

Senate Governance Committee

Hearing Procedures for the Appeal Tribunal

Forming the Appeal Tribunal

1. The Appeal Intake Panel, in consultation with the chair of the Senate Governance Committee, designates a three-member appeal tribunal, as outlined in the Senate Governance Committee's terms of reference and the SGC Appeals Committee Terms of Reference.
2. None of the three members on the Appeal Intake Panel who participated in the initial review are members of the appeal tribunal.
3. If a tribunal member thinks they may have or may appear to have a conflict of interest, using the definitions from Board of Governors Bylaw 110.05, Section 1.1, they inform the other tribunal members and the Appeal Intake Panel chair. If they agree that a conflict (real or apparent) exists, another Committee member is selected.
4. The three tribunal members select the tribunal chair from among them and inform the Appeal Intake Panel chair.
5. The chair of the Appeal Intake Panel forwards the appeal documents and any recommendations of the Appeal Intake Panel to the tribunal chair, who provides copies to the other tribunal members prior to the tribunal hearing, normally at least 1 week in advance.

Reviewing the Appeal Documents

1. Each tribunal member reviews the appeal package separately prior to the tribunal hearing.
2. The appeal package contains all evidence presented in the original case, as well as a statement from the appellant as to the reasons for the appeal, supporting evidence for the request, and witness statements from any witnesses that the appellant would like to present.
3. Tribunal members may meet prior to the hearing and may request further materials through the chair of the Senate Governance Committee's Appeal Committee. Such requests are given to the Student Rights and Responsibilities Office (SRRO) who provide the requested information if available, subject to privacy considerations.
 - a. If the requested evidence is obtained, a copy is provided to both parties who are given an opportunity to respond to the new material if they wish.
 - b. The unavailability of the evidence does not delay the hearing process.
4. The tribunal members do not seek out any extra information themselves but judge the case based on the evidence presented in 1, 2, and 3 above by the appellant and respondent. Materials normally available to the UFV community may be used, i.e. UFV policies, and department policies.

Scheduling the Hearing:

1. The tribunal sets the time for the hearing. Efforts will be made to accommodate individual schedules, but rendering a timely decision is of primary importance. It is the responsibility of the appellant and the respondent to ensure their witness(es) and support person can attend.

2. The tribunal chair, with support from the Secretariat office, communicates the schedule to the appellant, respondent and tribunal.
3. The names of the tribunal members are not released until the beginning of the hearing.
4. The tribunal members do not discuss any matters related to the appeal with the appellant and the respondent prior to the hearing, for any reason. Any queries should be handled through the SSRO.

Holding the Hearing:

1. The tribunal chair begins by introducing everyone and stating their role in the tribunal (tribunal member, appellant, respondent, support person for appellant or respondent, etc.).
 - a. Support persons do not act as witnesses and do not speak during the hearing.
 - b. Third party witnesses are asked to wait outside the room until they give their evidence.
 - c. None of the appellant, respondent, or tribunal are entitled to have the attendance of legal counsel at the hearing, and such attendance of legal counsel is prohibited for reasons of procedural fairness, and not to disadvantage any party.
2. The tribunal members keep such records as deemed necessary during the hearing, but no records of the evidence are kept once the tribunal has made a decision.
3. Tribunals follow principles of natural justice, with the appellant and respondent having the opportunity to present their argument and evidence. Witnesses are subject to cross-examination.
4. The tribunal may make determination of relevance and appropriateness of evidence.
5. At the close of the Hearing, the tribunal chair indicates the approximate time length before a decision is communicated. *Email decisions are allowed.*

Making and Writing a Decision:

1. The tribunal members may, as a group, seek clarification on UFV policies and natural justice procedures from the SRRO.
2. Decisions of evidence are based on the test of the balance of probability.
3. The tribunal may decide the following outcomes; decline to hear the matter; hear the matter and uphold the original decision; hear the matter and return it to be reconsidered, providing specific guidance on how to address and eliminate any real or perceived bias in the decision-making process (for example, by ensuring decision-makers are impartial, disclosing potential conflicts or applying consistent evaluative standards); hear the matter and uphold the decision but modify the penalty; or hear the matter and replace the original decision entirely.,
4. Copies of the written decision, which normally include a brief rationale, are sent by the tribunal chair to the chair of the Senate Governance Committee's Appeals Committee, who provides the documentation to the SRRO. The tribunal chair also provides an information copy to the Appeal Intake Panel. The SRRO, responsible for all communication with the appellant and respondent provides the written decision and rationale to the appellant and respondent. The written decision and rationale are not shared beyond the parties identified, and is kept confidential.
5. The SGC Appeals Committee chair reports on the case to the Senate Governance Committee during an in-camera session.