

## Appendix 2: Disciplinary Procedures

Extracted From: Lady Margaret Hall Bye-Laws Hilary term 2014

### XI. MEMBERS IN STATU PUPILLARI

1. Every person admitted in statu pupillari (i.e. as a student) of the College shall be sent a copy of the College Regulations in force at the time. Alterations to College Regulations shall be notified to students in residence annually.
2. All undergraduate students are required to pass the First Public Examination. A pass in Honour Moderations is defined as a pass at Honours level (minimum 3<sup>rd</sup> class honours). Two attempts are permitted unless a student has previously been placed on Academic Probation under the procedures outlined in 4.

### GOOD ACADEMIC STANDING

3.
  - a) All students<sup>1</sup> are expected to be in good academic standing with the College. A student shall be deemed to be in 'good academic standing' if he/she complies with all the following criteria:
    - i) Keeps the residence requirements laid down both by the University in the Examinations Regulations and by the College in the College Regulations. This includes gaining permission from the student's Personal Tutor or the Senior Tutor for all absences from College during full term.
    - ii) Attends on time all tutorials, classes and other required academic engagements, except where permission on adequate grounds is obtained, normally in advance, from the tutor(s) concerned or from the Senior Tutor.
    - iii) Produces all assignments (essays, problem sheets, practical reports etc.) on time, except where permission on adequate grounds is obtained, normally in advance, from the tutor(s) concerned or from the Senior Tutor.
    - iv) Produces work (for tutorials, practicals, collections and University examinations) of an appropriate standard, given the student's particular level of academic ability. This is normally at least a 2.1 standard, or work that the Personal Tutor would consider consistent with graduation with a 2.1 classification.
    - v) Sits Collections (College examinations) with the regularity required by the Personal Tutor, academic tutor(s) or Senior Tutor, except where permission on adequate grounds is obtained, normally in advance, from the Personal Tutor or Senior Tutor.
    - vi) Has not engaged in academic dishonesty, which includes plagiarism and cheating in Collections. Plagiarism is clearly defined in the Proctors' and Assessor's Memorandum.
    - vii) Complies with all the University academic requirements outlined in the Proctors' and Assessor's Memorandum, and all academic commitments made in both College and University contracts.

### ACADEMIC DISCIPLINARY PROCEDURE

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<sup>1</sup> These procedures apply to all undergraduate students including visiting students and senior status students. Graduate students are covered by University regulations.

4.

- a) If a student is not in good academic standing according to any of the criteria in 3, they may become subject to the Academic Disciplinary Procedure which has the stages set out in the following subsections and summarised in the flowchart in 4.d)

#### **Stage 1: First Formal Warning**

When academic concerns arise, these will be raised, typically by a subject tutor(s) and reported to the Personal Tutor. The Personal Tutor will meet with the student, and discuss the concerns and the required improvement. The Personal Tutor will inform the Senior Tutor of these concerns and if the student so desires, he/she may discuss these concerns with the Senior Tutor. If any mitigating or complicating factors come to light, they should (with the permission of the student) be noted. The Personal Tutor will give advice, which may be academic advice, but may include reference to College welfare support and to professional services such as the College Doctor, the University Counselling Service or the Disabilities Office. An email outlining the concerns, any advice offered and the improvement expected over a specified time period will be sent to the Senior Tutor and a copy sent to the student. At the end of the specified time period, if the expected improvement has been made, the student will be considered to be in good academic standing.

#### **Stage 2: Second Formal Warning**

If, having discussed the concerns with the student, the Senior Tutor and the Personal Tutor (with reports from subject tutors) believe that the necessary improvement has not been made, the Senior Tutor will give the student a Second Formal warning. The Senior Tutor will call the student to a meeting. The student may meet with the Senior Tutor alone. The student may choose to be accompanied to this meeting by another student in the University, another member of the College, or an OUSU representative if he/she informs the Senior Tutor in advance of the meeting. In the latter case the Senior Tutor will invite a formal note-taker to record the meeting.

The Senior Tutor will specify to the student what is expected of him or her in the future (for example, attendance at tutorials, completion of assignments and/or attainment of appropriate levels in academic work or special Collections). Any special Collections set at this stage would be marked internally, but may differ from those set for other students.

The student will have the opportunity to raise any mitigating or complicating factors, including medical conditions. The Senior Tutor will give advice, which may be academic advice, but may include reference to College welfare support and to professional services such as the College Doctor, the University Counselling Service or the Disabilities Office.

The Senior Tutor will draw the student's attention to these procedures and to the consequences of these procedures. Following the meeting, the Senior Tutor will write to the student as a Second Formal warning and record of the meeting, noting any recommendations and expectations of improvement in a specified time period and will note any mitigating factors raised. The sending of this letter will be reported to the Education Committee. At the end of the specified time period, if the expected improvement has been made, the student will be considered to be in good academic standing.

If a student fails to attend this meeting, it may be deemed to have happened and a Second Formal warning letter with academic conditions will be sent. In exceptional cases (see 4.b) below), a student may be placed directly on a Second Formal warning.

#### **Stage 3: Academic Probation (Final Formal Warning)**

If the student fails to comply with any of the conditions set out in the Second Formal warning, the Senior Tutor will call the student to a further meeting. The student may meet with the Senior Tutor alone. The student may choose to be accompanied to this meeting by another student in the University, another member of the College, or an OUSU representative if he/she informs the Senior Tutor in advance of the meeting. In the latter case the Senior Tutor will invite a formal note-taker to record the meeting.

The Senior Tutor will issue a Final Formal warning which will place the student on Academic Probation. The Senior Tutor will set academic conditions (for example, attendance at tutorials, completion of assignments and/or attainment of appropriate levels in Penal Collections). The Senior Tutor will draw the student's attention to these procedures and that failure to comply with any of these conditions may lead to suspension (rustication) or termination of the course (sending down). The student will have the opportunity to make known any mitigating factors, including medical conditions.

The Personal Tutor (with advice from subject tutors) will advise the Senior Tutor on the appropriate conditions and levels of attainment for the particular student, including target grades for any Penal Collections. These may be discussed by the Senior Tutor and the student during the meeting.

Following the meeting, the Senior Tutor will write to the student as a Final Formal warning and record of the meeting. This letter will detail the conditions of Academic Probation and performance targets set within a specified time period. Any mitigating factors which were raised will be recorded. The sending of this letter will be reported to the Education Committee. At the end of the specified time period, if the expected targets or conditions have been met, the student will return to the Second Formal warning stage for a further specified period (normally four weeks in term time).

If a student fails to attend this meeting, it may be deemed to have happened and a Final Formal warning letter with academic conditions will be sent. In exceptional cases (see 4.b) below), a student may be placed directly on Academic Probation without the preceding stages.

#### **Stage 4: Penal Collections**

Where Penal Collections are set as a condition of Academic Probation the student will be given at least 4 weeks' notice of the date of these Collections. Penal Collections may be invigilated in a room apart from the standard termly Collections and may be set at any time during the term or vacation. If there are non-academic factors that a student feels will adversely affect their performance on Penal Collections, they must inform the Senior Tutor (or other person nominated by the Senior Tutor) in advance of the start of the Collection. If the mitigating factors are accepted by the Senior Tutor, the date of the Penal Collection will be postponed. Where the factors are medical, these must be supported by a medical certificate. Any problems affecting performance during the course of the Collection must be reported to the invigilator. No mitigating factors reported after the end of the Collection will be considered.

Penal Collections will be marked by two independent external examiners, who will be postholders in the University or other Colleges. The examiners will not be made aware of the identity of the student, or of the target grade set, but will be informed of the stage in the course that the student has reached and instructed to take this into account when deciding on an appropriate mark. Where the marks given are close (within 4 marks) the College will accept the higher of the two marks. Where the marks differ by more than 4 marks, the examiners will be asked to discuss the paper and agree a mark.

#### **Stage 5: Formal disciplinary hearing**

In the event of non-compliance with any of the terms of Academic Probation, the Senior Tutor shall refer the matter to an Academic Disciplinary Committee.

An Academic Disciplinary Committee is composed of three members of the Governing Body, chosen from a panel of ten agreed by the Governing Body at its first meeting in Michaelmas term. The panel must include five members with at least 10 years seniority, and must not include the Principal, Vice-Principal, Senior Tutor, or Dean. The three members will be chosen by lot, but must include at least one member with at least 10 years seniority. An Academic Disciplinary Committee will not include the student's Personal Tutor, any of the student's subject tutors nor any other member who has had any significant involvement with the student.

The Senior Tutor and Personal Tutor will be asked to present evidence to the Committee, but will withdraw prior to any decision being taken by the Committee. The Senior Tutor may recommend to the Committee that the student should be suspended (rusticated) or their course terminated (sent down).

The student has a right to appear at the formal disciplinary hearing and to bring one advisor or representative at their own expense. The student will be given at least two weeks' notice of the meeting. The student will be given copies of all materials that will be presented to the Academic Disciplinary Committee and will be informed of the names of the members of the Committee. The student may submit a written case, which may include, but need not be confined to, evidence of medical conditions, to the Committee up to 48 hours before the meeting, and is encouraged to do so.

If the student chooses not to appear at the meeting, the Academic Disciplinary Committee will review the evidence presented by the Senior Tutor and Personal Tutor and any written case presented by the student and make a decision.

The Academic Disciplinary Committee may uphold the Senior Tutor's recommendation, modify the Senior Tutor's recommendation, or it may reject the Senior Tutor's recommendation and then either impose a lesser penalty or impose a further period of Academic Probation. Should a further period of Academic Probation be imposed, the Academic Disciplinary Committee would set the conditions. If a period of suspension (rustication) is imposed, the Academic Disciplinary Committee may impose academic or non-academic conditions for a student to return to their course.

The Chair of the Academic Disciplinary Committee will ensure that a careful record is made of the proceedings and the Chair may invite a note taker to the hearing. The report will clearly set out the grounds for action, the factors that were taken into account, and the final decision. A written copy will be sent to the student and to the Governing Body.

### **Stage 6: Governing Body**

The decision of the Academic Disciplinary Committee shall be reviewed by the Governing Body. This review shall afford the student the opportunity to appeal against the Committee's decision. The Governing Body shall proceed as follows:

The Governing Body will consider procedural matters and will not question the academic judgement of the Academic Disciplinary Committee. It will review the Committee's report, and ask questions of members of the Committee, the Senior Tutor, the student's Personal Tutor and subject tutor(s) in order to verify the facts of the case. The members of the Committee, the Senior Tutor, the student's Personal Tutor and subject tutor(s) shall then withdraw.

If the student chooses to accept the decision of the Academic Disciplinary Committee, the Governing Body will confirm or rescind the decision at this stage. The Governing Body may also vary the penalty. If any penalty recommended, such as suspension (rustication) or termination (sending down), is confirmed by Governing Body, the penalty will then have immediate effect, and the College procedure is considered closed.

If the student chooses to appeal, he/she will make a written submission to the Governing Body. The student may appear in person before the Governing Body, and may choose to be accompanied to this meeting by one advisor or representative at their own expense, if he/she informs the Governing Body in advance of the meeting. Alternatively, the student may ask a Fellow or other representative to speak on his/her behalf at the meeting. The Governing Body may question the student, if present, on the facts of the case. The student and his/her companion or representative shall then withdraw for the Governing Body's final deliberations and decision.

The Governing Body will confirm or rescind the decision of the Academic Disciplinary Committee. The Governing Body may also vary the penalty. The decision of the Governing Body on the penalty will have immediate effect, and at this point the College procedure is considered closed.

The Principal will normally convey Governing Body's decision in writing to the student within two days.

#### **Stage 7: Appeal to the Conference of Colleges' Appeal Tribunal**

If the student wishes to appeal against the decision of the Governing Body, he or she may do so to the Conference of Colleges' Appeal Tribunal within 5 days of the date of the decision. The student may also apply for a review of the appeal to the Office of the Independent Adjudicator (OIA) within three months of the date of the decision.

##### **b) Exceptional cases**

In exceptional cases, the Senior Tutor, in consultation with the student's Personal Tutor, may place a student directly on a Second Formal warning, or place a student directly on Academic Probation, or recommend directly to a formal disciplinary hearing that a student's course be suspended or terminated.

Exceptional cases which will lead to the termination of a course will include any student who fails a University Examination which contributes to their degree classification, or fails to pass any other compulsory component of their degree course, or fails to complete any other compulsory requirements (e.g. practicals or fieldwork) laid down by the University as a necessary part of his/her course.

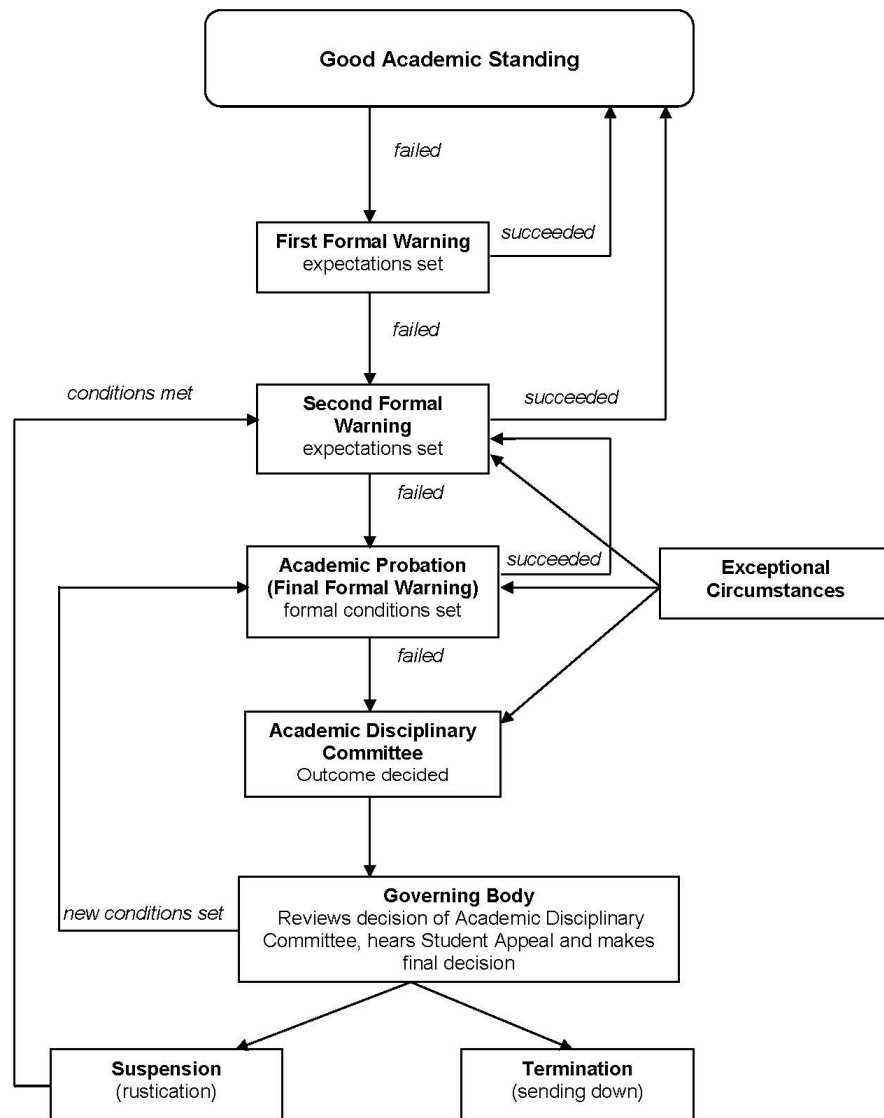
Any student who engages in academic dishonesty will be considered to have committed serious misconduct, and may be placed directly on Academic Probation or referred directly to a formal disciplinary hearing

Any student who fails any examination within the First Public Examination at the first sitting (even if they pass overall) may be placed directly on Academic Probation.

##### **c) Throughout these procedures, any letter delivered to a student's College pigeonhole during term time, or message sent to a College email address will be deemed to have been received within 24 hours of being sent. Any letter outside term time sent to the home address held on the College database, will be deemed to have been received within 3 days of being sent. If a student does not attend any meeting, that meeting may be deemed to have happened or may proceed without the student in attendance. Any examination is only considered to be passed where the pass is at Honours level (university standard marks of 40 or above).**



d) Academic Disciplinary Procedure Flowchart



## **DISCIPLINARY PROCEDURE**

5. All students are expected to observe good standards of behaviour. When a disciplinary offence has been committed, it will be dealt with appropriately. The Dean will decide which category of offence is appropriate.

### 6. Minor offences

a) Minor offences include:

- small-scale damage and vandalism;
- noisy or unruly behaviour that might be disruptive but not threatening;
- parking violations;
- misuse of ICT (email and internet), or Library services;
- smoking in designated non-smoking areas;
- rudeness towards staff, visitors, members of the public, other students;
- objectionable or insulting behaviour;
- failure to abide by general health and safety rules and procedures.

(Note that these are examples only and not an exhaustive list)

Minor offences, if committed to a sufficient degree or repeatedly, may be deemed major.

b) Minor offences would be normally brought to the attention of the Dean or, more usually in the first instance, the Junior Deans (the latter being on call), often via the Porters, who may have been alerted to a disturbance. If the matter can be peaceably resolved on the spot, no further action will be taken. For example, the student can be asked to reduce noise late at night.

c) If an interview with the Dean is appropriate, the Dean will meet with the offender, in the presence of a Junior Dean. Details of the offence will be sought. The matter will be recorded in an email to the offender, copied to the Personal Tutor, and to other interested parties. No further record will be kept.

d) The Dean, by delegation of powers from the Principal may impose community service, fines, restitution payments or restrictions on the use of College services and facilities by way of penalty. In these cases the matter would be brought to the attention of the Domestic Bursar and/or the Treasurer. Penalties will be proportionate and determined after discussion with the offender.

e) Minor offences are not subject to appeal.

### 7. Major offences

a) Major offences include:

- serious vandalism;
- harassment of others, bullying;
- grossly indecent or offensive behaviour;
- acts of unlawful discrimination;
- violent or threatening behaviour, fighting or physical assault;
- possession, supply or use of illicit drugs;



- theft, or unauthorised possession of money or property, whether belonging to the College, another student, or a third party;
- negligent destruction/sabotage of College property, or any property on the premises;
- serious breaches of health and safety rules that endanger the lives of or may cause serious injury to themselves or any other person;
- refusal to comply with reasonable requirements by the Porters, Junior Deans, or other members of staff to discontinue unacceptable behaviour and/or withdraw from the scene.

(Note that these are examples only and not an exhaustive list)

- b) Major offences are referred to the Principal. Penalties include rustication, suspension, temporary exclusion from the premises of the College and, in the most serious cases, expulsion. The nature of the current offence together with the disciplinary record of the student will be taken into account in determining the penalty. Definitions are given after XI.10 below.

#### 8. Process Followed for Major Offences

- a) When the Dean considers that a serious disciplinary offence has been committed (that is one for which, if proved, rustication, suspension, temporary exclusion from the premises of the College, or expulsion would be an appropriate penalty) she shall inform the Principal in writing of the nature of the alleged offence. The Principal shall within three days write to the student concerned informing the student of the charges made and asking whether the student wishes to have the matter settled informally by the Principal or wishes to choose a formal hearing with the right of appeal to the Disciplinary Appeals Committee. The student shall reply in writing within 48 hours. If the student does not so reply, the informal procedure shall apply.
- b) If the student opts for the informal procedure, the Dean shall supply the Principal and the student with a full written statement of the nature of the alleged offence and the Principal shall summon the student before her within three days of the receipt of the statement. The Principal alone shall hear the student's explanation and immediately determine an appropriate penalty, except that if the statement submitted by the Dean contains evidence which might lead the student to reconsider the decision to choose the informal procedure the student shall be given the opportunity to do so. The Dean shall not be present at the interview with the Principal, but the Principal may at her discretion have with her a member of the College secretarial staff to keep a record. Any decision involving rustication or expulsion shall require ratification by Governing Body.

Notwithstanding a student's decision to opt for the informal procedure, there shall always be a right of appeal to the Disciplinary Appeals Committee if in fact the Principal decides that expulsion is the appropriate penalty.

- c) If the student elects to have the matter decided formally, the Principal shall ask the Dean to report in writing on the alleged offence with a statement of the available evidence. The Principal shall send a copy of these written statements to the student and indicate her intention to have a preliminary hearing within 7 days of the student's receipt of the statements. The student must within that time submit to the Principal a written statement of the student's case but may change it or add to it in the hearing before the Principal. At this hearing before the Principal, the student may bring either another student of LMH or a member of the Governing Body (who may be the student's tutor) to help put the student's case. Witnesses may be called or asked to submit written evidence at the discretion of the Principal and the hearing may be adjourned at her discretion. The Dean and the student shall be present throughout the proceedings. Should she so wish, the Dean may elaborate upon her original statement or comment upon the other evidence presented. The Principal, when

she is satisfied that she has heard all the evidence she needs, shall reach a decision which she shall communicate in writing to the student giving the reasons for the decision and any penalties which may attach to it.

In formal procedure cases resulting in rustication, expulsion, or suspension, the student has the right of appeal to the Disciplinary Appeals Committee. If the student wishes to appeal s/he must do so within 7 days. If the student does not so appeal, the decision shall be reported to the Governing Body for ratification.

#### 9. Protective discretion

The Principal, in exercise of a protective discretion on behalf of other members and employees of the College, may require a student to leave the premises of the College, and not to re-enter them except on such terms and under such conditions as the Principal in her absolute discretion may impose, if, in the opinion of the Principal, the student's health or conduct is such as to damage or put at risk the safety and welfare of the student or other members or employees of the College.

- a) Without prejudice to the generality of the above, the following are examples of circumstances in which the Principal might need to exercise protective discretion:
  - i. if the student is charged with or convicted of a criminal offence and, in the opinion of the Principal, the circumstances are such that it would be inappropriate for the student to remain on College premises;
  - ii. if the student's conduct is threatening to persons or property, or disruptive of the proper functioning or activities of the College, and, in the opinion of the Principal, is likely to continue to be so if the student remains in or enters College premises pending the completion of the appropriate disciplinary procedures;
  - iii. if the medical or psychological condition of the student is such as, in the opinion of the Principal, to present a risk to the safety and welfare of the student or of other members or employees of the College;
  - iv. if the medical or psychological condition of the student is such that the student requires supervision and/or care which, in the opinion of the Principal, is beyond that which the employees of the College are qualified or able to provide;
  - v. if the medical advice concerning the student is that the student should, in the interests of his or her physical or mental health, return home, engage in outpatient support incompatible with remaining of course, or seek admission to hospital;
  - vi. if the student refuses to see a doctor or medical specialist or other appropriate professional, such as a counsellor, when the Principal has reason to be anxious about the student's physical or mental health or psychological condition.
- b) The duration of any order made by the Principal under these procedures shall not extend beyond the end of the term in which the order was made, unless the Governing Body decides that it should be extended.
- c) The Principal's decision in exercise of her protective discretion under these procedures shall in any case be reviewed by the Governing Body for confirmation, modification or rejection, at its first meeting after the action in question has been taken.
- d) Before the matter is considered by Governing Body, the Principal shall write to the student to invite him or her to bring forward any relevant matter for consideration by the Governing Body.

- e) For the avoidance of doubt, the premises of the College include the buildings and grounds within the College perimeter and the houses and gardens of houses in Fyfield Road occupied by members and employees of the College.

#### 10. Appeal

- a) A student affected by a penalty of rustication, expulsion, or suspension may appeal to the Disciplinary Appeals Committee, and the penalty is subject to confirmation by the Governing Body, whose decision is final. A student expelled from membership of the College automatically loses her University membership. A student rusticated or suspended by the College is also rusticated or suspended by the University.
- b) A Disciplinary Appeals Committee is composed of three members of the Governing Body, chosen from a panel of ten agreed by the Governing Body at its first meeting in Michaelmas term. The panel must include five members with at least 10 years seniority, and must not include the Principal, Vice-Principal, Senior Tutor, or Dean. The three members will be chosen by lot, but must include at least one member with at least 10 years seniority. A Disciplinary Appeals Committee will not include the student's Personal Tutor, any of the student's subject tutors nor any other member who has had any significant involvement with the student.
- c) The Disciplinary Appeals Committee shall investigate the case as it thinks fit but must ensure that the student has an opportunity to state his or her case in person to the Committee. The student may bring either another student of LMH or a member of Governing Body (who may be the student's Tutor) to help put the student's case. The Committee shall review all the existing written evidence, and shall hear the Dean and the student concerned. It may also ask for other written statements and may call additional witnesses. It may propose any penalty it deems appropriate. Its decision shall be reported with reasons to the full Governing Body for ratification at the earliest opportunity.
- d) If the student wishes to appeal against the decision of the Disciplinary Appeals Committee, he or she may do so to the Conference of Colleges' Appeal Tribunal within 5 days of the date of the decision. The student may also make an appeal to the Office of the Independent Adjudicator (OIA) within three months of the date of the decision.

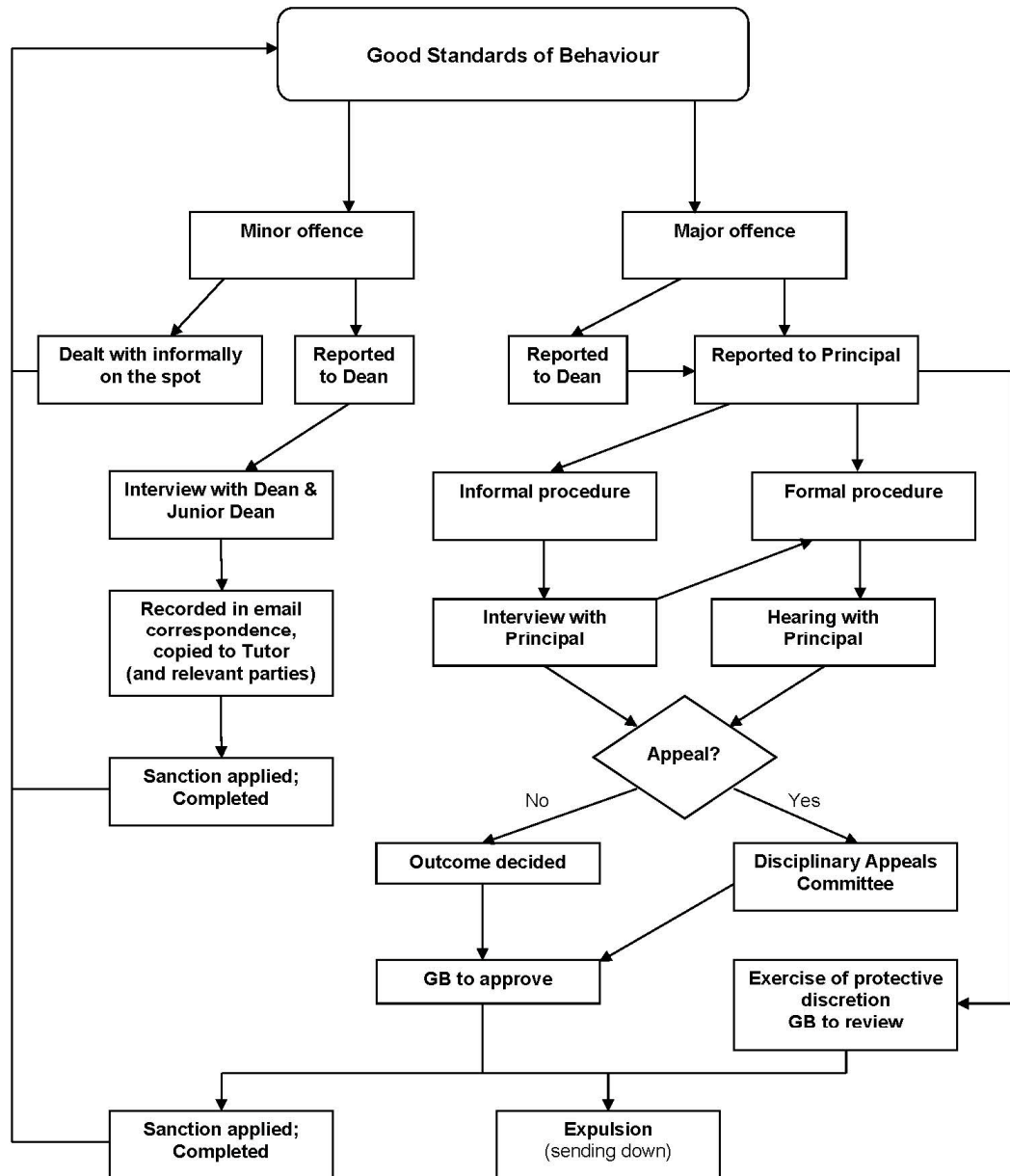
11. The College shall respect and concur in any decision of the University Proctors or of the Disciplinary Court of the University or of the Appeal Court of the University to rusticate or expel a student from the University, to the effect that the College shall be regarded for all purposes and in all respects as part of the University and the terms of the penalty of rustication or expulsion shall be interpreted accordingly. The College shall act *mutatis mutandis* to reflect at the College level decisions by the University to suspend a student. A student affected by any such decision shall have no right to appeal or submit a statement in mitigation to the Governing Body.

#### DEFINITIONS

- 'Expel' means deprive a member permanently of his or her membership of the College;
- 'Rusticate' means withdraw the right of access to all of the land, buildings and facilities of the College including teaching, examinations and all related academic services for a fixed period or until the fulfilment of specified conditions;
- 'Suspend' means withdraw the right of access referred to above for a fixed or in-determinate period or until the fulfilment of specified conditions where action is taken as an interim measure pending further investigation, or where action is taken under the LMH Statutes or Bye-Laws for non-disciplinary reasons.

- A penalty of suspension or rustication shall also apply to university land, buildings, facilities, or services (subject to a right of appeal to the Student Disciplinary Panel).
- 'Temporary exclusion from the premises of the College' applies only to College premises, not to University premises.

## 12. Disciplinary Procedure Flowchart



## Appendix to Bye-Law XI

### CONFERENCE OF COLLEGES – APPEAL TRIBUNAL (“THE TRIBUNAL”) REGULATIONS

(Revised February 2012)

- 1.1 The functions of the Tribunal shall be to consider appeals on disciplinary decisions imposing a substantial penalty, made by the body with final jurisdiction within any participating College (for these purposes the Visitor shall be deemed not to be such a body). Disciplinary decisions means the imposition of penalties for breach of College statutes, by-laws, regulations or rules relating to academic or any non-academic matters. Substantial penalty includes the penalties of expulsion, rustication or suspension, substantial fines, and other penalties of similar severity. Substantial penalty does not include measures such as the imposition of probation or specially assessed collections.
- 1.2 The Tribunal shall not have appellate jurisdiction in relation to decisions which are exclusively within the province of the University disciplinary organs.
2. Each member of the Conference of Colleges which is a College shall nominate no more than three persons from their own Governing Body to serve, if appointed to do so as provided herein, upon the Tribunal. Each member of the Conference of Colleges which is a Hall shall nominate one person from their own Governing Body to serve, if appointed to do so as provided herein, upon the Tribunal. A list of those persons so nominated (“the list”) shall be maintained at the Secretariat of the Conference of Colleges.
3. Conference of Colleges shall elect a chair (“the Chair”) and a deputy chair (“the Deputy Chair”) for such Tribunal, who will serve for three years from date of appointment. Such appointments can be renewed for a further term of three years only. The Deputy Chair will exercise the functions of the Chair if for any reason the Chair is unable to do so.
4. Any student member of a participating College (“an appellant”) who wishes to bring before the Tribunal an appeal shall file a written application with the Secretariat of the Conference of Colleges normally within 5 days of the date of the decision appealed against. The Chair shall have power to extend such time if he considers that there is good and sufficient reason for so doing.
5. The application shall include
  - a) a copy of the decision being challenged
  - b) a brief statement of the facts
  - c) a statement of the arguments on which the application is based
  - d) the appellant’s request for a remedy
  - e) where applicable an application for a stay of the effects of the decision being challenged or for any other preliminary relief of an urgent nature
  - f) the appellant’s address, telephone number and, where applicable, the electronic mail address at which he/she can be reached for the purpose of the proceedings.
6. Upon the receipt of the application the Chair shall constitute a Panel composed of three members appearing on the list (“the Panel”), and appoint a President of the Panel (“the President”), who thenceforth shall have responsibility for the proceedings of the Panel.

7. The President shall be the holder of a degree in law or a professional legal qualification. If no such person is available from among those on the list, the Chair shall, at his discretion, appoint (with his or her consent) such a person with such qualifications from among other senior members of Colleges.
8. No person sitting on a Panel shall be a member of, or have any direct connection with, the College against whose decision the appeal is brought.
9. Any defence of lack of jurisdiction of the Panel must be raised as soon as possible or at the latest at the start of the hearing. The question whether an appeal falls within the Panel's jurisdiction can be considered by the Panel at a hearing, or by the President under regulation 12, even if it is not raised by either party.
10. Both the appellant and the College can challenge a Panel member (including the President) if circumstances give rise to legitimate doubts as to his or her independence or impartiality. The Chair is empowered to resolve any such challenge as soon as possible after giving the parties and the Panel member concerned, so far as circumstances permit, the opportunity to be heard. The challenge must be brought as soon as the reasons for the challenge become known. 11. In any case of extreme urgency the President may rule on any application for a stay of the effects of the challenged decision or for any other preliminary relief without hearing the College first. When deciding whether to award any preliminary relief the President shall consider whether the relief is necessary to protect the appellant from irreparable damage, the likelihood of success on the merits of the claim, and whether the interests of the appellant outweigh those of the College or other interested persons.
11. The President may summarily dispose of an appeal that does not fall within the Tribunal's jurisdiction without consulting the other members of the Panel and without summoning the parties to a hearing. The President should invite the parties to make written observations on the matter before deciding whether it is appropriate to exercise this power. Where the President decides to dispose of an appeal under this provision the decision shall be written, dated and signed and immediately communicated to the parties, via the Secretariat. Brief reasons will be stated with or as soon as possible after communication of the decision. The decision and the brief reasons will be public documents unless, in the President's judgment, the interests of justice or other compelling public or private interest otherwise require.
12. Except where it considers another form of procedure more appropriate, the Panel shall as soon as possible summon the parties to a hearing which normally should be held no later than 14 days from the Secretariat's receipt of the application. The President shall arrange via the Secretariat for details of the date, time, and venue of the hearing, and any additional information required, to be conveyed to the parties. The parties should notify the Panel as soon as possible of their proposed witnesses.

It shall be the duty of the parties, to work together and produce no later than 48 hours before the hearing, an agreed bundle of relevant documents, (paginated) and an outline of each's respective submissions (which should be no longer than 10 pages in length).
13. The Panel may, either before or at the hearing, require of its own motion the production of documents, information or other evidence. At the hearing the Panel shall hear the parties who shall produce their witnesses and introduce their other evidence. The Panel shall have complete discretion as to the evidence which it admits and will be the sole judge of the weight to be given to any such evidence.
14. Both the appellant and the College may be represented by a third party, including at the Panel's discretion, by Counsel and/or a solicitor. The hearing itself (not including the

Panel's internal deliberations) shall be in public unless, in the Panel's judgment, the interests of justice or other compelling public or private interest otherwise require.

15. The Conference Secretariat shall arrange for the hearing to be recorded, and arrange for transcription, if required, at a later stage. With the exception of cases where the hearing was not held in public the recording shall be made available to anyone upon request. Any costs of transcription shall be borne by those making such a request.
16. If one party or both parties fail to appear at the date fixed for the hearing, without reasonable excuse, the Panel may nevertheless proceed to determine the appeal.
17. The Panel shall have full power to establish the facts on which the application is based; but, it will normally assume that the facts as found by the body against whose decision the appeal is brought were correct.
18. The Panel shall rule on the dispute pursuant to the statutes, by-laws and other regulations or rules of the College, and any general principles of law applicable to the application which it deems appropriate.
19. The decision shall be taken by a majority of the Panel. It shall be written, dated and signed and immediately communicated to the parties, via the Secretariat. Brief reasons will be stated with or as soon as possible after communication of the decision. The President shall be responsible for ensuring that these tasks are performed. The decision and the brief reasons will be public documents unless, in the Panel's judgment, the interests of justice or other compelling public or private interest otherwise require.
20. The Panel shall use its best endeavours to give a decision normally within 7 days of the hearing of the appeal.
21. The participating Colleges shall agree to give to the Tribunal and/or the Panel such assistance as either may require and to abide by the outcome of the decision of the Panel.
22. Except that where express provision is made herein, the Chair, the President and the Panel shall have discretion as to appropriate procedure. In all or any of their activities each shall be guided by the principles of natural justice.

Michael J Beloff QC, Nicholas Bamforth

July 2005

Revised

Roderick Bagshaw, Alison Young

February 2012