Council Regulations 4 of 2006

REGULATIONS FOR THE STUDENT APPEAL PANEL

Made by Council on 1 June 2006
Amended on 1 May 2008, 11 June 2009 (date of effect 1 October 2009), 12 May 2011 (date of effect 1 October 2011), 22 May 2014 (Gazette, Vol. 144, p. 490) and 1 October 2016 (Gazette, Vol. 146, p. 619, 9 June 2016)

PART 1

INTRODUCTION

1.1. In these regulations apply to the conduct of all appeals to the Student Appeal Panel as specified in section 16 (1) of Statute XI.

1.2. In these regulations the Student Appeal Panel is called ‘the Panel’.

1.3. The Registrar shall appoint a person to act as Secretary to the Panel ‘the Secretary’.

1.4. (1) The Panel shall be constituted in accordance with section 14 of Statute XI.

                        (2) The High Steward shall invite each member of the Panel in rotation to hear and determine an application for permission to appeal and any subsequent appeal sitting alone.

                        (3) The application and any subsequent appeal shall be heard by the first member of the Panel who is able to accept the High Steward’s invitation.

1.5. (1) If a member of the Panel retires or dies or becomes incapable of acting during his or her term of office, the High Steward shall fill the vacancy arising by appointing another person who qualifies for membership under section 14 of Statute XI.

                        (2) The person appointed shall hold office for the remainder of the term of appointment of the person whom he or she is replacing, and may be reappointed.

1.6. It shall be the duty of the Panel to hear and determine all applications and appeals coming before it as expeditiously as is reasonably possible, having regard to the circumstances of each case and the requirements of justice and fairness.

1.7. Where an application or appeal is required under any statute or regulation to be made to the Panel within a specified period, the Panel may at its discretion on the written application of the proposed applicant or appellant extend that period for such time and on such terms as it considers to be fair and reasonable.

1.8. Any written application under regulation 1.7 above must be sent to the Secretary, and shall, in addition to setting out the grounds of appeal, explain the delay in submission.

1.9. On receipt of the application the Secretary shall forthwith send a copy of it to all other parties to the proceedings, and the Panel shall not make a decision on it until those parties have been given a reasonable opportunity to reply to it and any reply has been considered.
1.10. Applications for permission to appeal against a decision of the Student Disciplinary Panel under section 13 of Statute XI shall be sent by the Registrar forthwith to the member of the panel appointed by the High Steward under regulation 1.4 above and its Secretary, with a request to the Panel to consider whether it wishes the High Steward to appoint assessors under section 15 of Statute XI.

1.11. If the Panel wishes assessors to be appointed, its Secretary shall forthwith convey that request to the High Steward.

1.12. If the Panel at any time states that it does not wish assessors to be appointed, it may nevertheless at any later stage in the proceedings request the High Steward to make an appointment.

1.13. The Panel may at any time discharge assessors appointed by the High Steward and at its discretion request different assessors to be appointed.

1.14. All hearings shall normally be in private. The Panel shall have the power to determine that a hearing be held in public in the light of submissions from both parties.

1.15. All evidence or material submitted as part of the investigation shall be regarded as strictly confidential unless, following consideration of submissions, the Panel decides otherwise.

PART 2

APPLICATIONS FOR PERMISSION TO APPEAL UNDER SECTION 13 OF STATUTE XI

2.1. Applications for permission to appeal against a decision of the Student Disciplinary Panel shall be determined without a hearing on the basis of the documents submitted to that Panel under Part 3 of the Regulations for the Student Disciplinary Panel and any further written submissions made by the applicant, unless the Panel considers that in the interests of justice and fairness a hearing should take place.

2.2. The Panel may request the applicant, the Proctors, and the Secretary to the Student Disciplinary Panel to provide any further information relevant to the proposed appeal which it may require in determining whether permission to appeal should be granted.

2.3. If the Panel decides that a hearing should take place, the Secretary shall inform the applicant and the Proctors of the date and time when and the place in Oxford at which the application will be heard.

2.4. In deciding whether to give permission to appeal the Panel shall have regard to all the circumstances of the case including:

   (1) the importance of the case to the appellant; and

   (2) whether the proposed appeal has reasonable prospects of success.

2.5. The Panel shall send its decision with reasons in writing to the applicant, the Proctors, and the Secretary of the Student Disciplinary Panel.
2.6. If the Panel decides to give permission to appeal, the application shall be treated as a notice of appeal but the Panel may request the applicant to submit written grounds for appeal or to give more particulars of grounds already stated, and may refuse to proceed further until the appellant has complied with its request.

PART 3
PARTIES TO APPEALS AND REPRESENTATIONS

3.1. The parties to an appeal against a decision of the Student Disciplinary Panel shall be:

(1) the appellant; and
(2) the Proctors.

3.2. The Panel may add any other person as a party to an appeal, either on the application of any person or if the Panel itself considers it appropriate.

3.3. Any party to any appeal shall be entitled to be represented by another person, who need not be legally qualified, at the hearing or at any other stage of the appeal.

3.4. A party who intends to be represented by another person shall as soon as possible inform the Secretary of the name, address, and telephone number of the person appointed.

PART 4
POWERS OF THE PANEL

4.1. The powers of the Panel in respect of appeals against decisions of the Student Disciplinary Panel under Statute XI are specified in section 16 (2) of Statute XI.

PART 5
PREPARATION FOR HEARING OF APPEALS

5.1. The Panel may itself or on the application of any party at any time give directions or make orders for the conduct of appeals as it considers appropriate, and it shall have power, on the application of the appellant, to suspend or vary in whole or in part the operation of the order, decision, or recommendation which is the subject of the appeal pending the determination of the appeal.

5.2. When a hearing has been arranged, the Secretary of the Panel shall send to each party, at least fourteen clear days before the date appointed for the hearing, notice of the date, time, and place of the hearing, and information on the right of representation by another person, on attendance, on the right to produce documents, and on the calling of evidence (where permitted by the statutes and these regulations).

5.3. The Panel shall appoint a date, time, and place in Oxford for the hearing of the appeal, but shall have power, if it judges this to be advisable, to adjourn a proposed hearing at any time before it has begun and substitute alternative arrangements for the hearing.
5.4. (1) If any party wishes the Panel to hear evidence or new evidence on the hearing of the appeal he or she must apply to the Panel in writing for permission to call that evidence.

(2) Any application must be accompanied by a written and signed statement of the witness whom it is proposed to call or (if that is not available) the best particulars of the evidence which the witness will give and an explanation for the absence of a written and signed statement.

5.5. Notice of any application made under regulation 5.1 or regulation 5.4 above shall be sent by the Secretary to all other parties, and the Panel shall not give a ruling on it until those parties have been given a reasonable opportunity to reply to it and any reply has been considered.

5.6. The documents for the hearing shall consist of:

(1) the notice of appeal (or application for permission to appeal);

(2) the written decision which is the subject of the appeal and the reasons for that decision;

(3) the record of the proceedings below;

(4) the written statements of all persons who were called as witnesses;

(5) all other documents submitted to the tribunal or person whose decision is the subject of the appeal;

(6) any further documents, witness statements, or submissions requested or permitted by the Panel to be considered on the appeal.

5.7. It shall be the duty of the Secretary:

(1) to prepare the bundle of the documents for the hearing for the use of the Panel, consecutively page-numbered;

(2) to prepare an index of those documents, with the page-numbering, and to send a copy of that index to all parties to the appeal; and

(3) to supply any party who does not have a copy of any document with a copy of it.

PART 6

HEARING OF APPEALS

6.1. An appeal shall not be determined without an oral hearing at which the appellant and his or her representative, if any, are entitled to be present.

6.2. If it considers it appropriate to do so the Panel may hear appeals by two or more appellants at the same hearing. Appellants shall be invited to make observations which the Panel shall take into account before proceeding.
6.3. The Panel may proceed with a hearing in the absence of any of the persons entitled to be present, except where, in the case of the appellant, it is of the opinion that his or her absence was due to circumstances beyond his or her control.

6.4. The Panel may exclude any person from a hearing if in the opinion of the Panel such exclusion is necessary for the maintenance of order.

6.5. (1) Subject to the provisions of the Statutes and these regulations the Panel shall determine its own procedure.

(2) The Panel may set time limits for each stage of the proceedings to ensure that any appeal shall be heard and determined as expeditiously as is reasonably practicable consonant with the principles of justice and fairness.

6.6. Each party to a hearing shall be entitled to make a statement and to address the Panel and (where permitted) to call witnesses in the sequence which the Panel directs.

6.7. The Panel may adjourn a hearing from time to time, if it is fair and just to do so, on such terms as it thinks fit.

6.8. The Secretary shall be present throughout the hearing and shall keep a sufficient record of the proceedings.

6.9. The Panel may, by an appropriate certificate in writing, correct any accidental errors in documents recording decisions of the Panel.

PART 7

DISRUPTION OF PANEL PROCEEDINGS

7.1. If during the course of proceedings before the Panel the conduct of any member of the University, whether as a party, as a witness, or otherwise, is disorderly or is otherwise in breach of section 2 or section 3 of Statute XI, the Panel shall direct the Secretary forthwith to record the conduct complained of, with full particulars.

7.2. The Secretary shall send the record to the Proctors who shall prepare a notice giving details of the alleged breach or breaches to be sent by the Secretary to the student.

7.3. The procedure for considering the matter shall be the procedure set out in Part 3 of these regulations so far as applicable and, if the Panel finds the complaint proved, it shall have the powers referred to in section 46 (2) of Statute XI.

7.4. No member of the Panel before whom the conduct alleged in the notice took place shall sit at the hearing of the complaint made in the notice.