grievance pursuant to section 31 of the *RCMP Act*. This policy also applies to members, conduct authorities, and review authorities who present an appeal of a decision made pursuant to the *CSO (Conduct)*, *CSO (Employment Requirements)*, *CSO (General Administration)* and *CSO (Investigation and Resolution of Harassment Complaints)*, including former members for the purposes of any appeal with respect to a discharge or a dismissal from the RCMP.

1.2. Unless expressly provided for, the presentation of a grievance or an appeal does not suspend the execution of the decision that is being grieved or appealed and will not halt, adjourn, or otherwise delay any process related to that decision.

1.3. This policy is to be read with, and applied in conjunction with, the *CSO (Grievances and Appeals)*.

1.4. This policy is subordinate to the *RCMP Act*, *RCMP Regulations* and CSOs.

1.5. Grievances and appeals filed on or after 2014-11-28 will be dealt with under this chapter.

2. Definitions

2.1. **adjudicator** means a person who renders a decision in the grievance process or appeals process.

2.2. **administrative time limits** means those time frames that are established pursuant to the *National Guidebook – Grievances Procedures* and the *National Guidebook – Appeals Procedures*.

2.3. **appeal** means a challenge to any final written decision made in any of the following processes:

2.3.1. revocation of an appointment of a member;

2.3.2. administrative discharge or demotion of a member;

2.3.3. discharge of a probationary member;

2.3.4. relief from duty;

2.3.5. temporary stoppage of pay and allowances (for reason other than conduct);

2.3.6. investigation and resolution of harassment complaints;

2.3.7. conduct authority's decision or a conduct board's decision that an allegation of a contravention of a provision of the Code of Conduct is established, not established, or a conduct measure imposed by a conduct authority or conduct board;

- 2.3.8. temporary reassignment of a member;
- 2.3.9. suspension of a member;
- 2.3.10. stoppages of pay and allowances for conduct;
- 2.3.11. stoppages of pay and allowances for loss of basic requirement;
- 2.3.12. member representation in the conduct process;
- 2.3.13. member representation or assistance in the grievance or appeals process; or
- 2.3.14. requirement to undergo a medical examination or assessment.

2.4. **appellant** means:

- 2.4.1. a member who presents an appeal, and includes a former member for the purposes of any appeal regarding a discharge or a dismissal from the RCMP; or
- 2.4.2. a conduct authority who presents an appeal of a decision of a conduct board.

2.5. **assistant** means a person, authorized by a grievor, appellant, or respondent (grievance or appeal), who is providing support with the administration of a grievance or appeal.

NOTE: The provisions relating to assistance outlined in sec. 8 to 10 of the *CSO (General Administration)* apply.

2.6. **case conference** means a without prejudice meeting between a grievor or appellant, respondent (grievance or appeal), or their representatives or assistants, and an adjudicator to discuss issues relating to a grievance or appeal.

2.7. **case meeting** means a meeting between a grievor or appellant, respondent (grievance or appeal), or their representatives or assistants, and an adjudicator in which an adjudicator may hear submissions and review evidence and reach a binding decision on any preliminary or collateral issue or the merits of the grievance or appeal.

2.8. **collateral issue** means those matters concerning the processing of the grievance or appeal or issues not directly connected to the merits of the grievance or appeal, e.g., access to relevant material, identification of the respondent .

2.9. **conduct authority** means a person designated pursuant to subsec. 2(3) of the *RCMP Act* and sec. 3 of the *Commissioner's Standing Orders (Conduct)*.

2.10. **conduct board** means the person or persons appointed pursuant to subsec. 43(1) of the *RCMP Act* to preside over a conduct hearing.

2.11. **Committee** means the Royal Canadian Mounted Police External Review Committee as established by sec. 25 of the *RCMP Act*.

2.12. **CSO** means Commissioner's Standing Orders.

2.13. **designated officer** means an officer designated by the Commissioner for the purposes of this policy.

2.14 **final level** means the final level in the grievance process.

2.15. **grievance** means a grievance presented under sec. 31 of the *RCMP Act*.

2.16. **grievor** means a member who presents a grievance.

2.17. **initial level** means the initial level in the grievance process.

- 2.18. **line officer** means the first officer or senior manager above the respondent (grievance) in the respondent's chain of command.
- 2.19. **merits** means the core matters at issue in the grievance or appeal, e.g., issues related to the contested decision, act, or omission.
- 2.20. **office for the coordination of grievances and appeals** or **OCGA** means the RCMP office that is responsible for administrative matters relating to grievances and appeals.
- 2.21. **panel** means a panel of three adjudicators established for the purpose of deciding a grievance at the initial level.
- 2.22. **parties** means the grievor or appellant, and the respondent (grievance or appeal).
- 2.23. **preliminary issue** means an issue related to the jurisdiction of an adjudicator, the standing of a grievor or appellant to present the grievance or appeal, or the timeliness of a grievance or appeal.
- 2.24. **RCMP Act** means the *Royal Canadian Mounted Police Act, (R.S.C. 1985, c. R-10), as amended*.
- 2.25. **RCMP Regulations** means the *Royal Canadian Mounted Police Regulations, 2014*.
- 2.26. **representative** means a person authorized, by a grievor, appellant, or respondent (grievance or appeal), to act on behalf, and have the full authority, of a grievor, appellant, or respondent (grievance or appeal) during the grievance or appeals process.

NOTE: The provisions relating to representation outlined in sec. 8 to 10 of the CSO (*General Administration*) apply.

- 2.27. **standardized test** means a test that is used by the RCMP to assess an individual's behavior, knowledge, and experience in order to evaluate job-relevant competencies, and includes the marking rationale, the scoring keys, and any materials prepared for the purpose of developing the test.
- 2.28. **standing** means that the grievor or appellant meets the criteria established by the *RCMP Act* or *CSO (Grievances and Appeals)* to present a grievance or make an appeal.
- 2.29. **statutory time limits** mean those time limitation periods that are established by statute and defined for grievances in subsec. 31(2) of the *RCMP Act* and, for appeals, in sections 22 and 38 of the *CSO (Grievances and Appeals)*.

3. General

3.1. This policy is subordinate to the *RCMP Act*, *RCMP Regulations* and CSOs.

3.2. Expectations

3.2.1. The parties to a grievance will use their best efforts to seek to resolve the grievance in the least adversarial manner possible.

3.2.2. The parties to an appeal will, where appropriate, use their best efforts to seek to resolve the appeal in the least adversarial manner possible.

3.2.3. A member may present a grievance or appeal in the language of his/her choice. The OCGA will process the grievance or appeal in the member's chosen official language.

3.2.4. The respondent (grievance or appeal) is responsible for providing written submissions in the grievor or appellant's chosen official language.

NOTE: The respondent is not responsible for translating existing materials or documents.

- 3.2.5. The member will use the Grievance Presentation form 6439 (link) or the Statement of Appeal form 6437 (link) to initiate the grievance or appeals process.
- 3.2.6. The member will present his/her grievance to the OCGA or to his/her supervisor.
- 3.2.6.1. A supervisor who is presented with a grievance must sign, date the form at the time it is presented, and forward it to the OCGA as soon as feasible.
- 3.2.7. The member will present his/her appeal to the OCGA.
- 3.2.8. The OCGA will administer the grievance and appeals process, instruct the parties of their responsibilities at each stage of the process, and ensure the parties are aware of the set statutory and administrative timelines.
- 3.2.9. The parties must actively participate in the grievance or appeals process until its conclusion.
- 3.2.10. The parties must notify the OCGA of any change of contact information.
- NOTE: Failure to do so may result in the parties not being notified of important dates and information pertaining to the grievance or appeal.
- 3.2.11. The parties may authorize a person of their choice to represent or assist them by notifying the OCGA and the other party in writing. The limitations outlined in sections 8 to 10 in the *CSO (General Administration)* apply to the representation or assistance to a party.
- 3.2.11.1. A representative will assume the role and all duties of the party.
- 3.2.11.2. An assistant will provide support to the party who continues to actively participate in the process.
- 3.2.12. A party may submit in writing to the OCGA a waiver of any provision of the *RCMP Act*, *RCMP Regulations*, the *CSO (Grievances and Appeals)*, or any other CSOs that is to his/her benefit.
- 3.2.13. This waiver may include, but is not limited to:
- 3.2.13.1. a right to be served or provide a notice or other document;
- 3.2.13.2. a right of access to documents or other information;
- 3.2.13.3. a right to make a submission or submit documents or other information;
- 3.2.13.4. a right to assistance or representation.
- 3.2.14. The OCGA will, upon receipt of a waiver received in accordance with sec. 3.2.12, provide a copy to the other party as soon as feasible.
- 3.2.15. A waiver submitted by a party in accordance with sec. 3.2.12 remains in effect until revoked by the party.
- 3.2.16. A party may revoke a waiver submitted by him/her by advising the OCGA in writing.
- 3.2.17. A party may, through action or inaction, be deemed to have effected a waiver.
- 3.2.18. The OCGA will, upon notice from a party pursuant to sec. 3.2.16, provide a copy to the other party as soon as feasible.
- 3.2.19. Time periods will be computed in consecutive days and will exclude the first day and include the last day.
- 3.2.20. When a statutory or administrative time limit expires on a Saturday, Sunday, or other statutory holiday, the time limit will be extended to the next day that is not a Saturday, Sunday, or other statutory holiday.

3.2.21. The parties must comply with statutory limitation periods established by the *RCMP Act* and the *CSO (Grievances and Appeals)*, and the administrative time limits outlined in the national guidebooks for grievances or appeals procedures.

NOTE: Failure to comply with these limitation periods may result in the grievance being dismissed or upheld, as the case may be.

3.2.22. A party may request an extension to a statutory or administrative limitation period by submitting a request in writing to the OCGA outlining the grounds upon which the extension is sought.

3.2.23. A party must, unless extenuating circumstances exist, make the application for an extension referred to in sec. 3.1.21 before the expiry of the limitation period the party is seeking to extend.

3.2.24. The OCGA may grant an extension requested in sec. 3.2.22 regarding an administrative limitation period outlined in the national guidebooks for grievances or appeals procedures only if satisfied that the grounds justify an extension.

3.2.25. An adjudicator may grant an extension requested in sec. 3.2.22 regarding any statutory or administrative limitation period only if satisfied that the grounds justify an extension.

3.2.25.1. An adjudicator may only grant an extension to a statutory limitation period if an extension is authorized by the *RCMP Act*, the *RCMP Regulations* or the *CSO (Grievances and Appeals)*.

3.2.26. The OCGA or adjudicator will, as soon as feasible, provide the party who made the application and the other party with a written decision outlining reasons why an extension has or has not been granted.

3.2.27. The OCGA or adjudicator may seek information from any person prior to making a decision on the application for an extension and outline a process and timeframes for doing so.

3.2.28. All enquiries, including those directed to the adjudicator, will be submitted to the OCGA. The parties must not directly contact an adjudicator or analyst.

EXCEPTION: In the context of a case conference or case meeting.

3.2.29. The burden of proof is on the grievor or appellant to prove his/her case on a balance of probabilities.

3.2.30. Written submissions must meet the requirements outlined in the *National Guidebook – Grievances Procedures* or *National Guidebook – Appeals Procedures* that support this policy (link).

3.2.31. The grievor or appellant may withdraw a grievance or appeal at any time prior to a final decision by an adjudicator, by notifying the OCGA in writing.

3.2.32. No decision, act, or omission made in good faith by a person acting as an adjudicator, OCGA case manager, or officer in charge of the OCGA may be the subject of a harassment complaint or a grievance.

3.3. Decisions

3.3.1. The adjudicator has the authority to decide on all matters that arise from a grievance or appeal, including how a grievance or appeal is processed and adjudicated.

3.3.2. A decision that does not dispose of a grievance or appeal, or a direction given by an adjudicator, cannot form the basis of a new grievance or appeal.

3.3.3. Decisions that dispose of grievances or appeals will be served on the grievor or appellant and the respondent (grievance or appeal).

4. Grievances

4.1. General

4.1.1. The following is an outline of the grievance process.

Grievance Process	
Level 1 (Initial Level)	1. Presentation of Grievance
	2. Initial Stage
	3. Level 1 Submissions
	4. Decision at Level 1
Level 2 (Final Level)	5. Presentation to Level 2
	6. Level 2 Submissions
	7. Decision at Level 2

4.1.2. For the purpose of sec. 4, **respondent** means the person who made the decision, act, or omission that is the subject of the grievance, or the person who replaces him/her in that position, or the person designated by the adjudicator.

4.2. Presentation of Grievances

4.2.1. A grievor will use the Grievance Presentation form 6439 ([link](#)) to present a grievance.

4.2.2. A grievor must specify in a grievance each of the following:

4.2.2.1. the grievor's name and employee number;

4.2.2.2. the decision, act or omission that is being grieved;

4.2.2.3. a concise statement of the grounds on which the grievance is based, including the relevant law, or Treasury Board or RCMP policy applicable to the grievance;

4.2.2.4. the prejudice suffered as a result of the decision, act or omission;

4.2.2.5. the redress requested;

4.2.2.6. the date on which the grievor learned of the decision, act, or omission;

4.2.2.7. the name of the person the grievor believes to be the respondent; and

4.2.2.8. the name of the person the grievor believes to be the respondent's line officer.

4.2.3. If the decision being grieved was made in writing, the grievor will append a copy of the decision being grieved to form 6439. ([link](#))

4.2.4. The OCGA may conduct a review of any grievances presented by the grievor for the purposes of determining if the grievor has filed substantially similar grievances.

4.2.5. If, after conducting a review described in sec. 4.2.4., the OCGA believes that the grievor has filed substantially similar grievances in any instance, the OCGA may seek a further review by an adjudicator.

4.2.6. The OCGA may conduct a review of any grievances presented by the grievor for the purposes of determining if any grievance may constitute an abuse of process, or may be considered frivolous or vexatious.

4.2.7. If, after conducting a review described in sec. 4.2.6., the OCGA believes that the grievor has presented grievances which may constitute an abuse of process or may be considered frivolous or vexatious, the OCGA may seek a further review by an adjudicator.

4.2.8. The OCGA may conduct a review of grievances presented by more than one grievor that appear to be substantially similar. The OCGA may seek a further review by an adjudicator.

4.3. Initial Stage

4.3.1. The OCGA will provide the respondent with a copy of the grievance.

4.3.2. Subject to a grievor's request not to forward his/her grievance to the respondent's line officer at the time the grievance was presented, the OCGA will provide a copy of the grievance to the respondent's line officer.

4.3.3. The OCGA will provide the parties with information regarding the RCMP Informal Conflict Management Program (ICMP).

NOTE: It is the parties' responsibility to contact the divisional ICMP coordinator should they wish to engage in that program.

4.3.4. The respondent's line officer will discuss the grievance with the respondent to determine if the respondent's decision, act or omission was consistent with applicable law, or applicable Treasury Board or RCMP policy, ascertain whether the grievance or any aspect of it can be informally resolved, and ensure that the respondent understands his/her responsibilities within the grievance process.

4.3.5. The respondent will contact the grievor to initiate attempts to informally resolve the grievance or any aspect of it.

4.3.6. The grievor may decline to participate in informal resolution efforts, and request the grievance proceed directly to the exchange of submissions if there are no unresolved collateral issues.

4.3.7. If the grievor declines to discuss the grievance with the respondent, the respondent will confirm that fact in writing to the grievor and the OCGA. 4.3.8. If a respondent is unable to participate in informal resolution efforts, the line officer may either replace the respondent in those discussions, require the respondent to participate, or designate a replacement for that purpose.

4.3.9. At the conclusion of informal resolution efforts, the parties will notify the OCGA of the outcome of their efforts by completing and submitting the Informal Resolution Outcome form 6440 (link) to the OCGA.

4.4. Access to Information

4.4.1. In accordance with the provisions of subsec. 31(4) and 31(4.1) of the *RCMP Act*, and the *CSO (Grievances and Appeals)*, the member presenting a grievance may request, from the respondent, access to written or documentary information that the grievor reasonably requires to properly present it.

4.4.2. The requested written or documentary information must be: in existence, controlled by the RCMP, relevant to the grievance, and reasonably required to properly present the grievance.

4.4.3. The respondent is responsible for providing access to the agreed-upon and uncontested written or documentary information.

4.4.4. The respondent is not required to create new documents or translate documents.

4.4.5. The respondent will not disclose standardized tests, information the disclosure of which is contrary to a provision of any contract entered into by the Crown, information about a person's financial or personal affairs if the person's interest or security outweighs the grievor's interest in the information, or information the disclosure of which is prohibited by law.

4.4.6. If the parties cannot reach an agreement regarding the grievor's access to written or documentary information, the grievor may request an adjudicative decision.

4.4.7. If an adjudicator rules in favour of providing access to the disputed information, it is the responsibility of the respondent to provide access as soon as feasible after receipt of the adjudicative decision.

4.5. Preliminary or Collateral Issues

4.5.1. A party may raise a preliminary issue, e.g. statutory time limit, standing, or collateral issue, e.g. identification of the respondent, access to relevant materials, during the course of the grievance, by notifying the OCGA in writing.

4.5.2. An adjudicator may conduct a case conference to discuss the preliminary or collateral issue with the parties.

4.5.3. If the preliminary or collateral issue cannot be resolved between the parties, the adjudicator may, on notice to the parties:

4.5.3.1. seek written submissions on the issue. Submissions will be sought in the following order: first, a submission from the party who raised the issue; second, a response to the submission from the other party; and third, a rebuttal to the response. The adjudicator may set and vary timelines for the presentation of submissions; or

4.5.3.2. conduct a case meeting to hear submissions, consider evidence, and reach a decision.

4.5.4. The adjudicator will provide the parties with a written decision regarding the preliminary or collateral issue as soon as feasible. Upon consent of the parties, the written decision may be summary in nature.

4.6. Consideration at the Initial Level

4.6.1. If attempts to informally resolve the grievance are unsuccessful, or if the grievor has declined to participate in informal resolution efforts and there are no unresolved collateral issues, the OCGA will seek submissions from the parties.

4.6.2. The adjudicator will determine if he/she will hold a case meeting to hear submissions and consider evidence.

4.6.3. Whether the submissions are written or provided orally at a case meeting, the parties may include arguments or evidence on the merits of the grievance. In addition to the merits of the grievance, the submissions may include arguments or evidence as to whether the grievor meets the essential requirements of standing and respected the statutory time limit for presenting the grievance.

4.6.4. The grievor will be given the first opportunity to present submissions, followed by the respondent.

4.6.5. The grievor will be given an opportunity to rebut the respondent's submission.

4.6.6. The rebuttal may not raise new facts or grounds.

EXCEPTION: With the permission of the adjudicator.

4.6.6.1. If the adjudicator permits new facts or grounds to be raised, the grievor or respondent may reply to the new facts or grounds as soon as feasible after they are raised.

4.7. Decision at the Initial Level

4.7.1. A panel may be appointed to decide a grievance.

4.7.2. The adjudicator or panel will rely on the parties' submissions to decide the grievance.

4.7.3. The adjudicator or panel may request additional information from the parties or any other person. The parties will be given an opportunity to respond to any additional information prior to the adjudicator or panel deciding the grievance.

4.7.4. The adjudicator or panel must consider if the decision, act, or omission that is the subject of the grievance is consistent with applicable law, or applicable policy of the Treasury Board or the RCMP, and if it caused a prejudice to the grievor.

4.7.5. The decision rendered by the adjudicator or panel is binding on the parties unless the grievor presents the grievance at the final level within the statutory time limit.

4.8. Presentation to the Final Level

4.8.1. The grievor must present the grievance to the final level by providing it to the OCGA or to the grievor's supervisor within the statutory time limit.

4.8.2. The grievor will use the Grievance Presentation form 6439 (link) originally presented to the OCGA and append a copy of the initial level decision.

4.8.3. The burden of proof lies with the grievor to establish that the initial level decision was:

4.8.3.1. reached in a manner that contravened the applicable principles of procedural fairness;

4.8.3.2 based on an error of law; or

4.8.3.3 was clearly unreasonable.

4.9. Consideration at the Final Level

4.9.1. The adjudicator will determine whether he/she will hold a case meeting to hear submissions and consider evidence.

4.9.2. The grievor will be given the first opportunity to present submissions, followed by the respondent.

4.9.3. The grievor will be given an opportunity to rebut the respondent's submission.

NOTE: The parties may present new evidence or information at the final level only if the evidence or information was not, and could not reasonably have been, known at the time of the initial level decision.

4.9.4. Whether the submissions are written or provided orally at a case meeting, the submissions should include argument or evidence that the initial level decision was:

4.9.4.1. reached in a manner that contravened the applicable principles of procedural fairness;

4.9.4.2. based on an error of law; or

4.9.4.3. was clearly unreasonable.

4.10. Decision at the Final Level

4.10.1. The adjudicator will rely on the parties' submissions to decide the grievance.

4.10.2. The decision is final and binding.

4.11. Request for a Review of Redress

4.11.1. Despite sec. 4.7.5, if a respondent believes that the redress determined by the adjudicator at the initial level is clearly contrary to law and should not be implemented, the respondent will inform his/her line officer.

4.11.2. If the line officer agrees that the redress determined by the adjudicator at the initial level is clearly contrary to law, the line officer will refer the matter for review by the designated officer. If the designated officer believes the redress is clearly contrary to law, he/she will request a referral to the final level.

4.11.3. The designated officer will use the Designated Officer Request for Redress Review form 6438 (link) to request a review of the redress determined by the initial level adjudicator.

4.11.4. The designated officer must specify each of the following:

- 4.11.4.1. the designated officer's name and employee number;
- 4.11.4.2. the initial level grievance decision that is subject to the request;
- 4.11.4.3. the redress directed by the initial level adjudicator;
- 4.11.4.4. a concise statement of the facts and grounds that support the request;
- 4.11.4.5. the redress requested by the designated officer; and
- 4.11.4.6. the date on which the respondent was served with the initial level decision.

4.11.5. The final level adjudicator may uphold, vary, or quash the redress.

4.11.6. The adjudicator's decision is final and binding.

5. Appeals

5.1. General

5.1.1. The following is an outline of the appeals process.

Appeals Process
1. Presentation of Appeal
2. Collection of Materials
3. Submissions
4. Referral to the Committee (if applicable)
5. Decision

5.1.2. For the purpose of sec. 5., the following definition applies:

5.1.2.1. **respondent** means:

- 5.1.2.1.1. the person who made the written decision that is the subject of the appeal, or the person who replaces him/her in that position, or the person designated by the Commissioner or the adjudicator; or
- 5.1.2.1.2. in the case of an appeal of a conduct board's decision:

- 5.1.2.1.2.1. the conduct authority who initiated the hearing by the conduct board, or the person who replaces him/her in that position, or the person designated by the Commissioner, if the appellant is the member who is the subject of the conduct board's decision; or
- 5.1.2.1.2.2. the member who is the subject of the conduct board's decision, if the appellant is the conduct authority who initiated the hearing by the conduct board.

5.2. Presentation of Appeal

- 5.2.1. An appeal must be presented within 14 days after the day on which the appellant was served with the final written decision being appealed.
- 5.2.2. An appellant will use the Statement of Appeal form 6437 (link) to present an appeal.
- 5.2.3. The appellant must specify on form 6437 (link) each of the following:
 - 5.2.3.1. the appellant's name and employee number;
 - 5.2.3.2. the decision that is being appealed;
 - 5.2.3.3. a concise statement of the grounds on which the appeal is based;
 - 5.2.3.4. the relevant law or policy applicable to the appeal;
 - 5.2.3.5. the redress requested;
 - 5.2.3.6. the date on which the appellant was served with the decision; and
 - 5.2.3.7. the name of the person the appellant believes to be the respondent.
- 5.2.4. If the subject matter of the appeal is one of the types of appeals that is to be referred to the Committee, the appellant must indicate on the Statement of Appeal form 6437 (link) if he/she requests not to refer the appeal to the Committee, and provide his/her reasons for the request.
 - 5.2.4.1. The types of appeals that are to be referred to the Committee are outlined in subsec. 45.15(1) of the *RCMP Act* and sec. 17 of the *RCMP Regulations*.
- 5.2.5. The appellant will append a copy of the decision being appealed to form 6437. (link)

5.3. Management of Appeal – Other than a Conduct Board Decision

- 5.3.1. In the case of an appeal of a matter other than a conduct board decision, the following applies:
 - 5.3.1.1. The OCGA will provide the respondent with a copy of the appeal as soon as feasible.
 - 5.3.1.2. For non-conduct related appeals, the OCGA will provide the parties with information regarding the RCMP Informal Conflict Management Program (ICMP).

NOTE: It is the parties' responsibility to contact the divisional ICMP coordinator should they wish to engage in that program.

- 5.3.1.3. When notified of the appeal, the respondent will forward to the OCGA a copy of the material that he/she relied upon in reaching the appealed decision, and the OCGA will provide the respondent's material to the appellant.
- 5.3.1.4. The appellant may provide a written submission in response to the material outlined in sec. 5.3.1.3.
- 5.3.1.5. If the appellant provides a written submission, he/she will not present new evidence or information that was not presented to the respondent in any of the proceedings before the appeal.

EXCEPTION: The evidence or information was not, and could not reasonably have been, known by the appellant when the written decision that is the subject of the appeal was made.

5.3.1.6. The respondent is not entitled to provide a submission.

EXCEPTION: A respondent may seek leave from the Commissioner or an adjudicator to make submissions if the respondent believes the appellant's appeal form or submissions to be false or misleading. The appellant may provide a rebuttal to any such submission.

5.4. Management of Appeal – Conduct Board Decision

5.4.1. In the case of an appeal of a conduct board decision, the following applies:

5.4.1.1. The OCGA will provide the respondent with a copy of the appeal as soon as feasible.

5.4.1.2. When notified of an appeal, the respondent, other than the subject member of the conduct board's decision, will forward to the OCGA a copy of the material that the conduct board relied upon in reaching the appealed decision, and the OCGA will provide the conduct board's material to the appellant.

5.4.1.3. The appellant will be given the first opportunity to present submissions, followed by the respondent.

5.4.1.4. The appellant will be given an opportunity to rebut the respondent's submission.

5.4.1.5. The rebuttal may not raise new facts or grounds.

EXCEPTION: When permission is obtained from the Commissioner.

5.4.1.6. If the Commissioner permits new facts or grounds to be raised, the appellant or respondent may reply to the new facts or grounds as soon as feasible after they are raised.

5.5. Referral to the RCMP External Review Committee

5.5.1. The OCGA will determine whether or not the appeal is referable to the Committee.

5.5.2. If the OCGA determines that the appeal is referable to the Committee, the OCGA will notify the appellant of this determination.

5.5.3. If the OCGA does not receive a request not to refer the appeal to the Committee from the appellant and the appeal is referable to the Committee, the OCGA will forward the appeal materials to the parties and to the Committee.

5.5.4. If the OCGA receives a request not to refer the appeal to the Committee from the appellant, the OCGA will forward the request and appeal materials to the Commissioner or the adjudicator, who will decide whether or not to allow or reject the request.

5.5.5. If the request is allowed, the appeal will not be referred to the Committee.

5.5.6. If the request is rejected, the OCGA will forward the appeal materials to the parties and to the Committee as soon as feasible.

5.5.7. The OCGA will manage communications with the Committee and ensure any report containing findings and recommendations received from the Committee regarding an appeal is forwarded to the Commissioner or adjudicator as soon as feasible.

5.6. Decision

5.6.1. The Commissioner or adjudicator will determine whether he/she will hold a case meeting to hear submissions and consider evidence.

5.6.2. The Commissioner or adjudicator will consider the appeal form, the written decision being appealed, material relied upon and provided by the decision maker, submissions or other information submitted by the parties, and in those instances where an appeal was referred to the Committee, the Committee's report regarding the appeal.

5.6.3. The Commissioner or adjudicator may request additional information from the parties or any other person. The parties will be given an opportunity to respond to any additional information.

5.6.4. If the appeal has been referred to the Committee, the Commissioner or adjudicator is not bound to act on any of the Committee's findings or recommendation, but must include in his/her decision the reasons for not doing so.

5.6.5. The Commissioner or adjudicator when rendering a decision on the disposition of the appeal must consider whether the decision that is the subject of the appeal contravened the principles of procedural fairness, was based on an error of law, or was clearly unreasonable.

5.6.6. The decision is final and binding.

6. Data Entry and Case Management

6.1. The Administrative Case Management Tool (ACMT), a case management support system, will be used for case management of grievances and appeals.

6.2. ACMT will provide the DG, Recourse Services Branch, with the mechanism to meet reporting requirements, including but not limited to statistical information related to the number and class of grievances and appeals, and any other information as may be required.

6.3. The DG, Recourse Services Branch, is responsible for ensuring procedural compliance relating to this policy.

6.4. The DG, Recourse Services Branch, will provide a report on an annual basis to the Professional Responsibility Officer and will include such recommendations as the DG deems appropriate regarding possible amendments to the practices and procedures contained in this policy, the national guidebooks for grievances and appeals procedures and the CSO (*Grievances and Appeals*).

References