

## POLICY ON THE ESTABLISHMENT OF TRIBUNAL HEARING POOLS

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**Effective Date:** June 20, 2024

**Approval Authority:** Board of Governors

**Supersedes /Amends:** December 15, 2022

**Policy Number:** BD-6

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### SCOPE

This policy applies to Tribunal Hearing Pools (as defined below) for hearings, both first-level hearings as well as appeal hearings at Concordia University (the “University”), provided for in the *Code of Rights and Responsibilities* ([BD-3](#)), the [Academic Code of Conduct](#), the [Academic Re-evaluation Procedures](#), the [Graduate Academic Appeals Procedures](#) and any other codes or policies which may be adopted that refer to the Tribunal Hearing Pools provided for under this Policy.

### PURPOSE

The Purpose of this Policy is to provide for the establishment of pools of members to serve on various first level and appeal hearings at the University.

### DEFINITIONS

“Administrative and Support Staff Tribunal Pool” or “AaSSTP” means the pool set up under [section 9](#).

“Chair(s)” means the chair(s) of a tribunal panel(s) appointed under [section 13](#).

“Faculty Tribunal Pool” or “FTP” means the pool set up under [section 6](#).

“Student Tribunal Pool” or “STP” means the pool set up under [section 2](#).

“Tribunal Hearing Pools” mean the Administrative and Support Staff Tribunal Pool, the Faculty Tribunal Pool and the Student Tribunal Pool.

### POLICY

1. In the event that a hearing or appeal panel cannot be convened from the membership of the Tribunal Hearing Pools or the pool of Chairs, as outlined below, the Secretary-General shall designate the membership of the relevant hearing or appeal panel for a given case.

## POLICY ON THE ESTABLISHMENT OF TRIBUNAL HEARING POOLS

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Page 2 of 4

### Student Tribunal Pool

2. In June of each year, the Concordia Student Union shall be asked to nominate up to a maximum of 25 undergraduate students and the Graduate Student Association shall be asked to nominate up to a maximum of 15 graduate students to form the Student Tribunal Pool.
3. In order to be eligible, undergraduate students shall have successfully completed, in the previous academic year, a minimum of nine (9) credits in an undergraduate program and graduate students shall be registered in a graduate program. Students who are in failed standing, in conditional standing or on academic probation, or who have been sanctioned under the *Code of Rights and Responsibilities* ([BD-3](#)) or the [Academic Code of Conduct](#) within the 3 years previous to their nomination are not eligible.
4. The status and standing of student nominees shall be confirmed by the University Registrar in September prior to the submission of the list of nominees for approval to University Senate (“Senate”) by the Secretary of the Senate. In addition, the status and standing of members of the STP shall be confirmed by the University Registrar each September for as long as the member remains in office.
5. The term of office of members of the STP shall be for 2 years, from September 1 to August 31, and shall be renewable, provided that they meet the conditions at [section 4](#). Members remain in office until replaced.

### Faculty Tribunal Pool

6. The Council of the Faculty of Arts and Science shall nominate 14 faculty members, the Council of the John Molson School of Business shall nominate 7 faculty members, the Council of the Gina Cody School of Engineering and Computer Science shall nominate 6 faculty members, the Council of the Faculty of Fine Arts shall nominate 3 faculty members and the Council of the School of Graduate Studies shall nominate 5 faculty members, for a total of 35 faculty members to comprise the Faculty Tribunal Pool.
7. The term of office of members of the FTP shall be for 3 years, from September 1 to August 31, and shall be renewable. Members remain in office until replaced.

## POLICY ON THE ESTABLISHMENT OF TRIBUNAL HEARING POOLS

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Page 3 of 4

8. The Secretary of each Faculty Council and the Council of the School of Graduate Studies shall forward a list of nominees to the Secretary of the Senate prior to its September meeting for approval.

### Administrative and Support Staff Tribunal Pool

9. The AaSSTP shall be comprised of 5 members nominated in accordance with the *Policy Relating to the Administrative and Support Staff Electoral College* ([BD-12](#)).
10. Administrative and support staff members from the Office of the Secretary-General and the General Counsel, the Office of Student Tribunals, the Ombuds Office, the Student Advocacy Office and the Office of Rights and Responsibilities shall not be eligible for membership on the AaSSTP.
11. The term of office of members of the AaSSTP shall be for 3 years, from September 1 to August 31, and shall be renewable. Members remain in office until replaced.
12. The Department of Human Resources shall forward a list of nominees to the Secretary of the Board of Governors (“Board”) prior to its September meeting for approval.

### Chairs

13. In addition to the members of the STP and FTP appointed by the Senate, and the members of the AaSSTP appointed by the Board, the Senate shall appoint as many individuals as necessary to serve as non-voting Chairs of the various tribunal panels dealt with under this Policy.
14. The role of the Chairs shall be to preside over the various tribunal panels, keep order and ensure fairness. The Chairs shall, as well, preside over the deliberations of the various tribunal panels but shall not vote.
15. Because the role of the Chairs of the various tribunal panels requires impartiality and particular skills which take time to develop and cannot easily be acquired by lay persons during a brief term of office, the Chairs shall normally be selected from qualified individuals who have training in law or tribunal procedures as well as some knowledge of the University environment.

## POLICY ON THE ESTABLISHMENT OF TRIBUNAL HEARING POOLS

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Page 4 of 4

16. The term of office for the Chairs shall be for 3 years, from September 1 to August 31, and shall be renewable.
17. The candidates for the Chairs shall be recommended to the Senate by the General Counsel, in consultation with the secretaries of the tribunal panels dealt with under this Policy. Curriculum vitae of the candidates shall accompany the recommendation.

### Training

18. All members of the STP, FTP and AaSSTP, and all Chairs shall receive training prepared and conducted jointly by the secretaries of the tribunal panels dealt with under this Policy, under the supervision of the General Counsel. Training shall include principles of fairness and natural justice, and hearing of complaints of sexual violence in full awareness of their highly sensitive nature.

### Policy Responsibility and Review

19. The overall responsibility for implementing and recommending amendments to this Policy shall rest with the Secretary-General.

Approved by the Board of Governors on September 18, 2003; and amended on May 20, 2004, September 18, 2008, December 16, 2021, December 15, 2022 and June 20, 2024.