

Introduction for Discipline Appeals Committees

Finding and Penalty

Invite the parties into the meeting.

The appeal has been lodged by Mr./Ms. {insert student name} against a decision by {insert decision making body}. We have a quorum. The Chair has agreed that the Committee has jurisdiction to hear the appeal.

The Committee has decided on a Closed Hearing, therefore I must caution everyone regarding the confidentiality of the proceedings.

*Or,
if the student requests in writing at least 48 hours before the hearing.*

The Chair has agreed to an Open Hearing as requested by the student.

Regardless of open or closed status no electronic, or other recording, devices are permitted.

The Appellant is cautioned that this Committee has the ability to increase any penalty previously decided upon. Once this hearing has begun, the Appellant may withdraw the appeal only with the consent of the hearing panel. The opportunity to withdraw the appeal is available now, and if this not exercised, we will begin the hearing.

1. Introduction

1.1 Presentation of procedures

- This committee ensures fairness not only to the appellant but also to other students within the {insert Faculty/College/School};
- It is important that the process retains reputation of the {insert Faculty/College/School} and the integrity of the program;
- I will caution both parties of possible questions that may be asked, and issues raised, which may be somewhat uncomfortable yet unavoidable;
- everyone will have ample opportunity to speak and be heard, however, given the potentially emotive nature of the proceedings, everything must go through the Chair;
- everyone should behave in a respectful manner to all who are present;

- present today are Mr./Ms. {insert student name} the appellant and Mr./Ms. {insert individual's name and position (e.g. advocate or lawyer)} (*Note that lawyers may only be a non-participating observer at hearings of the LDC. See 2.40 of the Student Discipline Appeal Procedure.*);
- responding to the Appeal are Dean/Drs./Prof. {insert name(s)} representing the {insert decision making body} (*Note that lawyers may only be a non-participating observer at hearings of the LDC. See 2.40 of the Student Discipline Appeal Procedure.*);

- the committee members are (Quorum is at least 4 members, ensuring at least one student and one faculty member are present):

- Dr./Prof. {insert name} appointed/elected by {insert appointing/electing body}
- Dr./Prof. {insert name} appointed/elected by {insert appointing/electing body}
- Dr./Prof. {insert name} appointed/elected by {insert appointing/electing body}
- Dr./Prof. {insert name} appointed/elected by {insert appointing/electing body}
- Mr./Ms. {insert name} appointed/elected by {insert appointing/electing body}
- Mr./Ms. {insert name} appointed/elected by {insert appointing/electing body}
- also present is Mr./Ms. {insert name}, {insert position} who serves as a resource for the Committee;
- The Appellant and the Respondent(s) have the right to challenge for cause any member of the hearing panel, the validity of the challenge to be judged by the remainder of the LDC hearing panel if such a challenge is made at this time.
- process that we will follow is:
 - Dean/Drs./Prof. {insert name(s)} will make a brief statement summarizing how they came to the finding and the penalty. Witnesses may be called if desired, but such witnesses must be listed in advance in the response to the appeal;
 - Appellant is given the opportunity to cross examine the Dean/Drs./Prof. or ask questions for clarification, however, these must be directed through the Chair. Appellant should be reminded that they may also elect to bring up issues in their own statement rather than both at that stage and in cross examination.
 - This will be followed by a round of questions on the statement from members of the Committee.
 - Mr./Ms. {insert student name} will make a brief statement summarizing the basis of the appeal and specifying the suggested remedy. Witnesses may be called if desired, but such witnesses must be listed in advance in the response to the appeal;
 - Respondent(s) will then be given the ability to cross-examine the Appellant (if Appellant gave direct testimony) or may ask questions for clarification however, these must be directed through the Chair.
 - This will be followed by a round of questions on the statement from members of the Committee;
 - The Committee will then have the opportunity to ask any additional questions of both parties;
 - Dean/Drs. {insert name(s)} will make a closing statement at which point no new information may be presented;
 - Mr./Ms. {insert student name} will make a closing statement at which point no new information may be presented;
 - The Committee will go into closed session, although we would ask that both parties remain in the vicinity in case that there are additional issue that the Committee would like addressed. A decision will be forwarded in writing to both sides.

Ensure everyone understands process.

2. Hearing

Invite Dean/Drs./Prof. {insert name(s)} to make a statement briefly summarizing how they came to the finding and penalty. Remind him/her that the committee members have the written submission therefore the statement should only address salient points.

Appellant is given the opportunity to cross examine the Respondent or ask questions for clarification directed through the Chair. Appellant should be reminded that they may also elect to bring up issues in their own statement rather than both at that stage and in cross examination.

Invite questions by members of Appeals Committee.

Invite Mr./Ms. {insert student name} to make a statement briefly summarizing the basis of the appeal and specifying the suggested remedy. Remind him/her that the committee members have the written submission therefore the statement should only address salient points.

Respondent is given the opportunity to cross examine the Appellant or ask questions for clarification directed through the Chair. Respondent should be reminded that they may also elect to bring up issues in their own statement rather than both at that stage and in cross examination.

Invite questions by members of Appeals Committee.

Invite questions of either Mr./Ms. {insert student name} or Dean/Drs. {insert name(s)} by members of Appeals Committee.

Invite Dean/Drs. {insert name(s)} to make a closing statement and remind him/her that no new information may be presented at this point.

Invite Mr./Ms. {insert student name} to make a closing statement and remind him/her that no new information may be presented at this point.

Indicate to both parties how and when the decision of the committee will be communicated to them.

Ask both parties to leave the room and remind them to stay nearby.

3. Deliberations (closed session).

Determine whether additional questions need to be asked of either party. If they do, invite both parties back into room and ask the questions. If not, have both parties dismissed

Deliberate on the case.

Ask for a **MOTION** to deny or grant the appeal.