


Review Board and Tribunal Terms of Reference		
Parent Policy:	Union Bylaw	
Related Documents:	--	
Approval Authority:	Students' Legislative Council	
Passed:	January 16, 2024	
Amended:	--	

1 Definitions

- (1) In this document:
 - (a) “**Active Member**” is defined per the Union Bylaw;
 - (b) “**General Procedures**” means those rules of procedure of general application governing the proceedings of the Review Board and Tribunal respectively;
 - (c) “**Non-Student Member**” means any individual who is not or ceases to be an Active Member; and
 - (d) “**Union Policy**” is defined per the Union Bylaw.

2 Establishment

- (1) In accordance with the **Union Bylaw**, the **SLC** establishes the Review Board and the Tribunal as standing committees under these terms of reference.
- (2) The Review Board and the Tribunal are delegated the roles, responsibilities, authorities, and procedural obligations set out in these terms of reference and their respective procedural documents.

3 Statement of Independence

- (1) The Review Board and the Tribunal operate independently from the **SU** or **SLC**'s influence.
- (2) Decisions rendered by the Review Board and the Tribunal cannot be overridden by the **SU** or **SLC**.
- (3) Notwithstanding subsection (2) above, **SLC** retains the power to amend or repeal **Union Bylaw** or **Union Policy**.

4 Authority and Mandate

- (1) The Review Board has jurisdiction over the justiciable issues of the **SU** including responsibility to:

- (a) Promote a system of dispute resolution by which the following actions in breach of the **Union Bylaw** and **Union Policy** may be adjudicated and rectified:
 - (i) Decisions made by **SLC**;
 - (ii) Decisions made by Committees of **SLC**;
 - (iii) Decisions made by the Chief Returning Officer during the administration of an **SU** election; and
 - (iv) Actions by an **Elected Official**.
- (b) Enforce and interpret the **Union Bylaw** and **Union Policy** in line with the provisions of subsection (a) above; and
- (c) Carry out, at its discretion, any other duties as **SLC** requests.
- (2) The Review Board does not possess jurisdiction to review operational and human resource decisions made by the **SU**.
- (3) The Tribunal possesses jurisdiction of review over decisions of the Review Board.

5 Composition of the Review Board and the Tribunal

- (1) The Review Board must comprise a minimum of nine persons, of whom:
 - (a) At least five Active Members, one of whom shall be appointed to act as the Review Board chair;
 - (b) Two **Non-Student Members**; and
 - (c) Two seats to be filled by either **Active Members** or **Non-Student Members**.
- (2) The Tribunal must comprise a minimum of five persons, of whom:
 - (a) the Tribunal chair, must be a **Non-Student Member**;
 - (b) at least one other **Non-Student Member**; and
 - (c) at least one **Active Member**.

6 Qualifications for Appointment as a Member of the Review Board and the Tribunal

- (1) A person is not qualified to become or remain a member of either the Review Board or the Tribunal if that person:
 - (a) Is appointed to the Review Board or the Tribunal by virtue of being an **Active Member** and ceases to be an **Active Member**;

- (b) Is appointed to the Review Board or the Tribunal by virtue of being a **Non-Student Member** and subsequently enrolls in any course at the University, except for those programs offered by Continuing Education or the Faculty of Graduate Studies;
- (c) Is a member of **SLC** or the University of Calgary Board of Governors, Senate, or General Faculties Council;
- (d) Is a member of any standing or special committee of **SLC**;
- (e) Is a member of the board or executive or a full-time employee of any organization in the tri-media group;
- (f) Is a full-time, part-time, or contract employee or consultant with the **SU**;
- (g) Is an executive member of an **SU Registered Club**;
- (h) Has been an **Elected Official** within the past year;
- (i) Has taken an active role during any **SU** election, referendum, or plebiscite within the past year other than casting a vote;
- (j) Is absent without authorization from three consecutive meetings of the Review Board or the Tribunal held during the Fall or Winter terms;
- (k) Has been found culpable of undertaking any action that violates University policies and procedures, **Union Bylaw**, **Union Policy** or the **SU** strategic plan;
- (l) Is the Chief Returning Officer;
- (m) Is already a member of the Tribunal, if the appointment in consideration is to the Review Board; or
- (n) Is already a member of the Review Board, if the appointment in consideration is to the Tribunal.

7 Appointment of Members of the Review Board and the Tribunal

- (1) All members of the Review Board and the Tribunal are appointed by SLC.
- (2) Appointments for members of the Review Board and the Tribunal will follow the following process:
 - (a) the General Manager or designate solicits applications for the available position(s) on either the Review Board or the Tribunal for a period of at least 10 business days;
 - (b) the General Manager or designate shortlists eligible applicants for the available position(s);
 - (c) the General Manager or designate may:
 - (i) provide **SLC** with a recommendation of at least one candidate for appointment; or

- (ii) report a failed search to **SLC** and undertake the steps outlined in subsections (a) and (b);
 - (d) **SLC** may appoint the recommended candidate(s) by majority votes; or
 - (e) If the recommended candidate(s) does not receive the necessary votes, the General Manager or designate may begin the appointment process over again.
- (3) The outlined appointment process per subsection (1) will be used for member vacancies on either the Review Board or the Tribunal.
- (4) In case of a vacancy in the chair of either the Review Board or the Tribunal, **SLC** may:
- (a) appoint a chair from amongst the remaining Review Board or Tribunal members, upon recommendation of the General Manager or designate; or
 - (b) appoint an acting chair, from amongst the remaining Review Board or Tribunal members upon recommendation of the General Manager or designate, until the appointment process for a replacement chair is finalised.

8 Term of Office for Members of the Review Board and the Tribunal

- (1) A member of the Review Board or the Tribunal serves for a term of two years and may be reappointed by **SLC** for additional terms.
- (2) Any member of the Review Board or the Tribunal who becomes unable to meet the qualifications outlined in Section 6 of this terms of reference shall be deemed to have immediately resigned from their position as a member of the Review Board or the Tribunal.
- (3) Members of the Review Board or the Tribunal may resign at any time by giving written notice to the General Manager or designate.

9 Quorum for Hearings before the Review Board and the Tribunal

- (1) Quorum of the Review Board in hearings is properly constituted with the presence of five members, including:
 - (a) the Review Board chair or acting chair; and
 - (b) at least one **Non-Student Member**.
- (2) Quorum of the Tribunal in hearings is properly constituted with the presence of three members, including the Tribunal Chair or acting chair.
- (3) If a Review Board or Tribunal hearing requires more than one meeting to determine the outcome of a particular matter, the same Review Board or Tribunal members who were present at the initial meeting in that hearing must be present at all additional meetings of that hearing to properly constitute quorum.

10 Hearings before the Review Board and the Tribunal

- (1) The Review Board and Tribunal shall control their own processes and may adopt General Procedures.
- (2) General Procedures and all subsequent amendments shall be documented and made available to the **SU** to allow for public inspection.
- (3) If General Procedures do not provide for a matter of procedure, the Review Board or the Tribunal may do whatever is necessary and permitted by law to enable it to effectively and completely adjudicate on any matter before it.
- (4) Hearings before the Review Board and the Tribunal will be governed by their respective procedural documents.

11 Review and Amendment

- (1) The Governance and Oversight Committee is responsible for reviewing this policy at least once every three years.
- (2) Amendments or repeal of these terms of reference requires the approval of **SLC** by majority vote.

History:

- January 16, 2024 (Students' Legislative Council): Approved and enacted.