

Terms of Reference
Board of Governors Appeals Committee
(the “Committee”)

Pursuant to section 60(3) of the *University Act*
(with regard to an employee suspended by the president)

COMPOSITION OF COMMITTEE

1. The Vice-Chair of the Board of Governors (hereafter, the “Board”) will Chair the Committee.
2. The Committee shall be comprised of three members of the Board, including the Chair of the Committee who is a voting member. Subject to the Committee having a quorum when it meets, vacancies on the Committee do not prevent it from meeting to consider an appeal.
3. Members of the Committee, other than the Chair, shall be appointed by the Board for a term of up to three years. Members may be re-appointed.

JURISDICTION

Pure Appeal

4. An appeal brought to the Committee must be based on the University failing to follow applicable policies or collective agreements. The Committee does not re-hear matters.

Board Decision is Final

5. The Committee will make a recommendation to the Board as to the outcome of the appeal. The Board’s decision on an appeal is a final disposition of that appeal with no further right of appeal to any body at the University.

PROCEDURES

Initiating an Appeal

6. An employee who wishes to file an appeal shall submit a written notice and statement of appeal to the Secretariat within 30 days of the employee being informed of the decision or outcome being appealed.
7. The notice and statement of appeal must contain:
 - a. a statement of the suspension being appealed;
 - b. a summary of the background to the appeal;
 - c. a statement identifying the grounds for appeal;
 - d. a statement of the relief or remedy sought; and
 - e. a list of the key documents, and copies of the documents, that are relevant to the appeal and upon which the Appellant relies.

8. The Secretariat shall send the Appellant's notice and statement of appeal to the Chair normally within five business days of its receipt.

Response to Appeal

9. The President may elect to file a Response to the appeal. The President's Response will normally be submitted to the Secretariat within 10 business days. The Secretariat will send the President's Response to the Chair and the Appellant promptly, normally within five business days of receipt.

Reply to Response

10. The Appellant may submit a Reply to any matter raised in the President's Response which the Appellant has not already addressed in the Appellant's notice and statement of appeal. The Reply, if any, will normally be submitted to the Secretariat within five business days. The Secretariat will send the Appellant's Reply to the President and the Chair promptly, normally within five business days of receipt.

Scheduling the Consideration of the Appeal

11. After the date for receiving the Reply has passed, the Secretariat will schedule a date for the appeal to be considered taking into account the availability of the Committee members. The consideration of the appeal will normally take place within three months after the notice and statement of appeal were submitted to the Secretariat by the Appellant.

Appeal Record

12. After the date for receiving the Reply has passed, the Secretariat will prepare an Appeal Record which shall consist of:
 - a. The Notice and Statement of Appeal;
 - b. The Response, if any; and
 - c. The Reply, if any.
13. The Secretariat shall provide each party and each member of the Committee a copy of the Appeal Record at least 10 business days in advance of the date that the Committee will consider the appeal.

DELIBERATION PROCEDURES

Quorum and Appeal Record

14. A quorum of the Committee is two members.
15. Unless the Chair of the Committee determines otherwise, all appeals will proceed based on the written materials submitted by the parties, as contained in the Appeal Record.

16. Subject to the rulings of the Chair of the Committee, the Committee shall meet to deliberate and make a recommendation to the Board on the appeal. Members of the Committee may participate in a meeting by means of teleconference or video conference in which all members at the meeting can speak to, and hear, all other members at the meeting.

COMMITTEE DELIBERATIONS AND RECOMMENDATION

Confidentiality

17. All deliberations of the Committee are confidential. Members of the Committee shall not discuss the substance of an appeal other than when the Committee is meeting to deliberate and making its recommendation to the Board.
18. Meetings of the Committee shall be in-camera. Recommendations of the Committee to the Board shall be made in-camera.

Committee's Decision-making Process

19. In coming to its recommendation, the Committee shall limit its considerations to the Appeal Record. The onus is on the Appellant to prove that the Appeal should be successful.
20. The Committee shall arrive at its recommendation by majority vote of the members of the Committee present at the meeting to consider the appeal.

Committee's Recommendation and Report

21. The Committee shall provide its recommendation and the reasons for its recommendation in a written report signed by the Chair of the Committee. The Committee shall limit its recommendations to those matters referred to in section 23 below.
22. The Chair of the Committee will provide the written report to the Secretariat, who shall provide it to the Board for final consideration. After the Board decides the appeal, the Secretariat will provide the Committee's report to each of the parties, along with notice of the Board's decision of the appeal.

Board's Decision

23. After considering the report of the Committee, the Board may:
 - a. Dismiss the appeal;Allow the appeal and refer the decision back to the President for review or reconsideration in accordance with the reasons of the Committee.