

York University
Schulich School of Business
EXECUTIVE COMMITTEE OF FACULTY COUNCIL

Purpose & Responsibilities

The Executive Committee facilitates the business of Faculty Council and coordinates the work of its committees. The principal task of the Committee is to compose the agenda for Council meetings and to ensure that all agenda items have been fully prepared for discussion and action.

The Committee serves as the Council's liaison to external bodies (e.g., York University Senate). It also hears the final level of student appeals within the Schulich School through the Appeals Panel, a sub-committee consisting of the Council chair and all academic program directors.

Summer Authority from Faculty Council is normally appointed to the Executive Committee for the months of June – September. Thus, the responsibilities of this committee span the entire academic year. All individuals become members of the committee effective the day immediately following the last date in which their predecessor holds the role they are taking on.

Membership

Chair:

- Elected (Vice) Chair of Faculty Council

Voting Members (ex officio)

- Dean and Associate Deans
- Vice-Chair of Faculty Council
- Executive Officer
- Chairs of Faculty Council's standing committees (Masters Admissions, Research and Library, Nominating, Student Affairs, Tenure and Promotion, BBA/iBBA, EMBA, PhD, MPC/PCC)
- Directors of Degree Programs
- Presidents of Student Councils (UBS, GBC, PhD Students Association).

Quorum

Six members of the committee. To determine a prima facie appeals case: three members, which may include any Degree Program Director and the (Vice) Chair.

Meeting Schedule

The Executive Committee regularly meets on the Friday two weeks prior to each Faculty Council meeting. Other meetings may be scheduled as needed.

Hearing Appeals

The appeals process

Appeals of petition decisions or grade appeals will be permitted only on the following grounds:

1. The decision under appeal was made without jurisdiction;
2. A denial of natural justice, such as (but not limited to) a reasonable apprehension of bias on the part of the original decision maker(s) or a fundamental procedural error, such as the consideration of information that ought not to have been considered or the failure to consider information or special circumstances that ought properly to have been considered;
3. Inconsistent application of the relevant regulations; or
4. New evidence has arisen that could not reasonably have been presented, and that would likely have affected the original decision. Generally speaking, events or performance subsequent to the relevant time does not constitute new evidence for the purposes of this provision.

Procedure for appeal

The application for leave to appeal should contain a succinct statement of the grounds on which the applicant intends to rely, a summary of the evidence to be relied upon, as well as all relevant documentation. Upon written request an applicant shall be given, without charge by the School, copies of all School documents which may support this summary of evidence.

Determination of prima facie case

The Appeals Panel will consider the documents submitted in relation to an appeal to determine whether or not a prima facie case has been established on the grounds indicated. Parties are not present at this hearing.

If the Appeals Panel determines that a prima facie case has not been established, it may deny leave to appeal and promptly advise the applicant and other concerned parties by registered mail.

If the Appeals Panel is satisfied that a prima facie case has been established, it will allow the appeal to be heard by the Executive Committee. The chair, in consultation with concerned parties, will set a date for the hearing.

Principles and procedures of appeal

The Executive Committee follows the principles laid out in the Mandate of the Student Affairs Committee. The Committee will, however, invite appellants and other relevant parties to its hearings.

The following list indicates the order of an appeal where the parties are present. The Committee may alter the order of the hearing in the interests of fairness to any or all of the parties.

- a. The Chair shall:
 - i. identify the parties and members of the Committee.
 - ii. clarify any procedural requirements.
- b. The applicant or representative shall:
 - i. briefly describe the case to be presented.
 - ii. provide factual support for his/her case through documentary evidence and testimony of applicant and witness, if relevant.
 - iii. the applicant or representative may ask questions of each witness at the close of that person's testimony.
- c. The respondent or representative shall:
 - i. briefly reply and indicate main arguments.
 - ii. provide factual support for his/her case through documentary evidence and testimony of respondent or witness, if relevant.
 - iii. the applicant or representative may ask questions of each witness at the close of that person's testimony.
- d. The applicant and his/her witnesses shall be allowed to offer testimony or other evidence in reply to new issues raised in the respondent's presentation.
- e. At this point or sooner, the Committee may require other witnesses or the production of other written or documentary evidence and may adjourn the hearing after allowing both parties the opportunity to speak to the adjournment. After this, no new arguments or evidence regarding the appeal may be introduced.
- f. The respondent followed by the applicant is entitled to make closing arguments and to briefly summarize the main points of his/her case.
- g. The Committee will move in camera for deliberations and discussion.
- h. The written decision of the Committee shall include:
 - i. the names of the Committee members and all who appeared.
 - ii. a brief summary of the cases of the parties.
 - iii. the Committee's findings of fact, decision and reasons.
 - iv. the route of further appeal.

NOTE: Committee members normally ask questions at the end of each person's testimony or interrupt any time if clarity is required.

Petitions denied by the Executive Committee may be appealed to the Senate Appeals Committee (<http://secretariat.info.yorku.ca/senate/appeals-committee/appealing-to-the-senate-appeals-committee/>).