

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, will designate a three-member appeal tribunal, as outlined in the Senate Governance Committee's terms of reference.
2. None of the three members on the Appeal Intake Panel who participated in the initial review, nor the chair of the Senate Governance Committee, shall be members of the appeal tribunal.
3. If a tribunal member thinks he/she may have or may appear to have a conflict of interest, using the definitions from Board of Governors Policy 110.05, Section 1.1, he/she must inform the other tribunal members and the Appeal Intake Panel chair. If they agree that a conflict (real or apparent) exists, another Committee member will be selected.
4. The three tribunal members will select the tribunal chair from among them and inform the Appeal Intake Panel chair.
5. The chair of the Appeal Intake Panel will forward the appeal documents and any recommendations of the Appeal Intake Panel to the tribunal chair, who will provide 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 will review the appeal package separately prior to the tribunal hearing.
2. The appeal package will contain 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. Such requests will be given to the University Registrar who will provide the requested information if available, subject to privacy considerations.
 - a. If the requested evidence is obtained, a copy must be provided to both parties who must be given an opportunity to respond to the new material if they wish.
 - b. The unavailability of the evidence shall not delay the hearing process.
4. The tribunal members should 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 will normally set 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, will communicate the schedule to the appellant, respondent and tribunal.
3. The names of the tribunal members will not be released until the beginning of the hearing.
4. The tribunal members should 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 Office of the Registrar or the Student Rights and Responsibilities Office.

Holding the Hearing:

1. The tribunal chair should begin by introducing everyone and stating their role in the tribunal (tribunal member, appellant, respondent, support person for appellant or respondent, etc.).
 - a. Support persons cannot be witnesses and cannot speak during the hearing.
 - b. Third party witnesses shall be asked to wait outside the room until they give their evidence.
 - c. None of the appellant, respondent, or tribunal shall be entitled to have the attendance of legal counsel at the hearing, and such attendance of legal counsel shall be prohibited for reasons of procedural fairness, and not to disadvantage any party.
2. The tribunal members shall keep such records as deemed necessary during the hearing, but no records of the evidence will be kept once the tribunal has made a decision.
3. Tribunals shall follow principles of natural justice, with the appellant and respondent having the opportunity to present his/her 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 will indicate 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 University Registrar.
2. Decisions of evidence shall be based on the test of the balance of probability.
3. The tribunal may decide the following outcomes: refuse to hear; hear and uphold decision; hear and return decision to be reheard, with instructions for overcoming bias; hear and uphold decision but alter penalty; or hear and replace decision.
4. Copies of the written decision, which normally will include a brief rationale, shall be sent by the tribunal chair to the chair of the Senate Governance, who will provide the documentation to the Office of the Registrar or the Student Rights and Responsibilities Office. The tribunal chair will also provide an information copy to the Appeal Intake Panel. The Office of the Registrar or the Student Rights and Responsibilities Office., responsible for all communication with the appellant and respondent will provide the written decision and rationale to the appellant and respondent. The written decision and rationale shall not be shared beyond the parties identified, and shall be kept confidential.
5. The tribunal chair shall report to the Senate Governance Committee during an in-camera session.