



University of Bath

Students' Union

Bye-Law 8

Appeals

Appeals

Contents

1. Appeal against removal as a Trustee	- 2 -
2. Notification of hearing and exchange of information	- 2 -
3. Composition of the Appeals Panel.....	- 2 -
4. The parties in proceedings before the Appeals Panel	- 2 -
5. Procedure before the Appeals Panel	- 3 -
6. Courses of action which the Appeals Panel may take	- 3 -
7. The absence of the Appellant	- 3 -
8. Order of proceedings	- 3 -

Appeals

1. Appeal against removal as a Trustee

- 1.1. In accordance with Article 19, a Trustee removed in accordance with Article 18.1.1 or 18.2.1 shall be entitled to appeal the decision to remove him or her to an Appeals Panel. The Trustee appealing shall be called “the Appellant”.
- 1.2. The Appellant has the right to appeal against a decision of the Trustees provided s/he lodges his or her appeal in writing with the Chief Executive not more than 14 days after the receipt of the written notice of the decision of the Trustees.
- 1.3. If an appeal is lodged within time, the decision to dismiss the Appellant shall not take effect until the final determination of the matter.
- 1.4. The appeal should contain a statement of the grounds upon which the appeal is brought and of the facts and matters relied upon.

2. Notification of hearing and exchange of information

- 2.1. The Appellant shall be given at least 7 days’ written notice of the date, time and place of the appeal hearing.
- 2.2. At least 4 days prior to the date of the hearing, the Appellant shall:
- 2.3. confirm whether or not s/he intends to attend the hearing and, if so, the name of any person who will be accompanying or representing him or her; and
- 2.4. submit any fresh evidence that s/he wishes to rely upon.
- 2.5. At least 2 days prior to the date of the hearing, the SU shall provide the Appellant with any further evidence which it wishes to rely upon.
- 2.6. Neither party shall without the consent of the other or the permission of the Appeals Panel rely on any statement or document other than those provided or identified under paragraphs 2.2 and 2.3 above.

3. Composition of the Appeals Panel

- 3.1. The Appeals Panel shall be made up of the following:
- 3.2. a Member of the SU (who, for the avoidance of doubt, is not a Trustee of the SU), appointed by the Chief Executive of the SU;
- 3.3. a University nominee, appointed by the University;
- 3.4. a chief executive or general manager of another students’ union, appointed by the NUS Regional Organising Manager (or equivalent); and
- 3.5. an officer of another students’ union, appointed by the NUS Regional Organising Manager (or equivalent) .
- 3.6. Each member of the Appeals Panel shall be independent and shall not have had any substantive involvement in the matter under appeal. Their relationship with the Appellant should not give rise to any conflict of interest.
- 3.7. The members of the Appeals Panel shall elect one of their number to preside as chair of the Appeals Panel (the “Chair”).

4. The parties in proceedings before the Appeals Panel

- 4.1. The Appellant shall be entitled to be accompanied or represented by one other person of his or her own choice except where, in the

Appeals

opinion of the Chair of the Appeals Panel, such person has a conflict of interest.

- 4.2. The Trustee Chair shall act on behalf of the SU as the Respondent to the appeal and for this purpose may instruct a representative.

5. Procedure before the Appeals Panel

- 5.1. The function of the Appeals Panel is to review the reasonableness of the decision to dismiss the Appellant. On the appeal, the Appeals Panel will consider the documents, statements and other evidence produced to the original Trustee meeting. The Appeals Panel shall not interview or cross examine any witnesses.
- 5.2. The hearing of an appeal shall be conducted in accordance with paragraph 8 below except where to do so would be inconvenient or unjust. In such circumstances, the Chair of the Appeals Panel may modify the procedure to the extent that s/he deems necessary provided that the result is fair to the Appellant.

6. Courses of action which the Appeals Panel may take

- 6.1. The courses of action which the Appeals Panel may take are:
- 6.2. to uphold the appeal; or
- 6.3. to reject the appeal.
- 6.4. Within seven days of deciding on the appropriate course of action the Chief Executive will notify the Appellant, in writing of the decision of the Appeals Panel.

7. The absence of the Appellant

- 7.1. If at the Appeal hearing, the Appellant is not present or represented, the Appeals Panel may proceed to consider the matter in the Appellant's absence if it is satisfied that notice was properly served upon him or her in accordance with paragraph 2.1 above.

8. Order of proceedings

- 8.1. The order of proceedings for the Appeals Panel meeting, unless the Chair otherwise directs, will be as follows:
- i Submissions by or on behalf of the Appellant.
 - ii Submissions by or on behalf of the Respondent.
 - iii Consideration of the evidence by the Appeals Panel.
 - iv Closing submissions by or on behalf of the Appellant.
 - v Closing submissions by or on behalf of the Respondent.