

Introduction for Discipline Appeals Committees Penalty Only

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.

I ask participants to note that this appeal is of the assigned penalty only; the guilt of the Appellant is not in question in today's proceedings. While questions can involve the circumstances of the offense, the purpose of these questions should involve the consideration of the penalty assigned, rather than the issue of guilt.

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. {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:
 - Mr./Ms. {insert student name} will make a brief statement summarizing the basis of the appeal and specifying the suggested remedy;
 - This will be followed by a round of questions on the statement from members of the Committee; there is no provision for cross-examination by the Dean/Drs., however questions of clarification or comments to the statement may be made should the need arise, however, these must be directed through the Chair.
 - Dean/Drs./Prof. {insert name(s)} will make a brief statement summarizing the response to the appeal;
 - This will be followed by a round of questions on the statement from members of the Committee; there is no provision for cross-examination by the student, however questions of clarification or comments to the statement may be made should the need arise, however, these must be directed through the Chair.
 - The Committee will then have the opportunity to ask any additional questions of both parties;
 - Mr./Ms. {insert student name} will make a closing statement at which point no new information may be presented;
 - Dean/Drs./Prof. {insert name(s)} 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 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.

Thank Mr./Ms. {insert student name} and invite questions by members of Appeals Committee. Remind everyone of the Student Discipline Bylaw regarding cross-examination.

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

Thank Dean/Drs./Prof. {insert name(s)} and invite questions by members of Appeals Committee. Remind everyone of the Student Discipline Bylaw regarding cross-examination.

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

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.

Invite Dean/Drs./Prof. {insert name(s)} 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.