

20. APPEALS

Right to Appeal under Section 25 of the Statutes

This Ordinance is made in accordance with Statute 25 Section 29 of the Statutes of the University for purposes related to Statute 25 Sections 24 to 28 inclusive of the Statutes of the University.

Procedure

- 20.1** The member of the academic staff must comply with the requirements of Statute 25 Sections 26 and 27 of the Statutes of the University.
- 20.2** The University Secretary will comply with Statute 25 Sections 27(1) and 27(2) of the Statutes of the University.
- 20.3** Council shall act in accordance with Statute 25 Section 28 of the Statutes of the University. The oral hearing shall take place within three months of the lodging of the appeal.
- 20.4** The purpose and function of the appeal shall be to consider the appeal of the member of the academic staff and the grounds on which it is made, and to make a reasoned decision.
- (a) The appeal shall be by way of a rehearing.
 - (b) The onus of proof shall be with the University.
 - (c) The standard of proof shall be the balance of probability.
- 20.5** The person or persons hearing the appeal ('the Committee') shall be free to determine its own procedure (after hearing representations from the member of the academic staff and the University) as appropriate in the circumstances of each case, subject to the following rights of the member of the academic staff:
- (a) The member of the academic staff shall be entitled to appear in person before the Committee should he or she so desire, and shall be entitled to address the Committee.
 - (b) The member of the academic staff may be accompanied by a friend or legal representative when he or she appears before the Committee and the friend or legal representative shall also be entitled to address the Committee.
 - (c) The member of the academic staff and his/her friend or legal representative shall be entitled to see all the written evidence and to hear all the oral evidence which is presented to the Committee.

- (d) No appeal shall be determined without an oral hearing before the Committee.
- 20.6** If the member of the academic staff wishes to appear before the Committee accompanied by a friend or legal representative he or she shall inform the University Secretary at the time he or she appeals or at any time prior to the start of the appeal hearing or with the consent of the Committee during the appeal hearing. The member of the academic staff shall inform the University Secretary of the name of the friend or legal representative and his or her relationship, professional or otherwise, to himself or herself. The member of the academic staff may call other witnesses on his or her behalf.
- 20.7** In circumstances where the member of the academic staff elects to be legally represented the University may appoint a lawyer to present the University's case before the Committee.
- 20.8** The Committee may itself take legal advice or be assisted by a legal assessor.
- 20.9** The Committee shall have an absolute discretion as to rules which it wishes to apply relating to the admissibility of evidence but shall hear representations on any evidence whose status or admissibility is disputed.
- 20.10** The Committee may at its discretion invite the attendance of any person who it considers may assist it in its deliberations or may request a written statement from any source provided that there is compliance with paragraph 20.5(b) and 20.5(c).
- 20.11** The Committee at its discretion shall consider and unless improper allow applications by the member of the academic staff for the postponement of and adjournment of any oral hearing of an appeal.
- 20.12** The Committee may after application or at its absolute discretion dismiss an appeal for want of prosecution.
- 20.13** The Committee shall have the power to correct any accidental error relevant to the appeal and to set appropriate time limits for each step of the appeal and the consequences of not complying with any time limits to the intent that any appeal shall proceed to an oral hearing as expeditiously as reasonably practicable.
- 20.14** The Committee after making its reasoned decision after an oral hearing of the appeal shall act in accordance with Statute 25 Section 29(3) of the Statutes of the University.

Approved by Council
1 August 2016