



## Enrolment Appeals Process

### Nunavut Tunngavik Inc.'s Nunavut Enrolment Appeals Committee

Nunavut Tunngavik Inc.'s (NTI) Nunavut Enrolment Appeals Committee shall consist of three regional standing lists of members. Each of the Regional Inuit Associations (RIAs) shall appoint a person from each of its communities to form a standing list for that region.

### Co-chairpersons

The members of the standing list from each region shall elect from among their number a member who shall be a co-chairperson of the appeals committee.

### Assembling of Appeal Panel

The co-chairperson for the region of the appellant shall, upon receipt of the notice and a copy of the appeal, select another member from the appeals committee standing list from that region, and a co-chairperson from one of the other regions, and they shall, upon circulation of relevant materials to interested parties, hear and determine the appeal.

Where the appellant is not associated with a community or region, the three co-chairpersons shall hear and determine the appeal.

No person who participated in the making of a decision by an Community Enrolment Committee (CEC) shall sit on the panel hearing or determining an appeal from that decision.

The co-chairperson for the region of the appellant or, where applicable, all three co-chairpersons shall determine the time and place of the hearing of an appeal. A notice of hearings shall be posted in the community where such hearings are held at least two weeks prior to their being held.

### Decisions Subject to Appeal

The appeals committee shall hear and decide appeals:

- (a) Commenced by an applicant for enrolment or another enrolled person, from a decision by a CEC as to whether the applicant is entitled to be enrolled on the Nunavut Inuit Enrolment List; and
- (b) Commenced by a person whose name would be removed or another enrolled person, from a decision of a CEC as to whether a name should be removed from the Nunavut Inuit Enrolment List.

(Section 35.5.1 of the NLCA)

### Initiating the Appeals Process

Appeals shall be commenced by the submission of a Letter to Appeal Form to the NTI Enrolment Division.

A completed Letter of Appeal Form shall provide the following information with respect to the appellant:

- (a) Name in full;
- (b) Address for service;
- (c) Date of birth;

For more information, please contact:

Nunavut Tunngavik Inc.  
Enrolment Administrator  
Department of Human Resources  
P.O. Box 280 Rankin Inlet, NU X0C 0G0  
Tel: (867) 645-5400 Fax: (867) 645-3451  
Toll Free: 1-888-236-5400  
Website: [www.tunngavik.com](http://www.tunngavik.com)

- (d) Health care card number; and
- (e) Associated community, if any.

In the event that the appeal is not brought by the person who has applied for enrolment, a completed Letter of Appeal Form shall also provide the following information with respect to the Consented Applicant:

- (a) Name in full; and
- (b) Associated community, if any.

A completed Letter of Appeal Form shall include a brief summary of the reasons given by the CEC for the decision appeals from, and a copy of those written reasons.

A completed Letter of Appeal Form shall include a brief statement of the reasons why the appeal should be granted, including a summary of the evidence to be relied upon.

A completed Letter of Appeal Form shall include the appellant's declaration that the information contained in the completed form is true and accurate to the best of his or her knowledge.

Upon receipt of a completed Letter of Appeal Form, the NTI Enrolment Division shall immediately forward a notice of receipt of the form to the appellant, and a copy of the form:

- (a) To the CEC whose decision is being challenged; and
- (b) In the event the appeal involves a contested applicant:
  - i. To the contested applicant;
  - ii. Where the contested applicant has an associated community, the co-chairperson for the region in which the associated community is located; and
  - iii. Where the contested applicant does not have an associated community, to all three co-chairpersons.

Within 21 days of the date of the notice of receipt of the completed Letter of Appeal Form being sent out:

- (a) The CEC whose decision is being challenged shall provide to the NTI Enrolment Division:
  - i. A written copy of its reasons for the decision being challenged; and
  - ii. Any materials received by the CEC respecting the decision being challenged; and



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(b) In the event the appeal involves a contested applicant, the contested applicant shall provide the NTI Enrolment Division with a written statement indicating whether he or she disputes the appeal and, if so, the reasons for doing so.

Within 14 days after receiving these materials, the NTI Enrolment Division shall forward copies to the appellant, any contested applicant, the associated CEC of any contested applicant, the CEC whose decision is being challenged, and the appeals committee.

### Appeal Hearings

Appeal hearings shall be open to the public.

All interested parties may appear at and participate in hearings, including calling and examining witnesses and presenting arguments. An appellant, a contested applicant, a relevant CEC, and the NTI Enrolment Division shall all be considered to be interested parties. Other parties may also be accepted as interested parties.

An appeals committee panel may allow a person to participate in a hearing by teleconference or similar electronic means.

An appeals committee panel may accept hearsay evidence, and shall give that evidence the weight and consideration it considers appropriate.

The costs to participate in an appeal shall be borne by the participants.

### Re-hearing

An appeal to the appeals committee shall be by way of a re-hearing, and the appeals committee may allow further evidence.

On the consent of the appellant, any person whose application is being contested by an appellant (contested applicant), and the CEC whose decision is being challenged, the appeals committee may make its decision based on the written evidence presented only and need not hold a hearing.

### Rules for Proceedings

Procedures have been developed by NTI to assist the appeals committee in meeting its responsibilities under the NLCA. Under the NLCA (Section 35.6.1), the appeals committee has authority to establish rules for conducting proceedings, including rules for the use of teleconferencing, written submissions, and time limits.

### Decisions

Decisions of the appeals committee, or an appeals committee panel, shall be made by consensus or, in the absence of consensus, by majority vote.

Decisions shall be in writing and be supported with reasons.

Decisions shall be in Inuktitut or Inuinnaqtun and English.

### Effect of Orders, Decisions, Rulings

Every order, decision or ruling of the appeals committee is final and binding and is not subject to further appeal, but the order, decision or ruling may be reviewed by the Nunavut Court of Justice for a failure to observe the principals of natural justice or otherwise acting beyond or refusing to exercise its jurisdiction. (Section 35.5.8 of the NLCA)