



Process for Appealing a Decision by the Registration Committee

This document sets out the process for appealing a decision of the Registration Committee under s. 14(1) of the *Professional Geoscientists Act*.¹

1. An appeal of a decision by the Registration Committee is heard by a panel of Professional Geoscientist Ontario (PGO) Council Members.
2. Any person wishing to appeal a decision of the Registration Committee (Appellant) shall deliver a letter, giving notice of the appeal to the CEO of the Professional Geoscientists of Ontario (PGO) within 30 days of the decision of the Registration Committee.
3. The notice of appeal document shall:
 - a. Identify the decision of the Registration Committee being appealed;
 - b. Set out the grounds (or basis) for the appeal; and
 - c. Set out the order that the Appellant wished the Council to make.
4. The Appellant shall pay the fee for the appeal required by the by-laws within five business days of delivering the notice of appeal documents.
5. The CEO shall notify the other party(ies)², the Registrar, and the President of the Council of the appeal.
6. The Registrar shall prepare a Record of the materials upon which the decision of the Registration Committee was based and shall provide a copy to the parties to the appeal and the CEO.
7. The President of the Council shall appoint an Appeal Panel of the Council to consider the appeal. As specified in the by-laws, the Appeal Panel shall generally consist of five Council members. The President shall appoint one of the panel members to be the Chair of the Appeal Panel.

¹Section 14(1) of the *Professional Geoscientists Act* reads as follows:

Appeal of decisions

14 (1) The applicant or member, as the case may be, and the Association may appeal a decision of the registration committee with respect to the applicant or member to the Council.

²Generally the parties are the applicant or member, as the case may be, and the PGO.

8. Within 30 days of the Appellant being provided with the Record, the Appellant shall prepare and deliver a written argument of no more than 25 pages. The written argument shall be delivered to the CEO and to the other party(ies).
9. Within 30 days of being provided with the written argument of the Appellant, the other parties shall prepare and deliver a written argument of no more than 25 pages. The written argument shall be delivered to the CEO and to the other party(ies).
10. The CEO shall provide the Record and the written arguments to the Appeal Panel.
11. The Chair of the Appeal Panel shall fix a date for the presentation of submissions on the appeal. Unless the Appeal Panel directs otherwise, the appeal shall be presented at a videoconference or other electronic platform.
12. Any party may be represented on the appeal by a person licenced by the Law Society of Ontario so long as disclosure of this representation has been provided to the other party(ies) and CEO at least ten days before the date fixed for the presentation.
13. The Appellant shall have up to one hour to present its submission to the Appeal Panel at the appeal.
14. The other party(ies) shall have up to one hour to present its submissions to the Appeal Panel at the appeal.
15. The Appellant shall have up to fifteen minutes to present its reply submissions to the Appeal Panel at the appeal.
16. The Appeal Panel may ask the parties questions during the appeal.
17. The parties may consent to, or the Appeal Panel may direct there to be, a written appeal without presentation of submissions to the Appeal Panel.
18. No party shall call witnesses, present documentary evidence or provide additional information that is not part of the Record of the Registration Committee. If additional information is required to make a fair and just decision, the matter shall be referred back to the Registration Committee to make a fresh decision.
19. The Appeal Panel shall render a written decision with reasons.³
20. The Appeal Panel may vary or impose additional obligations to any aspect of this appeals process in exceptional circumstances or where required to ensure a fair and just process.
21. The *Statutory Powers Procedure Act* does not apply to this appeals process.

³Under s. 15(2) of the *Professional Geoscientists Act*, an appeal may be taken of the decision of the Council to the Divisional Court.