

Guidance Document 6

Information on Appeals

Appeals should ordinarily be raised under one of the following categories:

- procedure - a failure to follow procedure at the disciplinary hearing.
- the decision - the evidence did not support the conclusion reached.
- any proposed action - was inappropriate given the circumstances of the case.
- new evidence - which has come to light and was not available during the disciplinary process.

Appeals Against Penalties Short of Dismissal

The appeal should where possible be heard by an individual in at the same or next appropriate level of management structure from the Hearing Officer. Appeals against disciplinary penalties applied to Relevant Persons will be heard by another Relevant Person at an appropriate level within the University. This individual will not have been involved previously in the disciplinary case.

The Appeal Hearing will not necessarily take place before the penalty takes effect and the level of any disciplinary penalty imposed will also be reviewed.

Appeals Against Dismissal

In the case of dismissal with notice, the Appeal Hearing should be heard, wherever possible within the contractual notice period applicable from the date of the dismissal.

Appeals against dismissal from members of staff who are not Relevant Persons should where possible be heard by the individual in the next appropriate level of management structure from the Hearing Officer not previously involved in the disciplinary case.

If a Relevant Person wishes to appeal against their dismissal, the appeal will be heard by a person not employed by the University and who has had no previous involvement in the case. This person will be selected by the Principal (or a member of staff nominated by the Principal) from a panel constituted by agreement with the recognised Campus Trades Union (per Ordinance 142). The panel is detailed in the *Policy and Procedure for Hearing an Appeal*.

If the appeal is upheld, the dismissal will be deemed not to have taken place. In the case where an appeal is upheld but the dismissal has already been actioned, the member of staff will be reinstated with full continuity of service (including all remuneration, National Insurance and superannuation contributions where relevant) as if the dismissal had never taken place.