



CONFERENCE OF COLLEGES - APPEAL TRIBUNAL ("THE TRIBUNAL") REGULATIONS

- 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.
12. 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.
13. 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).

14. 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.
15. 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.
16. 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.
17. 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.
18. 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.

19. 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.
20. 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.
21. The Panel shall use its best endeavours to give a decision normally within 7 days of the hearing of the appeal.
22. 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.
23. 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.

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Revised

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