

APPENDIX 1

THOMPSON RIVERS UNIVERSITY SOCIETY OF LAW STUDENTS: **DISPUTE RESOLUTION COMMITTEE MANDATE**

*Adopted March 7th, 2016
Amended February 14, 2017*

Part I: Purpose

- (1) The Dispute Resolution Committee (DRC) is created pursuant to s.19 of the Thompson Rivers University Society of Law Students (TRU SLS) Constitution and adopts all powers granted to it in that section. It shall act as a body independent of the TRU SLS Executive.
- (a) The DRC's mandate shall not be modified by the TRU SLS Executive or the Administrative Overseer.

(2) The DRC adopts the definition of SLS member seen in s.4 of the TRU SLS Constitution.

(3) The goals of the DRC are as follows:

- (a) Mediate and arbitrate disputes that are brought to their attention in a matter that is impartial, fair, and upholds the reputation of the DRC;
- (b) Respect the confidentiality of all matters brought before them pursuant to the DRC Confidentiality Policy.

Part II: Structure of the DRC

(4) The DRC Shall consist of the following:

- (a) Three DRC Members, to be elected pursuant to s.19(1) of the TRU SLS Constitution, and
- (b) An Administrative Overseer from the Faculty of Law, and
- (c) An additional 2 members elected in the fall semester general election by SLS members.

Role of DRC Members

(5) The DRC shall be responsible for

- (a) The maintenance of confidential records,
- (i) Including the continued confidentiality of matters they were party to after the end of their tenure;
- (b) Scheduling of hearings, resolution of matters before the committee by either mediation, arbitration or referral to another body, and
- (c) Updating the DRC mandate and associated policies as required.

Role of Administrative Overseer

(6) The Administrative Overseer for the committee will be either the Associate Dean, the Assistant Dean or the Dean of the Faculty of Law, subject to their availability.

(a) If neither of the above parties wishes to take on this role, they may delegate the role to another member of the TRU Faculty of Law Staff as is appropriate.

(7) Whoever is appointed Administrative Overseer shall remain so consistently, barring extenuating circumstances such as those outlined in s.11.

(8) The Administrative Overseer shall:

- (a) Assist the DRC by redirecting or taking over issues brought before him or her as requested by the DRC;
- (b) Serve as the Appeals body if the findings of the DRC are challenged;
- (c) Assist the DRC in resolving any internal conflicts pursuant to s.15 and 16;
- (d) Provide their opinion on the validity of changes to the DRC mandate if requested to do so by the DRC Executive.

(9) The Administrative overseer shall not:

- (a) Change the mandate of the DRC;
- (b) Become involved in matters brought to the DRC unless the DRC expressly requests him or her to do so;

or otherwise compromise the impartiality and independence of the DRC.

Efforts to ensure Impartiality

(10) There must be a panel of three members of the DRC present at a hearing.

(a) If there are not three members present, the attending members shall halt the hearing and reschedule accordingly.

(11) A DRC Executive member may remove themselves from hearings and call upon another DRC Member to sit in their place for the following extenuating circumstances:

- (a) Illness;
- (b) Conflict of interest or bias;
- (c) Time conflict between the scheduled hearing and a scheduled class or exam in which the DRC Executive is registered

so as to ensure there are three DRC members in attendance at all mediations.

(11.1) In the event of an emergency situation that renders a DRC Member unable to attend a hearing, they shall make every effort to make the other DRC members aware.

(a) If the emergency has rendered them unable to do so, they shall not be considered for removal from the DRC unless there are extenuating circumstances.

(12) If a DRC member is either a complainant or respondent in a matter brought to the DRC, the Administrative Overseer rather than the DRC shall address the matter in order to ensure impartiality and transparency of process.

(13) If a DRC Member is concerned in anyway that they may be biased in the proceedings due to their relationship with one or more party, they shall remove themselves and request one of the DRC Alternative Members to fill their place.

Removal of a DRC Member from the Committee

(14) Members of the DRC Committee may be removed for the follow reasons:

- (a) Instances of Academic dishonesty;
 - (b) Failure to attend those hearings they are scheduled to attend;
 - (c) Breach of Confidentiality;
 - (d) Conduct contrary to the TRU SLS Membership Behaviour Policy;
- or any other conduct that violates the mandate of the DRC and offends the TRU SLS Membership Behaviour Policy.

(15) The proposed removal of a DRC Member must be presented to the overseeing administrative body.

- (a) During this time the member whose removal is sought may argue against their removal.
- (b) The Administrative overseer shall determine if the DRC Member shall be removed, suspended, or kept on the DRC.
 - (i) if a period of suspension is recommended, the Administrative overseer shall determine the length of the suspension.
 - (ii) if a member is removed, they shall not be permitted to be a member of the DRC at any point in the future, as this will offend the purposes of the DRC.

(16) If a DRC member is removed according to the above process, the DRC shall appoint a new member as soon as possible with the oversight of the Elections Committee, and will inform the student body by whatever means is most efficient in the circumstances.

Part III: Matters that may be brought before the DRC

Matters that shall be heard by the DRC

(17) The DRC will hear matters that are presented to them in panels of 3 or 5 members, according to the following guidelines:

- (a) Type One concerns or complaints are those pertaining to conflict between two or more SLS members. This may include bullying, online harassment, or any other conduct that would constitute a violation of the TRU SLS Membership Policy.
 - (i) Concerns or complaints of this type will receive a response within 72 hours and respondents made aware within the same time frame, with hearings to occur depending on the schedules of those parties involved.
- (b) Type Two concerns or complaints are those pertaining to conflict between an SLS member and a member of the TRU SLS Executive. Matters falling into Type

Two, include but are not limited to review of decisions of the SLS Executive decisions with regard to SLS member .

- (i) Due to the nature of this type of concern or complaint, the concerned TRU SLS Executive(s) may need to be engaged.
- (ii) Concerns or complaints of this sort will receive a response within 48 hours and respondents made aware within the same time frame, with hearings to occur depending on the schedule of those parties involved.
- c) Any other matters arising not falling within a or b if deemed appropriate in the circumstances.
 - (i) Concerns falling under this category will receive a response within 1 week of receipt

(18) Every effort will be made to accommodate the schedules of those involved without causing undue delay.

Matter that will not be heard by the DRC

(19) The DRC shall remove itself from the following matters:

- (a) Human rights complaints;
- (b) Difficulties in academic accommodation;
- (c) Disputes between SLS members and TRU Law Faculty and Staff;
- (d) Sexual misconduct by any SLS member or TRU Law Faculty and Staff;
- (e) Instances of academic dishonesty;
- (f) Conduct that is criminal in nature;

and any other matters that transcend the boundaries set out in s.19 of the TRU SLS Constitution.

(20) Such matters, if brought to the DRC, will be recorded as a disclosure and the complainants will be redirected to the appropriate bodies when appropriate.

- (a) Recorded disclosures will be kept confidential pursuant to the DRC's confidentiality policy.
- (b) A complainant may request access to their disclosure if it will serve as evidentiary material as their matter moves forward. Only their disclosure and the reasons of the DRC for redirecting their concern will be made available.
- (c) The DRC, if requested by an external body with appropriate authority or by court order or warrant, will release disclosures to that external body subject to the DRC Confidentiality Policy.

Part IV: General Guidelines for Hearings

How to file for a resolution

(21) All matters for resolution shall be submitted in a written format. Acceptable forms are:

- (a) Written letter submitted in person to a DRC member, or
- (b) Emails sent to the DRC's confidential email account at trusls.drc@gmail.com

and will be kept subject to the DRC Confidentiality Policy.

- (22) All matters submitted for resolution must include the following:
- (a) date of the offending conduct;
 - (b) a brief summary of events and statement of the main issue(s) to be addressed;
 - (c) name of the parties involved; and
 - (d) state if the parties are seeking mediation or arbitration pursuant s.24 and 25.

Time limits on hearings

- (23) The DRC adopts the time limits as stated in s.19(4) of the TRU SLS Constitution.

Structure and Outcome of Hearings

- (24) The structure of Mediation Hearings shall be left to the DRC members present at the hearing, so as to be responsive to the specific context of the matter before them.
- (a) The recommendations as a result of mediation are non-binding.
 - (b) A party may re-apply to the DRC for arbitration if they are dissatisfied with the recommendations.

- (25) Arbitration Hearings shall be conducted in accordance with the DRC Arbitration Policy.

- (a) The decisions made by the DRC as a result of arbitration shall be binding and enforceable.
- (b) A party may seek appeal to the Administrative Overseer if they have substantial grounds on which to make an appeal, in accordance with the DRC Appeals Policy.

General rules of conduct during hearings

- (26) All parties shall conduct themselves in a manner that is ethical, professional, and respectful during a hearing.

- (27) All parties appearing before the DRC are expected to be prepared for the hearing and in a sound state of mind.

- (28) Abuse of committee members, other parties, or of the DRC processes during a hearing shall not be tolerated, and will result in the hearing being suspended and possibility referred to the Administrative Overseer depending on the severity of the conduct.

Calling of other Presenters

- (29) As stated in s.19(5) of the TRU SLS Constitution, the DRC may call on other presenters to attend a hearing in order to ascertain the facts.

- (a) These presenters shall be subject to the time limits in s.19(4) of the TRU SLS Constitution.

Delivery of Recommendations or Decisions

(30) The DRC must deliver its recommendations or decisions at the hearings, or may schedule a new hearing for the recommendations or decisions if required.

(31) Reasons for the recommendation or decision must be provided in writing upon request of the parties, with every effort made to ensure they are delivered in a timely manner.

Part V: Changes to the Mandate and Policies of the DRC

(32) The DRC must notify the SLS Members of all changes to the Mandate or Policies, through whatever means is most efficient in the circumstances.

- (a) If an SLS member is concerned about changes to the Mandate or Policies, they must bring their concerns to the attention of the DRC within one week of the notification.
- (b) The DRC may consider these concerns, but is not required to make changes to the Mandate or Policies in response.

(33) If the DRC is concerned a change will contravene the boundaries set for the DRC in the TRU SLS Constitution, they shall request assistance from the Administrative Overseer in determining the validity of such a change.