

<b>Policy Number</b>	005-M-2007
<b>Policy Group</b>	Membership
<b>Policy Name</b>	Discipline Appeals
<b>Date of Origin</b>	June 2007
<b>Date Amended</b>	
<b>Date Reviewed</b>	November 2013, September 2014

**PURPOSE** To provide a process of appeal for disciplinary action imposed by the SUN Board of Directors in accordance with Bylaw 7.

**SCOPE** Members

**POLICY STATEMENT** A member who has been disciplined by the decision of the Board of Directors pursuant to Bylaw 7.07 has the right to appeal to the membership at a General Meeting. While the said member (hereinafter referred to as "the appellant") can ask the membership to review and consider the evidence that was put before the Board at the original hearing, it is not intended that there be a second trial of the matter. The proper place for the introduction of all of the relevant evidence is the hearing of the Board held under Bylaw 7.07.

- PROCEDURE**
1. The appellant shall be notified, in writing, of the decision of the Board of Directors and advised of their right to appeal.
  2. The appellant shall notify the President of SUN, in writing, of their intention to appeal by the date specified by the Board of Directors.
  3. Time limits may be set for the hearing of the appeal by means of amendments to the agenda of the meeting.
  4. The appeal process shall be chaired by the meeting Parliamentarian. If they are unable or unwilling to act, the President shall appoint another person in that capacity who shall not be a member or an employee of SUN.

5. The following rules will govern the treatment of evidence for the appeal:
- i) The appeal will be based on a recitation or record of the evidence that had been presented before the Board.
  - ii) Thus, the appellant and the Board may present to the members a verbal or written summary of the testimony from the original Board Hearing. Neither party would be allowed to call witnesses to give verbal testimony, subject to the exception of subparagraph (iv) below.
  - iii) A transcript of the evidence presented before the Board will not ordinarily be produced for the appeal unless the production of a transcript has been specifically requested by the appellant or the Board. Such a request would have to be made at the time of the notice of appeal. In the case of the request by the appellant, the costs of production and distribution of the transcript will be their responsibility.
  - iv) At the appeal, neither the appellant nor the Board will be allowed to introduce new evidence, unless it can be established that such evidence is material and was not known by the party seeking to introduce it at the time of the original hearing.
6. The following rules will govern the hearing processes:
- i) All guests, staff and related personnel, with the exception of the designated chair, will be excluded from the appeal hearing.
  - ii) In order to deal with the appeal, the meeting, by resolution, will move to a committee of the whole.
  - iii) The appellant will proceed first in presenting their case on the appeal. They are entitled to review the evidence in the matter set out above, and to make submissions with respect to the action taken by the Board against them.
    - The appellant should specify the redress that they are seeking from the membership including whether they are asking for a revocation or reduction of the penalty.

- iv) Following the submission by the appellant, the Board of Directors will proceed with its case. The Board is similarly entitled to review the evidence and to make submissions in support of the action that it took. At this point, the Board may engage in rebuttal of the submissions of the appellant.
  - v) After the Board submission, the appellant will be given the opportunity to make a rebuttal argument if they so wish.
  - vi) Following the formal submissions of the appellant and the Board, members may ask questions of either party. The questions should be related to the facts and/or arguments used by either party in support of their positions and should not seek to introduce additional factors.
7. After the questions from the members, the appellant and the Board of Directors shall leave the meeting room and be excluded from further deliberations in the matter. The appellant or members of the Board may be asked by the membership to return in order to supply further information or clarification. In such an instance, both parties should be present for this additional stage of the proceedings.
8. The outcome of the appeal shall be determined by a resolution put to the floor, duly moved and seconded. The resolution shall be to the effect of sustaining, rejecting, or amending the original disciplinary decision of the Board. The resolution will be debated and voted on in accordance with the Rules of Procedure applying to the meeting.
9. Following the vote, the appellant and the Board of Directors shall be recalled to the meeting, whereupon the decision of the meeting shall be communicated to them by the designated chair.