

1. Document Details

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| Title: | Procedure Governing Student Disciplinary Appeals |
| Author(s): | Registrar & Vice President for Academic Affairs |
| This Version Number: | 1.0 |
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| Governing Policy: | Not Applicable |

Important Note: If the 'Status' of this document reads 'Draft', it has not been finalised and should not be relied upon.

2. Revision History

| Version Number | Revision Date | Summary of Changes | Changes tracked? |
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3. Relevant/Related Existing Internal Documents

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| Student Discipline Procedure – Appendix 1 of the Student Regulations |
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4. Relevant/Related Existing External Documents

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5. Consultation History

This document has been prepared in consultation with the following bodies:

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| Academic Management, Academic Staff and Students (via Academic Council) |
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6. Approvals

This document requires following approvals (in order where applicable):

| Name | Date | Details of Approval Required |
|---|----------------|------------------------------|
| Academic Council Executive Committee | 15/1/14 | |
| Governing Body | 6/2/14 | |
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7. Purpose

This document describes the procedure for initiating and conducting an appeal of a decision of the Student Disciplinary Committee.

8. Scope

This procedure applies only to an appeal arising from a decision of the Student Disciplinary Committee

9. Definitions

N/A

10. Responsible Officer(s)

Registrar & Vice President for Academic Affairs

11. Supporting Documents

Student Discipline Procedure

12. Procedure For Student Disciplinary Appeals

1. Basis of Appeal

The Disciplinary Appeals Committee ('DAC') will send a letter by registered post to the student who has lodged an appeal in accordance with the Student Disciplinary Procedure to request him/her to set out the basis of appeal and full details in relation to same.

The student will have 10 working days from the date of the DAC's letter to submit the basis and details of the appeal. Failure to comply with this deadline will disallow the appeal.

2. Appeal Process

On receipt of the student's submissions concerning the basis and details of his/her appeal, the DAC will, at its absolute discretion, process the appeal in such a manner as it deems appropriate having regard to the circumstances of the case, and having due regard to the requirements of natural justice and procedural fairness.

The DAC may decide that the student does not have valid grounds for making the appeal and dismiss the case accordingly.

If the DAC decides there are valid grounds for appeal, it may deal with the matter based solely on the appellant's written submissions (including further relevant evidence), and the written submissions (including further relevant evidence) of any other individual which the DAC may invite same from.

The appellant student shall be provided with copies of any submissions or other evidence received by the DAC from any other individual and given an opportunity to respond to same before any decision is made.

Alternatively, based on the appellant student's written submissions (and other evidence), the DAC may decide to carry out a further investigation in relation to the matter and/or a fresh hearing.

The DAC may carry-out any investigation itself or appoint a third party (internal or external) to carry out the investigation on its behalf and submit a report to it. The purpose of any such investigation shall be solely to gather relevant evidence.

The form of any hearing will depend on the circumstances of the case and basis of the appeal.

For example, if the appeal relates only to alleged failure by the Institute to comply with proper procedures and/or the severity of the sanction, then the hearing may involve the appellant student alone making oral submissions to the DAC.

If however, strong new evidence has been adduced which the DAC decides necessitates a fresh full hearing, then that hearing shall be conducted in the same fashion (other than in relation to the matter of appeal) as the Procedure for Disciplinary Hearing before the Student Disciplinary Committee, with the DAC assuming the role of the Student Disciplinary Committee.

The above are examples only. The DAC is not obliged to hold a fresh full hearing where new evidence is submitted. The DAC will, at its absolute discretion, process the appeal in such a manner as it deems appropriate having regard to the circumstances of the case, and having due regard to the requirements of natural justice and procedural fairness.

The DAC and any investigator appointed on its behalf will be provided with access to all relevant existing records in relation to the particular case before it.

A record of the DAC's proceedings shall be kept in writing or otherwise.

The appellant student shall have a right to representation (legal or otherwise) in any proceedings before the DAC.

3. Decision

The DAC, having considered the appeal, may make whatever decision it considers appropriate in the circumstances and based on the balance of probabilities, including:

- Confirming the decision of the Student Disciplinary Committee;
- Varying the decision of the Student Disciplinary Committee;
- Revoking the decision of the Student Disciplinary Committee.

The appellant student shall be informed in writing, by registered post, by the Registrar and Vice President for Academic Affairs of the decision of the DAC as soon as practicable.

The decision of the DAC will also be forwarded by the Registrar and Vice President for Academic Affairs to the President.

There is no further right of appeal within the Institute.

DISCIPLINARY APPEALS COMMITTEE

Terms of Reference

The Disciplinary Appeals Committee ('DAC') shall comprise of seven individuals as appointed by the Academic Council from its members, excluding any individual currently sitting on the Student Disciplinary Committee.

The terms of the DAC shall be for the duration of the Academic Council which appointed it. However, in the event that an appeal is ongoing when the term of the DAC is due to end, the DAC which is considering it shall continue in relation to that particular case for as long as necessary to determine the appeal and its term may overlap with the new DAC in such circumstances.

Three members of the DAC will be chosen by it to hear each particular appeal referred, excluding any member who has had prior involvement with the matter of the appeal.

A Chairperson shall be appointed from and by those three members for the purposes of that particular case.

The DAC shall conduct the appeal in accordance with the Procedure for Student Disciplinary Appeal.

All relevant correspondence of the DAC will be sent on its behalf by the Office of the Registrar and Vice President of Academic Affairs.

The DAC will be provided with all necessary support by the Institute, including legal advice.