



Board of Governors Appeal Procedures

1. Purpose

The Board of Governors has delegated within the Board of Governors Executive Committee Terms of Reference, the responsibility (4.7) to *“Act on behalf of the Board to hear and determine appeals of General Faculties Council Discipline Committee decisions.”*

2. Appeal Committee Procedures

2.1 A student (“appellant”) may appeal a General Faculties Council Discipline Committee decision within 30 calendar days of their receipt of a decision.

2.2 Upon receipt of a student appeal, as detailed above, The Chair of the Board of Governors, in consultation with the President & Vice-Chancellor, shall appoint an “Appeal Committee”, the Appeal Committee shall hear and determine appeals of the General Faculties Council Discipline Committee.

2.3 Appeal Committee Composition:

The Appeal Committee shall consist of the following voting members:

- Associate Vice-President (Students) serving as Appeal Committee Chair*, and
- two (2) Deans.

* If a conflict or scheduling concern arises, an additional Dean shall be designated by the Chair of the Board of Governors.

The Appeal Committee shall be supported by the Director, University Secretariat (non-voting) or designate.

2.4 Quorum:

Quorum shall consist of all three Appeal Committee voting members.

2.5 Conflict-of-Interest:

To encourage impartiality, Appeal Committee members shall not serve when the appeal involves those they have familial or other close associations. Also, Deans of the appellants’ Faculty or School shall not serve.

In all other cases, the Appeal Committee Chair, or the Chair of the Board of Governors if it involves the Appeal Committee Chair, shall rule on the eligibility of Appeal Committee members in cases where there may be a potential conflict-of- interest.

2.6 Appeal Committee Procedures:

The Appeal Committee shall hear the appeal of record only and set its own procedures for investigation subject to the following and ensuring, if necessary, Appendix A - Principles of Natural Justice and Procedural Fairness are followed:

2.6.1 The Appeal Committee will decide if a hearing will be held. If a hearing is to be held:

2.6.1.1 The individuals who may be invited to speak (appellant, Dean, General Faculties Council Discipline Committee Chair, and instructor(s)) shall have opportunity to make presentations to the Committee in writing, orally or both. All shall have the right to pose questions, through the Chair, of those who have been asked by the Appeal Committee to speak.

2.6.1.2 Written submissions shall be shared with all Appeal Committee members and the appellant. Materials that will be considered will be made available to all in advance of the meeting for viewing. Materials will not be accepted at the meeting as at a minimum, all participants must be provided at least seven (7) days to view materials prior to the meeting,

2.6.1.3 The Chair shall inform the appellant in writing (by email to the appellant's university email and priority mail to the permanent address on file), at least 14 calendar days prior to the date of the hearing, of the date, time and place of the hearing. The appellant shall also be notified that if they do not appear at the appeal hearing, the Appeal Committee may hear the case in the student's absence.

2.6.1.4 The appellant may be accompanied by an advisor, or represented by a designate, who may speak on the appellant's behalf and/or the appellant may submit a written statement.

2.6.1.5 The Chair shall notify the Dean, who originally assigned the case to the General Faculties Council Discipline Committee, of the date, time and place of the hearing, together with a copy of any written submission from the student and shall request the Dean's/ instructor's attendance at the hearing.

2.6.1.6 The hearing shall be in camera, and a confidential record of the hearing shall be kept by the University Secretariat Office according to the requirements of the applicable Records Retention Policies.

2.7 Decision of the Appeal Committee:

- 2.7.1 The Appeal Committee will normally render a decision within thirty (30) calendar days from the date the request to appeal was received.
- 2.7.2 The Appeal Committee shall decide by majority vote to affirm the decision of the General Faculties Council Discipline Committee or whether to assign an alternate penalty which may include suspension, expulsion or a lesser penalty. The Appeal Committee shall take into consideration the disciplinary record of the student.
- 2.7.3 The Appeal Committee shall prepare a brief summary of the evidence and arguments presented, the decision of the Appeal Committee and the rationale for the Appeal Committee's decision. This document shall be signed and delivered, within seven (7) calendar days of the decision being made, to the appellant (by email to the appellant's university email).
- 2.7.4 If a change to the decision of General Faculties Council Discipline Committee is approved, a copy of the Appeal Committee's decision shall be placed in the student's file in the Registrar's Office and a copy shall be sent to the Dean. If required, notations concerning suspension or expulsion shall be placed on the appellant's transcript.
- 2.7.5 The decision of the Appeal Committee shall be final.

Appendix A

Principles of Natural Justice and Procedural Fairness

Academic appeal and disciplinary proceedings should be designed in accordance with the principles of natural justice and procedural fairness.

Procedural fairness and natural justice are tied to the process(es) used by the decision maker rather than the outcome of the proceeding. There are four fundamental pillars:

1. Opportunity to know the allegations:

- o The alleged offender should receive all relevant information about the allegations, and must have an opportunity to address any relevant adverse information; and
- o Decision makers should identify all relevant issues to the proceeding, and the alleged offender should be given sufficient opportunity to address those issues and give evidence and present arguments relating to them.

2. Lack of bias:

- o There should be no actual or perceived bias of the decision makers;
- o Decision makers should not have an interest in the matter being decided and should not appear to bring a bias or prejudgments to the proceeding - must show an open mind.

3. Evidence to support a decision:

- o Decision makers should make clear findings on matters of fact that are material to the decision, and take into account only the relevant factors.
- o Decision makers should make reasonable inquiries or investigations and identify major issues.

4. Clear reasoned decision making:

- o The decision should identify the evidence or material on which the findings of fact are made and the reasons for accepting or rejecting a piece of evidence.
- o The decision should reflect all steps of reasoning linking the findings of fact to the decision.
- o Decision makers should consider and address the claims made by the alleged offender.