

**APPEAL PROCESS FRAMEWORK
(Niagara College Class Action)**

1. Epiq Class Action Services Canada Inc. ("Epiq") has been appointed the Administrator of this Class Action.
2. Class Counsel will provide the Administrator with the matrix outlining Class Counsel's calculation of entitlement for all Claimants under the Settlement, including contact information for all Claimants.
3. Any time after April 27, 2020 and up until June 8, 2020, Claimants will have the opportunity to request their Claim File by completing and submitting a Claim File Request Form to the Administrator. A copy of the Claim File Request Form is attached hereto **Appendix "A"**.
4. Claimants may Appeal the decision of Class Counsel regarding their entitlement to compensation, if any, by completing an Appeal Form and submitting it to the Administrator by a method listed on the Appeal Form. The appeal can be in relation to either eligibility or quantum or both. A copy of the Appeal Form is attached hereto as **Appendix "B"**.
5. The Appeal Form must be received by Epiq **on or before May 27, 2020**. Any Appeal Form received after that date will not be considered for review.
6. Upon receipt of an Appeal Form and/or a Claim File Request Form, the Administrator will notify Class Counsel and Class Counsel will forthwith provide the Administrator with the Appellant's Claim File.
7. Upon receipt of the Appeal Form, the Administrator will again notify the Appellant of his or her right to access their Claim File electronically or in print form by submitting a Claim File Request Form by June 8, 2020 and the administrative

cost of doing so. Any administrative fee charged will be refunded to any Class Member who is successful in whole or in part on any Appeal.

8. The Appellant will be provided with their Claim File no later than 10 days after submitting their Claim File Request Form to the Administrator.
9. The Appellant will have until June 24, 2020 to submit further submissions (including documentation) in relation to their appeal or request an opportunity to speak with the Administrator rather than make submissions in writing.
10. Upon receipt of any submissions or upon completion of any telephone interviews by the Administrator, the Administrator will make a final and binding decision of entitlement. Such decisions will be sent to the Appellant within 7 days of the telephone interview or receipt of written submissions. All appeals from Class Counsel's initial assessment will be determined by the Administrator acting in its sole discretion in accordance with the Memorandum of Settlement and the Settlement Administration Guideline attached hereto as **Appendix "C"**.
11. The Administrator will assess whether or not Class Counsel made a material error in the evaluation of the Appellant's entitlement. Only if the appellant is able to establish a material error was made, will the Administrator determine if the Appellant's compensation, if any, is increased or decreased as a result.
12. The decision of the Administrator in relation to any appeals (both in terms of compensation and entitlement) are final and binding and cannot be challenged.
13. If a Claimant is unsuccessful in his or her appeal (that is, Epiq does not change Class Counsel's assessment of the claim), \$250 will be deducted from the Claimant's compensation. In the event that no compensation is awarded, the Claimant will be required to pay \$250 upon receipt of the appeal decision.

Claim File Request Form

(Niagara College Class Action)

Epiq File No.: (insert No. from letter)	
TR No. (last three digits 901553-***)	
Your Name:	

I hereby request a copy of my complete Claim File *(please circle the preferred delivery method below)*:

Option 1: Paper copy mailed to:

OR

Option 2: Electronic copy emailed to: _____

**THIS CLAIM FILE REQUEST FORM MUST BE RECEIVED BY THE
ADMINISTRATOR BY JUNE 8, 2020**

To obtain this information, I agree to pay a reasonable fee for reproduction and postage (if applicable) to Epiq Class Action Services Canada Inc.

Signature of Claimant

Date

Please send completed form to:
Niagara College Claims Administrator
c/o Epiq Class Action Services Canada, by either:
Email: NiagaraCollegeAppeals@epiqglobal.ca
Courier: 610-180 King St S, Waterloo, ON, N2J 1P8
Mail: Suite 3-505, 133 Weber St N, Waterloo, ON, N2J 3G9

**SETTLEMENT ADMINISTRATION GUIDELINE
(Niagara College Class Action)**

1) The Settlement Framework:

- a) Primary Class Members, as defined in the Court Approved Order, will be entitled to the following compensation (subject to pro rata adjustments, if necessary and as appropriate):
 - i) \$20,000 per claimant (before any Court approved legal fees) to address all potential damages claims and heads of damages.
- b) Secondary Class Members, as defined in the Court Approved Order, will be entitled to the following compensation at a fixed amount:
 - i) \$7,500 per claimant (before any Court approved legal fees) to address all potential damages claims and heads of damages.
- c) Primary and Secondary Class Members must provide documentation to confirm their eligibility under the Memorandum of Settlement to the satisfaction of Class Counsel. Such supporting documentation must include, but is not limited to:
 - i) Official confirmation of graduation date from the General Arts and Sciences Program at Niagara College of Applied Arts and Technology;
 - ii) Official confirmation of denial/refusal of 3-year Post-Graduation Work Permit because the majority of the courses completed were distance learning courses; and,
 - iii) Official confirmation of approval/granting of a 3-year Post-Graduation Work Permit under public policy Operational Bulletin 631.

2) Process for Claimants following Court Approval:

- a) Class Counsel will send the Notice of Settlement to each Class Member in accordance with the Notice Plan, as well as a Claimant Explanation Letter;
- b) The Notice of Settlement will:
 - i) Advise that the Memorandum of Settlement has been approved by the Court;
 - ii) Provide information about the settlement and process for making claims under this Settlement Administration Guideline;

- iii) Advise Class Members of their right to opt out of the Class Action on or before **April 6, 2020** by submitting a completed Opt Out Form to Class Counsel. Opt Out Form must be received by Class Counsel on April 6, 2020;
 - iv) Advise Class Members of the possibility of the Memorandum of Settlement being voided if too many Class Members elect to opt out; and,
 - v) Advise Class Members of their right to commence an Appeal to the Administrator of their entitlement or evaluation by Class Counsel in accordance with this Guideline and the Appeal Process Framework;
- c) Process for Claimants:
- i) Claimants must submit their Primary Class Compensation Request Form & supporting documentation or Secondary Class Compensation Request Form & supporting documentation to Class Counsel by **April 6, 2020**;
 - ii) Upon receipt of the completed Compensation Request Form, Class Counsel will:
 - 1. Review the completed Compensation Request Form and supporting documents;
 - 2. Evaluate whether and to what extent compensation would be payable to the Claimant under the settlement; and,
 - 3. Provide the Claimant with a Claimant Explanation Letter, which will explain the Claimant's entitlement.
- d) Following the April 6, 2020 deadline, Class Counsel will send every known Class Member a Claimant Explanation Letter by no later than April 27, 2020, which will:
- i) Advise the Class Member of Class Counsel's evaluation of their entitlement, along with a conservative estimate of their compensation, if any, under the settlement as calculated in accordance with this Guideline; and,
 - ii) Advise the Class Member of the right to request the Class Member's Claim File (their completed Compensation Request Form and all supporting documents in relation to their file) by:

1. Completing a Claim File Request Form;
 2. Submitting the Claim File Request Form to the Administrator by **June 8, 2020**; and,
 3. Paying a reasonable photocopying fee or electronic access fee to the Administrator.
- iii) Advise the Class Member that they may commence an Appeal to the Administrator by:
1. Completing an Appeal Form;
 2. Submitting the Appeal Form to the Administrator by **May 27, 2020**; and,
 3. Acknowledging that an unsuccessful appeal will result in the cost penalty of \$250 to be automatically deducted from the Claimant's entitlement or otherwise payable by the Claimant.
- iv) Explain how the Appeals would be resolved by the Administrator, and specifically that the Administrator would:
1. Review the Appeal Form;
 2. Receive and review the Class Member's entire Claim File provided by Class Counsel;
 3. Notify the Appellant of his or her right to access their Claim File electronically, or in print form, by June 8, 2020 and the administrative cost of doing so (any administrative fee charged will be refunded to any Class Member who is successful in whole or in part on any Appeal);
 4. Offer the Appellant an opportunity to participate in a telephone call with the Administrator about the basis for their Appeal on or before June 24, 2020;
 5. Offer the Appellant an opportunity to submit further written submissions in relation to their appeal on or before June 24, 2020;

6. Consider the merits of the appeal;
7. Evaluate whether the Appellant has met the burden of establishing that Class Counsel made material errors in the evaluation of their entitlement, pursuant to the terms of the Memorandum of Settlement and this Guideline;
8. Make a final determination of the Appellant's entitlement; and,
9. Report by letter to the Appellant within 7 days of receiving written submissions or completion of the telephone interview the outcome of the Appeal and any cost penalty impacts for an unsuccessful appeal.

2) The Administrator's Role

a) The Administrator shall:

- i) Receive Class Counsel's matrix outlining Class Counsel's calculation of entitlement for all Claimants under the Settlement, including contact information for all Claimants;
- ii) Receive Appeal Forms and Claim File Request Forms;
- iii) Advise Class Counsel of all Appeal Forms and Claim File Request Forms received by the Administrator;
- iv) Receive Class Members' Claim Files from Class Counsel;
- v) Administer Appeals, by:
 1. Reviewing the Appeal Form and any documents and information provided;
 2. Allowing Appellants an opportunity to make written submissions or verbal submissions by telephone in relation to their appeal, with a general one hour time limit that may be extended in the Administrator's sole discretion;
 3. Review the Appellant's Claim File and consider the merits of the appeal;

4. Evaluate whether Class Counsel has made a material error in relation to the evaluation of the claim;
 5. Report the outcome of the appeal to the Appellant and Class Counsel within 7 days of the telephone call or receipt of written submissions; and,
 6. Deduct a cost penalty from an unsuccessful Appellant's compensation (and send accounts to those not entitled to compensation).
- vi) Distribute the settlement funds to Class Members and Class Counsel as ordered by the Court.

NOTE: All of the estimates contained in this Guideline are estimates made by Class Counsel and they have not been made by Niagara College of Applied Arts and Technology or any Releasee. Neither Niagara College of Applied Arts and Technology nor any Releasee accepts any responsibility whatsoever for the accuracy of Class Counsel's estimates.