



Swansea University
Prifysgol Abertawe

Ordinance 11.11 – Appeals

1. All appeals under this ordinance must be made by the member of staff in writing to the relevant Officer as set out in the relevant ordinance.
2. Appeals will be dealt with in person or in correspondence, depending on the circumstances of the case and giving due regard to any statutory requirement or guidance that a meeting should be held in any particular circumstance. The relevant Officer shall have discretion as to the conduct of any appeal and the remaining terms of this ordinance are subject to this discretion.
3. Any person designated to hear an appeal under this Ordinance cannot be involved in any previous appeal or hearing relating to their own decision in a given case. This means that they cannot sit in judgement on their own decision. Persons previously involved with the case may however attend the hearing to give evidence about their decision to the person hearing the appeal.

Appeals against penalties or measures other than dismissal including warnings and final written warnings

4. Appeals against penalties or measures other than dismissal will be dealt with by an appropriate senior officer appointed by the Vice-Chancellor or Provost.
5. If the appeal is to be dealt with by way of a hearing:
 - (i) The relevant postholder(s) (with previous knowledge of and/or involvement in the matter which is the subject of the appeal, which may be the disciplining manager and/or investigating manager) will be asked to attend to explain the grounds for his/her decision and to answer any relevant questions which may be raised by the member of staff or the senior officer appointed by the Vice-Chancellor or Provost ;
 - (ii) The member of staff will be given an opportunity to state the grounds of the appeal. Subject to the above, the conduct of the appeal hearing and any adjournments will be at the discretion of the senior officer appointed by the Vice-Chancellor or Provost . There is no requirement for a full re-hearing of the case. The Appeal Panel should have access to the original evidence (so far as the original evidence is relevant to the grounds of appeal).
6. If the appeal is to be dealt with by correspondence, the Relevant Postholder(s) (with previous knowledge of and/or involvement in the matter the subject of the appeal) will be asked to explain in writing the grounds for his/her decision and to answer any relevant points raised by the member of staff in their grounds of appeal.

7. The senior officer appointed by the Vice-Chancellor or Provost's decision may include (but will not be limited to) the following:
 - (i) that the original decision should stand;
 - (ii) that the appeal against the original decision should be upheld and that no further action should be taken against the member of staff;
 - (iii) that the appeal against the original decision should be upheld but that the decision should be substituted by a different sanction or measure.
 - (v) that the case should be remitted to be considered further by the body or persons whose decision is being appealed against
8. The senior officer appointed by the Vice-Chancellor or Provost will write to the member of staff informing him/her of the decision and the reasons for it.
9. The decision of the senior officer appointed by the Vice-Chancellor or Provost shall be final and cannot be further appealed unless it falls within paragraph 7(iv) above and the senior officer appointed by the Vice-Chancellor or Provost has decided that it shall not be final.

Appeals against dismissal or against termination of a non-substantive position

10. Appeals against dismissal will be dealt with by an Appeals Panel consisting of up to three members, including a senior officer nominated by the Vice-Chancellor or Provost or the Chair of Council, as Chair, and, where the Appeal Panel will consist of more than one person, up to two other members nominated by the Chair, who may be members of staff, members of Council or external members. Where dismissal is being challenged as the outcome of action under the Conduct or Capability and Performance Ordinances, the appeal should be heard by a panel of not less than three persons drawn from a list of members nominated by Council/Senate who may be members of staff, members of Council or external members.
11. If the appeal is to be dealt with by way of a hearing:
 - (i) The Relevant Postholder(s) (with previous knowledge of and/or involvement in the matter which is the subject of the appeal which may be the chair of the disciplinary panel and/or the investigating manager) will be asked to attend to explain the grounds for his/her decision and to answer any relevant questions which may be raised by the member of staff or the Appeals Panel;
 - (ii) The member of staff will be given an opportunity to state the grounds of the appeal. Subject to the above, the conduct of the appeal hearing and any adjournments will be at the discretion of the Appeals Panel. There is no requirement for a full re-hearing of the case.
12. If the appeal is to be dealt with by correspondence, the relevant postholder(s) (with previous knowledge of and/or involvement in the matter the subject of the appeal) will be asked to explain in writing the grounds for his/her decision and to answer any relevant points raised by the member of staff in their grounds of appeal.
13. The Appeals Panel shall deliberate in private. Normally a unanimous decision will be expected but if, where the Appeals Panel comprises of more than one

member, the members of the Appeals Panel cannot agree, the decision of the Appeals Panel shall be that of the majority of its members. The decision may include (but will not be limited to) the following:

- (i) that the decision to terminate the member of staff's employment should stand, in which case the termination of employment will stand; (or in the case of termination of a non-substantive position that the decision to terminate early the member of staff's non-substantive position should be upheld, in which case the termination will stand);
- (ii) that the appeal should be upheld;
- (iii) that the appeal should be upheld but that the decision should be substituted by a less severe sanction.
- (iv) that the case should be remitted to be considered further by the body or persons whose decision is being appealed against.

- 14. The senior officer appointed by the Vice-Chancellor or Provost will write to the member of staff informing him/her of the decision and the reasons for it.
- 15. The decision shall be final and cannot be further appealed unless it falls within paragraph 13(iv) above and the Appeals Panel has decided that it shall not be final.