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Huron University College Students’ Council, Brescia University College Students’ Council and King’s University College Students’ Council

Affiliate Appeals Board Terms of Reference

**EFFECTIVE**: November 2020 **SUPERCEDES**: N/A

**AUTHORITY AND RATIFIED BY:** Huron University College Students’ Council

Brescia University College Students’ Council

Kings University College Students’ Council

**RELATED DOCUMENTS**:

HBK Memorandum of Understanding

Affiliation Agreement

**PREAMBLE**This document shall establish the Terms of Reference for the Affiliate Appeals Board. This board will play an integral role in ensuring fair and objective decision-making among the three affiliate councils. The Affiliate Appeals board will enable students at Huron, Brescia and King’s a place to appeal decisions that are made by the respective councils in order to ensure a fair and equitable governance process across the affiliated councils. This Board is vital for the functioning of the affiliated councils and will ensure that context is balanced by objectivity within the appeals process.

1. **MANDATE** 
   1. A meeting of the Affiliate Appeals Board may be called by any member of the three respective councils if they wish to appeal a decision made by a committee or executive board of their home council;
   2. The role of the Affiliate Appeals Board will be to evaluate said decision objectively and determine whether or not the decision should be upheld;
2. **DEFINITIONS** 
   1. “HBK” refers to Huron University College Students’ Council, Brescia University College Students’ Council and Kings University College Students’ Council;
   2. “HUCSC” refers to the Huron University College Students’ Council;
   3. “BUCSC” refers to the Brescia University College Students’ Council;
   4. “KUCSC” refers to the King’s University College Students’ Council;
   5. “AAB” refers to the Affiliate Appeals Board;
3. **COMPOSITION** 
   1. Two voting members of the Huron University College Students’ Council;
   2. Two voting members of the Brescia University College Students’ Council;
   3. Two voting members of the Kings University College Students’ Council;
   4. The chairperson will be the Speaker of the Council to which the appellant does not belong.
4. The Governance Officer from the other affiliate to which the appellant does not belong will serve as a resource member to the Affiliate Appeals Board.
   * + 1. In the event that the Speaker of an affiliate council also holds the role of Governance Officer, the roles and responsibilities of the Governance Officer as it pertains to this MOU will be delegated to the Deputy Speaker of the affiliate council, who will assume the title of Governance Officer for the purpose of the Affiliate Appeals Board.
5. This process will work in a circular succession and in alternative progress, as per Table 1 and Table 2, in order to ensure a fair and nonpartisan distribution of resources and expertise within the appeals process;
6. If the appellant is from the Huron University College Students’ Council, the chairperson for the first appeal will be the speaker of the Brescia University College Students’ Council and the resource-member will be the Governance Officer of the King’s University College Students’ Council; for the second appeal, the chairperson will be the speaker of the King’s University College Students’ Council and the resource-member will be the Governance Officer of the Brescia University College Students’ Council.
7. If the appellant is from the Brescia University College Students’ Council, the chairperson for the first appeal will be the speaker of the King’s University College Students’ Council and the resource-member will be the Governance Officer of the Huron University College Students’ Council; for the second appeal, the chairperson will be the speaker of the Huron University College Students’ Council and the resource-member will be the Governance Officer of the King’s University College Students’ Council.
8. If the appellant is from the King’s University College Students’ Council, the chairperson for the first appeal will be the speaker of the Huron University College Students’ Council and the resource-member will be the Governance Officer of the Brescia University College Students’ Council; for the second appeal, the chairperson will be the speaker of the Brescia University College Students’ Council and the resource-member will be the Governance Officer of the Huron University College Students’ Council.

Table 1: First appeal within a school year (defined as Sept. 1 - May 1)

|  |  |  |
| --- | --- | --- |
| **BUCSC Appellant** | **HUCSC Appellant** | **KUCSC Appellant** |
| KUCSC Speaker | BUCSC Speaker | HUCSC Speaker |
| HUCSC Governance Officer | KUCSC Governance Officer | BUCSC Governance Officer |

Table 2: Second appeal within a school year (defined as Sept. 1 - May 1)

|  |  |  |
| --- | --- | --- |
| **BUCSC Appellant** | **HUCSC Appellant** | **KUCSC Appellant** |
| KUCSC Governance Officer | BUCSC Governance Officer | HUCSC Governance Officer |
| HUCSC Speaker | KUCSC Speaker | BUCSC Speaker |

* 1. The two voting members from each council are elected at that council’s

September General Assembly Meeting.

1. All councillors interested in being a member of the Affiliate Appeals Board must file their intentions to do so to their council’s Speaker prior to the September General Assembly Meeting.
2. Councillors will then be given two minutes each during the September General Assembly meeting to make their case to the General Assembly as to why they should sit on the Affiliate Appeals Board.
3. After each councillor wishing to become a member of the Affiliate Appeals Board has spoken, the voting members of the General Assembly will vote by closed, ranked ballot.
4. The two councillors with the most votes after being tallied will sit on the Affiliate Appeals Board.
5. **ROLE OF AFFILIATE APPEALS BOARD** 
   1. The Affiliate Appeals Board is responsible for hearing appeals made by

elected councillors of a particular affiliate college to a decision or action

occurring in that affiliate college’s respective council.

1. Any elected councillors can make an appeal to the Affiliate Appeals Board.
2. Elected councillors may only file an appeal to their respective affiliate with the condition that the issue being appealed pertains to their respective affiliate.
3. No councillor can file an appeal concerning an affiliate council apart from their own.
4. A student at-large may file an appeal to a councillor at their respective council to put forth an appeal to the Affiliate Appeals Board, but may not themselves directly file a case to the Affiliate Appeals Board.
   1. Councillors may send a case to the Affiliate Appeals Board uniquely

under the following circumstances to hear appeals that solely include

elections, honoraria, referenda, disciplinary actions taken by their host

Council, and General Assembly motions that have the potential to

compromise the host council’s by-laws, constitutions, or policies.

1. No decisions from standing committees (with the exception of the Elections Committee) can brought to the Appeals Board, as those issues must be dealt with internally at their respective councils.
2. Should a Councillor send a General Assembly motion to the Appeals Board, he/she must present the Council’s governing document and its specific clause to be reviewed by the Appeals Board.
   1. The Affiliate Appeals Board must reach a simple majority decision with

at least one member of the appellant council being in agreement with

the majority, otherwise, the appeal will be returned to the respective

appellant council for further deliberation;

* 1. In the case of an Affiliate Appeals board comprised of six councillors, a simple majority refers to a ⅔ majority vote, with at least one member of the appellant council being in agreement with the majority.
  2. The Affiliate Appeals Board Terms of Reference (TOR) is to be

automatically renewed annually as it reviewed at the HBK Summit.

1. Should there be no amendments to the Affiliate Appeals Board TOR, the said document in its present form will stand.
2. **ROLE OF CHAIR** 
   1. The role of the chair is to organize, run and mediate the Affiliate Appeals Board in a fair and just manner, and with consideration for the respective schedules of councillors;

5.02 The chair must acknowledge their position as being nonpartisan, respect

the Appeal Board’s final decision as well as the remarks of the

councillors on the Appeal Board during the process;

5.03 To aid the Governance Officer, where necessary, with the writing of the

final decision;

5.04 The chair is responsible for assembling a preliminary meeting prior to

the Affiliate Appeals Board.

1. **ROLE OF MEMBERS AND QUORUM**

6.01 The role of the voting members is to make a judgment-based decision

as per the evidence presented by the Appellant Council;

* 1. Members have a responsibility to attend all Affiliate Appeals Board

meetings and are not permitted to send proxies on their behalf.

1. Should a member be unable to attend a meeting, it is the responsibility of said member to make themselves available by alternative means, be it by phone of video call.
   1. The quorum for the Affiliate Appeals Board is full attendance by all

Members.

1. **COMMITTEE RESOURCES**

7.01 The Affiliate Appeals Board will have access to the resources of the

committee from which the decision is being appealed;

7.02 The Affiliate Appeals Board will have access to the Board of Directors,

Executive Council, Chief Returning Officers, Deputy Returning Officers,

and Governance Officers of the respective council for any clarifying

questions.

1. The responsibilities of the Governance Officer include, and are limited to, sitting on the Affiliate Appeals Board meetings, taking notes for said meetings, consulting with host council by-laws and policies and drafting the final decision of the Affiliate Appeals Board with the speaker.
2. **MEMBERSHIP SELECTION AND EXPECTATIONS**

8.01 The two available positions from each council will be elected by the

voting membership of the general assembly at the council’s first

scheduled meeting in September.

8.02 A member of the committee cannot be a member of a campaign team for

a candidate running for any elected position.

8.03 A member of the committee cannot be running for a position in the

current election period of the appeal being made.

1. If a member of the committee chooses to run for a position on their respective students’ council during their term as a member of the Appeals Board, they will be replaced by a newly elected member to the board through their respective council.
2. If there is not a meeting of council between the individual’s nomination for an elected position and an appeal, the executive board of the respective council will elect a member of the council as the replacement.

8.04 In situations of election appeals, the committee is responsible to meet

within forty-eight hours of submission of the appeal to the speaker of

council.

8.05 If a member of the board is not upholding their duty to the board, the

chair of the committee or another member may submit a written

complaint to the speaker of the member’s respective council for review.

1. The speaker reserves the right to bring this submission forward to council for evaluation on the member’s commitment to the committee and their council
2. After the speaker’s presentation, the general assembly maintains the right to dismiss the complaint or take a course of action as the general assembly sees fit by proposing a motion and said motion receiving fifty percent plus one of the votes.
3. **CONFLICT OF INTEREST POLICY**

9.01 A conflict of interest arises where the private or personal interests of an

individual is sufficient to influence or appear to influence the objective

exercise of their duties. This includes:

1. Where the private or personal interest of an individual conflict with the interests of the Affiliate Appeals Board or,
2. Where the individual has a financial interest in a third party (with the exception of the Affiliate Councils themselves) that is doing or is seeking to do business with the Affiliate Appeals Board.

9.02 A conflict of interest arises where an individual has or appears to have an

opportunity to use their authority, knowledge, or influence derived from

their position to improperly benefit the individual or another person. This

includes:

1. Having personal financial dealings with an individual or company whose business with the Affiliate Appeals Board involves the individual's sphere of responsibilities.

9.03 Where it is discovered that an individual should have disclosed a conflict

of interest, regardless of whether the matter is concluded or resolved,

the Affiliate Appeals Board may:

1. Require the individual to relinquish any benefit obtained to the Affiliate Appeals Board;
2. Impose disciplinary action, including removal from the Affiliate Appeals Board. Any decision for removal must be commensurate with the circumstances surrounding the conflict of interest; or,
3. Take any other action that is befitting the situation.
4. **RATIFICATION**

10.01 This document, the Affiliate Appeals Board Terms of Reference, upon

ratification replaces all previous HUCSC, BUCSC and KUCSC

documents by the same name or concerning the same subject matter.

1. Ratification of the Affiliate Appeals Board Terms of Reference requires the Affiliate Appeals Board Terms of Reference to be passed, in the form of a motion, by each affiliate council’s General Assembly.