**Procedure for Appeals against a Decision of an Investigating Committee**

**1 INSTITUTION AND ARRANGEMENT OF THE PANEL**

**1.1** On receipt of an appeal against a decision of an Investigating Committee, a meeting will be arranged of a sub-committee of Senate (“the sub-Committee”) constituted as follows:

**a)** A Senior Academic of the University shall normally be appointed as Chair;

**b)** Two academic members of University staff, not previously associated with the case.

No member of the Committee shall have had any previous involvement in the matters which are referred to in the plea of mitigation.

**1.2** The parties to an appeal against a decision of an Investigating Committee shall be the student and the Chair of the Investigating Committee Hearing Panel.

**1.3** The Committee shall be advised by the Academic Registrar or a member of the University’s Student Casework team with no previous, substantive involvement in the matters aired in the plea of mitigation; the advisor to the Panel shall be responsible for ensuring that a note of proceedings is kept.

**1.4** An appeal against a decision of an Investigating Committee shall not be resolved without the student, or former student, having the right to be heard at a meeting of the sub-Committee.

**1.5** At least 14 days in advance of the meeting of the sub-Committee, the student and the Chair of the Investigating Committee Hearing Panel shall be notified of:

**a)** the date, time and venue of the meeting;

**b)** their entitlement to be represented at the meeting by a friend or representative;

**c)** their entitlement to call witnesses as they think fit and the arrangements for notification thereof;

**d)** their entitlement to submit written evidence and the arrangements for the submission thereof.

**1.5** The names of any witnesses and any written evidence shall be submitted to the Academic Registrar or their representative not later than seven days prior to the date of the hearing.

**1.6** Once notice of the meeting is given, the meeting shall proceed on the allotted date unless either the student or the Chair of the Investigating Committee Hearing Panel is unable to attend for good reason. Requests for postponement shall be submitted to the Academic Registrar, normally at least seven days before the meeting. The Academic Registrar shall determine whether good reason for postponement of the hearing has been established, and a request for postponement shall normally be accompanied by relevant, documented evidence. If the Academic Registrar agrees to postponement, the meeting shall be rearranged as soon as possible and in accordance with the notice requirements set out in 1.4 above.

**1.7** The Chair of the sub-Committee may set a time limit for the hearing, to the intent that the plea of mitigation shall be heard and determined as expeditiously as reasonably practicable.

**2 PROCEDURES FOR THE HEARING**

**2.1** All proceedings shall be conducted in the presence of the student and the Chair of the Investigating Committee Hearing Panel and their representatives unless it is otherwise decided by the Chair of the sub-Committee, for exceptional reasons and in the interests of justice and fairness and after giving both parties an opportunity to make representations. Section 2.8 below requires both parties to the appeal against a decision of an Investigating Committee to withdraw while the outcome to the appeal is determined.

**2.2** The student or their representative shall present their appeal against the decision of the Investigating Committee and call individually their witnesses.

**2.3** The Chair of the Investigating Committee Hearing Panel against whom the appeal of decision lies, or their representative, shall present their response to the appeal against the decision of the Investigating Committee, and call individually their witnesses.

**2.4** Both parties shall be entitled to question witnesses.

**2.5** Members of the sub-Committee may question both parties and witnesses at any point in the proceedings. Witnesses shall withdraw once evidence has been provided and the parties and the sub-Committee have no further questions for them.

**2.6** Both parties may seek adjournments and, provided there is sufficient reason, their requests shall not unreasonably be refused; such requests shall be determined by the Chair who may also adjourn the hearing at their discretion in the interests of justice and fairness.

**2.7** The student or their representative, followed by the Chair of the Investigating Committee Hearing Panel or their representative, may conclude by summarising their cases.

**2.8** Both the student and the Chair of the Investigating Committee Hearing Panel and their representatives and any remaining witnesses shall withdraw while the plea of mitigation is determined. Only members of the sub-Committee who have been present throughout the hearing shall take part in the determination of the appeal against a decision of an Investigating Committee. The Advisor to the Panel shall remain present while the Committee determines the appeal outcome.

**2.9** Either party may be recalled to clarify points of uncertainty on information already given but this must be done in the presence of the other party.

**2.10** The procedure set out above may be varied by the Chair of the sub-Committee with the assent of both parties to the appeal against Investigating Committee decision or their representatives if in their judgement the interests of justice and fairness would thereby be best served.

**3 NOTIFICATION OF DECISION**

**3.1** The sub-Committee shall, on the balance of probabilities and on behalf of Senate, decide whether or not the appeal against Investigating Committee decision is upheld. If the sub-Committee decides that the appeal against decision is not upheld, the original Investigating Committee decision shall stand and there is no further internal right of appeal. If the sub-Committee decides that the appeal against decision is upheld, it has the power to rescind the decision made by the Investigating Committee and recommend to Senate such proposals for redress of the appeal against decision as it sees fit; this may include a recommendation of a sanction other than that stated above.