

**TEACHERS'
PENSION PLAN
CORPORATION**
NEWFOUNDLAND
& LABRADOR

Appeal Policy

June 2022

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1.0 PURPOSE

The Teachers' Pension Plan Corporation (the "TPPC") is committed to ensuring members of the Teachers' Pension Plan (the "Plan") have a fair and efficient process to address issues in respect of the TPPC's administration of the Plan. In accordance with Section 18.5 of the Plan, the TPPC has established this Appeal Policy to govern the procedure for an appeal of a decision related to the Plan.

2.0 GENERAL

- 2.1** Any person aggrieved (the "Appellant") by a decision of the Administrator or the Administrator's staff may bring an appeal. For greater certainty, an appeal may be brought by an Appellant's personal representative.
- 2.2** Appeals may only relate to the application or interpretation of the Plan and the Appellant's personal entitlement to, or the amount of, a pension benefit under the Plan.
- 2.3** Issues with the Plan's design and features are not subject to an appeal and should be directed to the Plan's Sponsor Body.
- 2.4** The Administrator and the Appellant will make best efforts to informally resolve any issues with a decision before proceeding with the formal appeal process. Issues relating to mistake or error should be resolved informally with the Administrator.
- 2.5** Appeals may be brought in accordance with the following two-step process:
- STEP 1: Appeal to a Review Officer.
 - STEP 2: Appeal to the Appeals Committee.
- 2.6** Appeal hearings will be scheduled at the discretion of the Appeals Committee.
- 2.7** All appeals must be directed to and submitted by mail or email as follows:

Teachers' Pension Plan Corporation
140 Kelsey Drive, Suite 300
St. John's, NL A1B 0T2

Email: appeals@tppcni.ca

Attention: Chief Executive Officer

2.8 The Appeals Committee may extend or modify the timelines specified within as it deems necessary. The Appellant and the Administrator may also agree by mutual consent and with the Appeals Committee's approval to extend or modify the applicable timelines.

3.0 THE APPEALS COMMITTEE

3.1 The Appeals Committee must hear and determine appeals regarding the application or interpretation of the Plan and relating to, connected with or arising out of the Appellant's entitlement to, or the amount of, a pension benefit under the Plan.

3.2 The Appeals Committee is responsible for the following:

- i. Consideration and determination of appeals referred to the Committee;
- ii. Advising Appellants in writing of decisions and the rationale for decisions regarding the relevant appeal(s);
- iii. Advising the Director of Finance and Pension Administration of decisions on appeals and recommendations regarding applicable administrative policies and procedures;
- iv. Advising the Board of Directors of Committee decisions;
- v. Advising the Board of Directors regarding consideration of potential changes to administrative policy or plan text emanating from appeal considerations; and,
- vi. Performing other duties as assigned by the Board.

3.3 The Appeals Committee must be composed of three (3) members as follows:

- i. The Board shall appoint one of the Board members from among those appointed by the Newfoundland and Labrador Teachers' Association to be appointed for a term of two years;
- ii. The Board shall appoint one of the Board members from among those appointed by the Government of Newfoundland and Labrador to be appointed for a term of two years; and,
- iii. One non-Board member to be appointed by the two Board members of the Appeals Committee on an appeal by appeal basis.

3.4 Any member of the Appeals Committee may be reappointed.

3.5 The Board shall appoint one of the Board members of the Appeals Committee to serve as chairperson of the Appeals Committee for a term of two years.

3.6 Where a vacancy in the Appeals Committee occurs, a person qualified under Section 3.3 may be appointed as a replacement by the Board and will sit on the Appeals Committee for the remainder of the former member's term.

4.0 APPEAL PROCESS – STEP 1

4.1 The Appellant may appeal a decision of the Administrator's staff to a Review Officer. The Appellant must provide written submissions to the Review Officer outlining the basis of the appeal.

4.2 The Appellant may appeal a decision of the Administrator's staff to the Review Officer at any time.

4.3 The Review Officer will review the Appellant's written submissions and render a decision in writing to be provided to the Appellant within 30 days.

4.4 Should the decision in Step 1 be unsatisfactory to the Appellant, the Appellant may proceed to Step 2 of the appeal process.

5.0 APPEAL PROCESS – STEP 2

5.1 The Appellant may appeal a decision of the Administrator to the Appeals Committee in writing within 60 days of the date of the decision in writing that is the subject of the appeal.

Submissions and Documentation

5.2 The Appellant must complete and submit an Appeals Form to the Administrator, available upon request, outlining the basis for the appeal. Along with the Appeals Form, the Appellant may also submit additional written submissions outlining factual and legal arguments in support of the appeal.

5.3 The Administrator will acknowledge receipt of the Appeals Form within 14 days and provide the Appellant with a copy of the Appeal Policy.

5.4 Within 14 days of receipt of the Appeals Form, the Administrator, in coordination with the chairperson of the Appeals Committee, will confirm the date, time and place of the hearing of the appeal and advise the Appellant accordingly.


5.5 The Administrator will provide the Appellant with copies of any documentation relevant to the appeal, along with any written submissions in response to the

Appeals Form and additional written submissions (if any), within 30 days of receipt of the Appeals Form.

- 5.6** The Appellant will provide the Administrator with copies of any additional documentation, which is not found in the Administrator's documentation and is relevant to the appeal, along with any written submissions in reply to the Administrator's written submissions, no later than 21 days prior to the hearing date.
- 5.7** The written submissions and documentation of the Appellant and the Administrator will constitute the Appeal Record.
- 5.8** The Administrator will provide the Appeals Committee with the Appeal Record at least 14 days prior to the hearing date.
- 5.9** At any time prior to the hearing date, the Appeals Committee may request further documentation and/or submissions relevant to a proper determination of the appeal from the Appellant and/or the Administrator.
- 5.10** A pre-hearing conference shall be held at least 5 days prior to the hearing date and shall include all members of the Appeals Committee, the Appellant (or representative) and Administrator (or representative).

Hearing

- 5.11** The Appellant may elect to make in-person submissions at the hearing of the appeal. This election must be made 30 days prior to the hearing date by notifying the Administrator.
- 5.12** Unless the Appellant elects to make in-person submissions, the Appeals Committee will decide the appeal based on the Appeal Record.
- 5.13** All members of the Appeals Committee must participate in the hearing.
- 5.14** Where the Appellant elects to proceed with in-person submissions, both the Appellant and the Administrator will have the right to make in-person submissions in respect of the decision that is the subject of the appeal during the hearing.
- 5.15** During the hearing of in-person submissions, the Appellant and the Administrator may ask questions of the other party for further clarification in respect of the decision that is the subject of the appeal.



5.16 Issues regarding administrative or procedural matters may be decided upon solely by the chairperson of the Appeals Committee on consent of the Appellant and Administrator, in advance of, or during the hearing. Questions of admissibility of evidence will be decided upon by the Appeals Committee during the hearing.

Decision

5.17 All members of the Appeals Committee must participate in deciding the appeal.

5.18 The Appeals Committee will meet privately to consider the Appeal Record and, where applicable, any in-person submissions and evidence presented prior to deciding on whether to allow or dismiss the appeal.

5.19 The Appeals Committee will provide a written decision stating reasons within a reasonable time, but in not more than 60 days from the hearing date.

5.20 Decisions of the Appeals Committee are final and binding on the Administrator and the Appellant.