



Appendix F: Appeals Procedure

1. Principles Governing Appeals

- 1.1 Appeals must be submitted in writing to the Director of Employee Relations and Policy, no later than five working days after receipt of the decision in writing. The formal action as a result of a decision taken under the Procedure will remain in force unless or until it is modified as a result of the appeal.
- 1.2 Appeal Hearings may be a review of the disciplinary decision or sanction or a re-hearing depending on the grounds of the appeal. Employees must be specific about the grounds of an appeal as these will form the agenda for the Appeal Hearing and may determine who should be present. If an appeal is submitted on the basis of seeking a re-hearing this must be clearly stated. Appeals may be raised on grounds including:
 - *Procedure* – a failure to follow Procedure had a material effect on the decision
 - *The Decision* – the evidence did not support the decision reached by the Panel or Hearing Manager
 - *The Penalty* – was too severe given the circumstances of the case
 - *New Evidence* – which has come to light and was not available at the hearing.
- 1.3 Appeals will be heard by a panel of three senior members of staff appointed who will not previously have been involved in the case. They will be appointed by the Director of Employee Relations and Policy in consultation with the relevant Dean or Vice-Provost. The Appeal Panel will be advised by an HR representative and HR will provide a note taker.
- 1.4 Any objections to the panel members appointed to hear the Appeal should be made to the Director of Employee Relations and Policy, outlining reasons for the objection within three working days of notification.
- 1.5 Arrangements will be made for appeals to be heard as soon after an appeal has been lodged as is reasonably practicable.
- 1.6 The employee should be given a minimum of ten working days' advance notice of the date fixed for their Appeal.
- 1.7 The employee has the right to be accompanied to the Hearing by a companion. The employee may wish to call and present witnesses at the Hearing. If the employee wishes to do this, he/she should inform the HR representative in writing of an intention to do so. This written notice should be received by HR at least seven working days ahead of the scheduled hearing date and include the names of any proposed

witnesses to be called along with a brief explanation as to their relevance with regards to the matters to be considered by the Appeal Hearing. The Chair of the Appeal Panel is entitled to query the purpose of any witness being called and may restrict the number permitted, where in his/her view there will be no additional value or insight added by their presence.

2. Appeal Hearing Procedure

- 2.1 At the Appeal Hearing the Chair of the Appeal Panel will explain the purpose of the meeting. He/she will outline the process to be followed at the Hearing, how it will be conducted and the actions open to the Appeal Panel depending upon the evidence they hear. The Manager who made the decision against which the appeal is being heard should, if requested, attend the Appeal Hearing and may outline the reasoning behind the original decision.
- 2.2 The employee will be asked to explain the grounds of appeal including any new matters to be introduced. The appeal hearing will take into account any relevant new evidence which either party may present and consider its significance with regards to the sanction imposed at the original Hearing. If new witnesses are called, both parties and the Appeal Panel will have an opportunity to question them. At the end of the Hearing, the employee will have an opportunity to summarise the key issues in the case. At the end of the Hearing once all of the relevant issues have been aired sufficiently, the Chair of the Appeal Panel will (after an appropriate adjournment) briefly summarise the findings of the Appeal Panel and outline its conclusions.
- 2.3 The outcomes possible from an appeal are:
 - The Appeal is not upheld and the formal action or sanction of the original Hearing stands unchanged;
 - The Appeal is not upheld but the Appeal Panel imposes a lesser sanction;
 - A shortening of the period for which an extended Formal Warning remains 'live';
 - The Appeal is upheld and the sanction imposed by the original Hearing is no longer applied.

3. Decision

- 3.1 The Appeal Hearing decision will be made carefully and without undue delay. It will usually be conveyed verbally to the employee within a maximum of one working day of the Hearing.

A decision will be made to either:

- Uphold the original disciplinary decision and sanction awarded;
 - Uphold the appeal and confirm that the disciplinary action will be removed from the employee's record;
 - Confirm that misconduct has occurred but reduce the level of disciplinary sanction.
- 3.2 The outcome of the Appeal Hearing should be confirmed in writing to the employee by the Chair of the Appeal Panel no later than five working days after the decision has been conveyed verbally. Notes of the Appeal Hearing can be made available if a

request is made to HR by the employee. Any such request should be received in the HR Division no later than ten working days after the written decision of the Appeal Panel has been issued.

- 3.3 If an appeal against dismissal is upheld, the employee shall be paid in full for the period from the date of dismissal and continuity of service will be maintained.
- 3.4 The decision of the Appeal Panel is final.