

## EXTRACT FROM PRINCIPAL STATUTE – Section F.10

### ***F.10. Disciplinary procedure: Appeals from disciplinary hearings.***

*F.10.a. Notification of appeal.* An appeal against disciplinary suspension, demotion or dismissal shall be notified in writing to the Corporate Secretary within fourteen working days of the confirmation to the employee of the disciplinary suspension, demotion or dismissal.

*F.10.b. Suspension of sanction pending decision on appeal.* In the case of a disciplinary suspension or demotion being appealed, the employee will remain in his or her current position pending the outcome of the appeal. In the case of a dismissal, an appellant shall remain within the employment of the University while his or her appeal is being determined (subject to F.6.a.3 above), but will be neither required nor permitted to report for work beyond the date on which the dismissal was to take effect, pending the outcome of the appeal.

*F.10.c. Composition of Disciplinary Appeal Committee.* The appeal will be decided by a Disciplinary Appeal Committee drawn from the Disciplinary Appeal Panel nominated from time to time by the Governing Body (and comprising only external members of the Governing Body). The Disciplinary Appeal Committee will be a sub-committee of the Governing Body, and shall be convened on the request of the Corporate Secretary. Where the Governing Body exceptionally considers it necessary, it may invite one or more suitably qualified and experienced persons unconnected with the University to be a member of a Disciplinary Appeal Panel, either jointly with, or instead of, external members of the Governing Body.

*F.10.d. Rights of employee.* The employee shall have the right:

- (1) to represent himself or herself before the Disciplinary Appeal Committee or to have representation (as defined by F.6.b above);
- (2) to make submissions himself or herself or through his or her representative to the Disciplinary Appeal Committee; and
- (3) to apply to the Disciplinary Appeal Committee to be represented before it by a legal representative; and, where the employee is so represented, the committee may authorise the person defending the appeal to be represented before it by a legal representative.

*F.10.e. Time and place of hearing.* The Disciplinary Appeal Committee shall notify the appellant employee and the Director of Human Resources of the time (which shall not be sooner than fourteen working days from the date of such notification) and place fixed for the appeal hearing. The appeal hearing shall be conducted promptly and in any event within 28 working days of the receipt by the Corporate Secretary of notification of the appeal, though the Chair of the Disciplinary Appeal Committee may extend this period where s/he considers that the appeal cannot fairly and practicably be determined within this period.

*F.10.f. Notification of documents.* Not later than seven working days before the date fixed for the appeal hearing, the Director of Human Resources shall send the Disciplinary Appeal Committee, and copy to the employee, copies of all documents which were before the Disciplinary Hearing Committee, a copy of that committee's report, and any other record of the proceedings before it.

*F.10.g. Grounds of appeal.* Not later than seven working days before the date fixed for the appeal hearing, the appellant employee shall (if s/he has not already done so) submit a statement in writing to the Disciplinary Appeal Committee, with a copy to the Director of Human Resources, clearly setting out the grounds of the appeal.

*F.10.h. Without leave, no new documents and no witnesses.* Neither the appellant nor the person defending the appeal may rely on any document which was not before the Disciplinary Hearing Committee or on any witness, unless the Disciplinary Appeal Committee determines that consideration of such document or witness is necessary to fairly decide the matter and that there is a sufficient reason why such document or witness was not before the Disciplinary Hearing Committee. The Disciplinary Appeal Committee may adjourn the hearing to allow the other party an opportunity to consider such document or witness.

*F.10.i. Consultation with Disciplinary Hearing Committee.* The Disciplinary Appeal Committee may seek such information as it considers appropriate from the Disciplinary Hearing Committee in regard to the appeal, and shall copy such information, when provided, to the appellant employee and to the person defending the appeal.

*F.10.j. Attendance by parties.* If the appellant employee or the person defending the appeal does not attend the appeal hearing, then the Disciplinary Appeal Committee may, in its discretion, either:

- (1) proceed to hear the matter in that person's absence, if the committee is satisfied that such person had notice of that hearing and there is no good reason for his or her non-attendance; or
- (2) adjourn the hearing to such other date, venue and time as the committee may determine,

and the committee shall give notice of that decision to the appellant employee and to the person defending the appeal.

*F.10.k. Control of proceedings.* A Disciplinary Appeal Committee may in its discretion grant extensions of time, adjournments and postponements where it considers it fair and proper to do so. The committee, having regard to any criminal investigation arising out of the matter which is the subject of action under this procedure, may suspend or adjourn any action or proceedings under this procedure until any such investigation, and any action consequent upon it, is complete.

*F.10.l. Legal assistance for the committee.* A Disciplinary Appeal Committee may, where it considers it necessary or desirable, instruct a solicitor or brief counsel to assist it in ensuring the fair and proper conduct of the appeal.

*F.10.m. Procedure at the hearing.* Unless the Disciplinary Appeal Committee permits otherwise:

- (1) the appellant shall first summarise his or her grounds of appeal, and then present the materials by reference to the proceedings before the Disciplinary Hearing Committee in support of the appeal;
- (2) when all of the material on which the appellant intends to rely has been presented, the person defending the appeal may address the committee in response, and shall then present the materials produced in defence of the appeal;
- (3) the appellant or his or her representative may then finally address the committee in response.

*F.10.n. Procedures and fairness.* In determining the appeal, the Disciplinary Appeal Committee shall consider the application of the procedures followed by the Disciplinary Hearing Committee (and where relevant, by the Head), and the fairness of the decision made.

*F.10.o. Decision on appeal.* The Disciplinary Appeal Committee shall allow or dismiss the appeal, and shall so inform the President and the appellant. Where the committee allows the appeal on the grounds that the sanction imposed was too severe, it may recommend a lesser sanction than that originally imposed. Where the committee dismisses an appeal, it may not recommend a sanction beyond that originally imposed.

*F.10.p. Speed of decision.* Where possible, the decision of the Disciplinary Appeal Committee shall be notified to the President and to the employee concerned within fourteen working days of the hearing of the appeal, though the Chair of the committee may extend this period where s/he considers that the decision cannot fairly and practicably be made within this period.

*F.10.q. Implementation of decision.* The President shall take the necessary action to implement the Disciplinary Appeal Committee's decision. Such action shall, where practicable, be taken within seven working days of receiving the committee's report, and shall be notified in writing to the appellant employee and to the person defending the appeal.

*F.10.r. Finality of decision.* The Disciplinary Appeal Committee's decision shall be final and binding, and there shall be no further right of appeal within the University.