

UNIVERSITY OF BATH ACADEMIC STAFF APPEAL COMMITTEE: PROCEDURE

Membership

1. An Academic Staff Appeal Committee will be convened as required.
2. The members of an Academic Staff Appeal Committee must have had no prior involvement with the case of the appellant.
3. A member of staff from the Office of the University Secretary will act as Secretary to the Committee.

Confidentiality

The procedures set out below will be carried out in confidence (unless otherwise agreed by the parties involved) and will not prejudice the current employment or future career prospects of the member of staff submitting an appeal. All related records (including those of the hearing) will be held in accordance with the Data Protection Act 1998.

Procedure for Submission of Appeal

1. Members of staff in the Education and Research Job Family have the right of appeal against decisions in relation to their appointment or progression made by the Academic Staff Committee, Research Fellow Sub-Group (of the Academic Staff Committee), Teaching Fellow Sub-Group (of the Academic Staff Committee), Professorial Advisory Committee or the Professorial Appointing Committee.
2. Appeals must clearly state the grounds on which the appeal is being made and must be submitted in writing to the Director of Human Resources within ten working days of the member of staff receiving notification of the decision of the Committee/Sub-Group.
3. In the event that a simple error (for example, procedural) is discovered, the matter will be referred back to the relevant Committee/Sub-Group for consideration as if for the first time.

Procedure for Hearing

1. The Academic Staff Appeal Committee (ASAC) will hear the appeal, during which it will consider the evidence and determine the outcome of the appeal. The decision of the ASAC is final.
2. As soon as reasonable practicable and not less than 15 working days before the hearing, the Secretary to the ASAC will confirm the arrangements for the hearing to all parties in writing.
3. All parties will receive the documentation for the hearing from the Secretary to the ASAC not less than 7 working days prior to the hearing. Papers will include all the documentation considered by the relevant Committee/Sub-Group,

- together with the appellant's letter of appeal and any other new evidence submitted.
4. The appellant has the right to be accompanied at the hearing by a friend, work colleague or trade union representative.
 5. The Chair of the Academic Staff Committee/Professorial Advisory Committee/ Professorial Appointing Committee/Research Fellow Sub-Group/Teaching Fellow Sub-Group (hereafter referred to as 'Chair of the Relevant Committee/Sub-Group') will be present during the hearing in order to explain the rationale behind their Committee/Sub-Group's decision.
 6. The Chair of the ASAC will have the absolute discretion to clarify or modify the procedure for the hearing (after consulting with the other members of the ASAC) provided that such clarification or modification is in the interests of the appellant.
 7. The Chair of the ASAC will open the hearing by:
 - introducing those present;
 - reminding those present of the procedure for the hearing;
 - identifying to those present each piece of documentary evidence to ensure that all present have the same documentation;
 - asking each party whether there are any procedural or administrative matters that remain to be dealt with or which should conveniently be dealt with at this stage. If possible, such matters should be raised with the Secretary to the ASAC in advance of the hearing.
 8. The appellant (and/or their companion) will be asked to present the grounds of their appeal and present any new evidence in support of their case.
 9. Members of the ASAC and the Chair of the Relevant Committee/Sub-Group will have the opportunity to put questions to the appellant (and/or their companion).
 10. The Chair of the Relevant Committee/Sub-Group will be asked to respond to the appeal and explain the reasoning behind the Committee/Sub-Group's decision.
 11. Members of the ASAC and the appellant (and/or their companion) will be given the opportunity to put questions to the Chair of the Relevant Committee/Sub-Group on any aspect of the information they have provided.
 12. The appellant (and/or their companion) will be invited by the Chair of the ASAC to make a closing statement.
 13. The Chair of the Relevant Committee/Sub-Group will be invited by the Chair of the ASAC to make a closing statement.
 14. The Chair of the ASAC will close the hearing and ask the appellant (and their companion) and the Chair of the Relevant Committee/Sub-Group to withdraw from the hearing to enable the ASAC to consider its decision.

15. The ASAC may decide:
 - that the Committee/Sub-Group had followed its procedures correctly, and exercised its discretion properly, and that the appeal be rejected;
 - that the decision of the Committee/Sub-Group fell outside the band of reasonable decisions open to the Committee/Sub-Group based on the evidence, and that the case be referred back to the relevant Committee/Sub-Group for further consideration against the detailed commentary of the ASAC. The relevant Committee/Sub-Group's decision at its second consideration of the case will be final.
16. The decision of the ASAC will be conveyed orally to the appellant and the Chair of the Relevant Committee/Sub-Group as soon as possible. The decision will be confirmed in writing within 5 working days of the hearing.
17. The decision of the ASAC will be reported to the next available meeting of Senate.