



**Article I. General**

Section 1.01 Any and all Decisions of the Judicial Panel or an Appeal Tribunal are final.

Section 1.02 The Judicial Panel may determine its own processes and the processes for Appeals from time to time, provided such processes are consistent with this Policy and the principles of natural justice including procedural fairness. Such processes in effect from time to time shall be posted on the University's website.

Section 1.03 Timeliness: Best efforts will be made to ensure appeal proceedings are handled in an expeditious manner. Students who are concerned about delays in the process may contact the Secretary.

Section 1.04 Confidentiality: The University expects everyone involved in an appeal process to respect the confidentiality of personal information of individuals.

Section 1.05 Definitions:

- (a) "Board" means the Board of Governors of Lakehead University;
- (b) "Judicial Panel Procedures" means those processes referred to in paragraph 1.02 herein, established by the Judicial Panel from time to time.
- (c) "LUSU" means the Lakehead University Student Union, and "LUSU President" means the president of LUSU;
- (d) "President" means the President and Vice-Chancellor of Lakehead University;
- (e) "Secretary" means the Secretary of the Judicial Panel as determined from time to time by the President.

**Article II. Judicial Panel Composition**

Section 2.01 There shall be a Judicial Panel composed of fifteen (15) persons of whom eight (8) shall be tenured members of the faculty of the University and seven (7) shall be full-time students (not being officers or full-time employees of the Lakehead University Student Union). Student nominees shall have been studying at a university for at least one (1) year and must have an academic standing of B (70 to 79 percent) or better. Judicial Officers shall not be eligible to serve on the Judicial Panel.

Section 2.02 The members of the Judicial Panel shall be appointed for up to three (3) year renewable staggered terms by the Board following a call for interest to serve to fill vacancies, and a recommendation of:

- the President, for faculty member appointees, and
- the LUSU President, for student member appointees.

The Board has the discretion to establish the process for such appointments from time to time, and for greater certainty while the above-mentioned recommendations should be considered, the Board has the discretion to make decisions regardless of such recommendations.

Section 2.03 The members of the Judicial Panel annually shall elect a Chair from the Panel's faculty members by majority vote.

### **Article III. Commencing an Appeal**

Section 3.01 Any student who may appeal to the Judicial Panel may commence such appeal if valid grounds for appeal exist, within fifteen (15) working days after receiving an appealable decision. An Appeal will be incomplete unless it includes payment of the applicable administrative fee to the Office of Financial Services for each matter under appeal and such documentation required by the Judicial Panel Procedures.

Section 3.02 The only valid grounds for appeal are:

- (a) Substantial procedural or factual error, including without limitation the denial of natural justice, that reasonably could have materially affected an appealable decision;
- (b) Significant new and materially relevant information that was not available through diligence prior to the decision; and,
- (c) An excessive sanction.

Section 3.03 The Judicial Officer or other authorized person shall be entitled to respond to the Appeal, and the sanctioned student shall be entitled to reply to any such response, subject to the rules set out in the Judicial Panel Procedures.

Section 3.04 The Appeal shall be assigned to an Appeal Tribunal constituted in accordance with the Judicial Panel Procedures.

Section 3.05 Nothing herein shall relieve students of their obligation to review and understand any and all regulations, requirements and standards that may apply to their course of study, or to all students at Lakehead University.

Section 3.06 Appeals filed under this policy may be dismissed by the Chair of the Judicial Panel without hearing if it appears that the appeal is frivolous, vexatious, or an abuse of process, or there is no reasonable prospect that the appeal can succeed.

#### **Article IV. Appeal Hearing Procedures**

Section 4.01 The hearing of an Appeal shall be open to the public unless the Appeal Tribunal is of the opinion that confidential or sensitive financial, personal or other confidential matters may be disclosed at the Hearing that would outweigh the principle that Hearings ought to be open. Any of the Parties may ask that a Hearing be closed. The Appeal Tribunal may also decide to close a Hearing without receiving a request.

Section 4.02 The Appeal Tribunal shall have control over its own procedures provided they are consistent with this Policy, the Judicial Panel Procedures, and the principles of natural justice including procedural fairness.

#### **Article V. Deliberations Following a Hearing**

Section 5.01 The Appeal Tribunal is empowered to affirm or dismiss the appeal or to reduce, increase or otherwise alter the sanction. The Appeal Tribunal shall provide instructions detailed and clear enough such that the decision may be given full effect.

Section 5.02 Once the Appeal Tribunal has reached a decision, the Chief of the Appeal Tribunal shall submit a confidential written report to the parties to the Appeal, the Provost, and such other persons as are required to implement the decision. The report shall include the following information:

- (a) membership of the Appeal Tribunal;
- (b) background information regarding the appeal;
- (c) a summary of the main arguments on both sides; and
- (d) the final decision and reasons for the decision.

In the event the Appeal Tribunal wishes to make recommendations regarding policy or procedural changes, such recommendations shall be confidentially provided separately to the Provost for review.

Section 5.03 The Provost shall ensure that the decision of the Appeal Tribunal relative to the Appeal is implemented and may choose to make recommendations for policy and procedural changes arising from the disposition of the case. The University Secretary shall be informed of such recommendations and shall forward them to the responsible University authorities.