

Ordinance XXXVI

IMPORTANT: This is an archived version of this ordinance, and parts of it may not apply to current practice.

Provisions concerning Procedures and Power under Statute XXI Part V (Appeals)

(Version effective from 14 July 1993 to 31 July 2011)

1. A person appointed to hear and determine any appeal by a member of the academic staff who has been dismissed or is under notice of dismissal or is otherwise disciplined shall be appointed by Council and shall be a person not employed by the University who holds or has held judicial office or is a barrister or solicitor of at least ten years' standing.
2. If the person appointed considers that justice and fairness will be served by sitting with other persons Council shall nominate one of its members, not being a person employed by the University and Senate shall nominate one member of the academic staff. The Chair of Council shall make recommendations at the appointment of other persons to hear an appeal. With the prior permission of the member of staff the Loughborough AUT shall be consulted before these recommendations are made.
3. A member who wishes to appeal must serve written notice to the Registrar within 28 days of the date on which the document recording the decision appealed against was sent to the appellant. The person appointed to hear the appeal shall not permit any appeal to proceed if notice was served after 28 days unless the interests of justice and fairness so require in the circumstances of the case. This written notice must state fully the grounds for the appeal.
4. The member of the academic staff concerned shall be entitled to be represented by another person, whether such person be legally qualified or not, in connection with and at any hearing of the appeal.
5. An appeal shall not be determined without an oral hearing at which the member of the academic staff concerned and any representative appointed by the member are entitled to be present.
6. The appellant's written statement, together with any documents that were produced in connection with the decision appealed against and any necessary explanatory notes will be sent to the person(s) hearing the appeal and to the member concerned no later than 10 working days after the notice of appeal was served and no fewer than 10 working days prior to the first hearing. The person appointed to hear the appeal shall have the discretion to postpone the hearing if requested by the member concerned because of exceptional circumstances. At least 5 working days notice will be given before the hearing re-convenes.
7. With the consent of the person appointed to hear the appeal the member of staff concerned, or the member's representative, shall be able to call witnesses.
8. The person appointed to hear the appeal shall have the power to dismiss an appeal for want of prosecution, to correct accidental errors and to adjourn the hearing in order to call witnesses and seek other information as seen fit. Any written information will be sent to all parties not less than 5 working days before the hearing re-convenes. The person appointed to hear the appeal shall be able

to set time limits for each stage of the appeal (including the hearing itself) to the intent that any appeal shall be heard and determined as expeditiously as reasonably practicable.

9. The person appointed shall at his/her absolute discretion decide on all matters of procedure and evidence, and shall give such rulings and direction as are necessary for the efficient and effective conduct of the hearing.
10. A member of the administrative staff of the University, not having had previous involvement with the case, shall attend each meeting to provide secretarial and administrative support. A verbatim record of the proceedings will be kept and made available to all parties.
11. At the end of the hearing the person or persons appointed to hear the appeal shall retire privately to reach a conclusion and shall have the power to allow or dismiss the appeal in whole or part, in accordance with Statute XXI 29(3). A majority opinion of persons appointed will be conclusive.

(made July 1993)