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## 1.5.1 PROCEDURES FOR APPEALS TO THE BOARD

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### ENABLING POLICY

#### 1.5 Appeals to the Board

##### A. APPEAL PROCEDURES

###### Timelines

An appeal of a suspension must be delivered to the University Secretary within two (2) weeks of the date of suspension except in extenuating circumstances in which case an extension may be granted at the discretion of the Board.

###### Appeal

An appeal of a suspension to the Board shall be commenced by a written notice to the University Secretary. The notice must include a full written statement including all material facts, the grounds for appeal, the desired remedy and a copy of all relevant materials.

Upon receipt of a written request for a hearing, the University Secretary will, within twenty-four (24) hours, provide copies of the material to the Chair of the Board.

###### President's Reply

The Chair of the Board will send a copy of the appellant's statement and accompanying documents to the President. The President may submit a written reply and support documentation to the University Secretary within two (2) weeks of receipt of the notice from the Chair, or such longer period as may be determined by the Chair.

###### Appellant's Reply

Upon receipt of the President's reply, if any, a copy shall be forwarded to the appellant who may submit a reply within one (1) week of the date of receipt of the President's reply or such longer period as may be determined by the Board.

###### Hearing

The Chair of the Board will convene the Board within two (2) weeks, or as soon as practical, after the filing of the appellant's reply, if any.

The Board, in camera, may consider and determine an appeal on the basis of written submissions alone or may, at its discretion, hold a hearing.

If an oral hearing is directed by the Board, the parties may make oral submissions in addition to the written submission. Generally, each party will be provided with one half (1/2) hour for submissions and the appellant with ten (10) minutes for reply. All parties to an appeal may be represented by legal counsel or other advisors.

### **Delivery**

The Board has the authority to uphold or set aside, in whole or in part, the decision of the President and to impose any terms and conditions that the Board deems appropriate.

The Board's decision shall be communicated in writing to the parties as soon as possible and normally within twenty-eight (28) days of the date of close of submissions or the hearing, if applicable.

For the purpose of this procedure, a document is deemed to have been received when it has been delivered personally to the persons concerned or within five (5) days of it being mailed to the residential address of that person as designated in the University's records.

### **Withdrawal**

The appellant may withdraw an appeal at any time during the appeal process, in which case the Board shall formally dismiss the appeal and give notice of that in writing to the appellant and the President.

## **B. APPEAL PANEL MEMBERSHIP**

The Appeal Panel shall consist of the five elected Executive members of the Board. The Chair will preside. The University Secretary will inform the parties of the names of the members of the Appeal Panel.

The Chair of the Board may, before and after receiving representations from the appellant, or the President, require any member of the Executive to withdraw from hearing the appeal where the member has an actual, potential or perceived conflict of interest, or has a bias or may reasonably be perceived by the appellant or the President to have a bias. Where there is a challenge to the participation of the Chair, the Vice Chair will decide whether the Chair should withdraw.

When a member of the Executive has been required to withdraw that member may, or may not be replaced by another member of the Board by the Board Chair at his/her discretion.

## **C. HEARING PROCEDURES**

The appeal hearing will be closed to the public, and held in a location to be determined by the Board.

If during the course of the appeal hearing it becomes apparent that further information is required, the Chair may adjourn the meeting in order to obtain such additional information.

### **Decision**

The Board will provide the parties with a written decision after hearing the recommendation from the Appeal Panel membership.

### **Time Limits**

Where any time limits are established by this procedure with respect to the hearing of an appeal, the Chair of the Board may extend those time limits if the failure to comply is beyond the control of the persons seeking the extension, or the members of the Board, or whether it is otherwise necessary having regard to the interest of the parties.