

SENATE AD HOC PROFESSIONAL UNSUITABILITY APPEALS COMMITTEE

TERMS OF REFERENCE AND PROCEDURES

PURPOSE

The purpose of the Senate Ad Hoc Professional Unsuitability Appeals Committee (the Committee) is to hear appeals by students or residents from Faculty decisions to suspend or dismiss students or residents for reasons of professional unsuitability.

COMMITTEE MEMBERSHIP

The Committee shall comprise three members who are appointed by the Senate Planning and Governance Committee, at least two of whom shall be faculty members, who meet the following criteria:

- a) one person from the relevant profession (but who is from another specialty);
- b) one person from another Faculty which has suitability for the practice of the profession as a requirement for academic advancement or graduation;
- c) one person who has participated in the complaints or discipline process of a profession.

The Committee will be struck within 30 days of the date of receipt of the Notice of Appeal described in the Appeal Procedures. The Chair of the Committee shall be a faculty member.

JURISDICTION

1. Decisions that can be appealed: The Committee shall only hear an appeal by a student or a resident of a decision to suspend or dismiss that student or resident:
 - a. that was made on the basis of professional unsuitability as defined by the applicable Faculty regulations or policies; and
 - b. that was made by the highest appeals committee available within the Faculty in question.
2. Grounds: An appeal may be commenced by a student or resident on the following grounds:
 - a. Lack of jurisdiction;
 - b. Denial of natural justice.

3. Remedies: The Committee may:
 - a. Dismiss the appeal;
 - b. Dismiss the appeal, despite possible insubstantial procedure errors;
 - c. Allow the appeal;
 - d. Direct a re-hearing on the merits by a newly constituted panel of the Faculty appeals committee, no members of which were on the hearing panel whose decision is under appeal.

APPEAL PROCEDURES

1. An appeal shall be initiated by submitting a written Notice of Appeal to the Chair of Senate, or designate, containing:
 - a. the name, Banner identification number and mailing address of the Appellant,
 - b. a copy of the decision giving rise to the appeal,
 - c. a description of the matter under appeal,
 - d. the grounds for the appeal, and
 - e. the remedy sought by the Appellant.
2. Appeals shall be submitted within 30 calendar days of the date that the decision under appeal was sent to the student or resident. An extension of time to submit an appeal may be permitted by the Chair of Senate, or designate, if the Appellant establishes reasonable grounds for granting the extension.
3. The parties to an appeal are the student or resident, as Appellant, and the Faculty, as Respondent. The Dean of the applicable Faculty shall designate one or more representatives to respond to the appeal.
4. Upon receiving a Notice of Appeal, the Chair of Senate, or designate, shall require a statement from the Dean of the applicable Faculty confirming that all appeal processes of the Faculty have been exhausted.
5. The Appellant is entitled to an oral hearing, in accordance with the principles of natural justice. The Appellant may participate at an oral hearing in person, or at their expense, by way of teleconference, or by such other means approved in

advance by the Committee. The Appellant may waive the right to an oral hearing and choose to proceed solely by written submissions.

6. Each party is responsible for presenting to the Committee all relevant evidence and submissions for the Committee to consider in the determination of the appeal. Written submissions are required from each party and shall contain:
 - a. copies of all documents relevant to the appeal,
 - b. supporting arguments,
 - c. a list of all witnesses for that party and a brief description of their anticipated evidence, and
 - d. the decision and any remedy being sought.

7. Written submissions shall be made:
 - a. by the Appellant, within 15 calendar days of the Chair of Senate, or designate, requesting the submission, and
 - b. by the Respondent, within 15 calendar days of receiving the Appellant's submission.

but these timelines may be extended or abridged by the Chair of Senate, or designate, in appropriate circumstances.

8. The hearing of the appeal shall be *in camera*. The Committee Chair shall determine procedures for the hearing in a manner that is consistent with the principles of natural justice and these Appeal Procedures.
9. The decision of the Committee shall be by majority. The Committee shall deliver written reasons for its decision to the Chair of Senate or designate. The Chair of Senate or designate shall forward the decision and reasons to the parties. The decision of the Committee shall be final and binding on the parties, with no further appeal.
10. An audio recording of each oral hearing shall be made. The recording and all correspondence and documentary evidence relating to appeal proceedings shall be kept for a period of three calendar years from the date of the decision of the Committee, in accordance with the policy of the University Secretariat.