

Protocol for Disciplinary Appeal Hearing

Introduction

The Chairperson will:

- Introduce those people present
- Confirm the case to be considered
- Explain the way in which the hearing will be conducted

Presentation of Employee's case

The Employee and/or her representative will give the reasons for their appeal. Any witnesses called by the Employee will be:

- Questioned by the Employee and/or her representative
- Questioned by the Management Presenting Officer
- Questioned by the Disciplinary Appeal Panel
- Questioned by the Employee and/or her representative to clarify any particular points but not to introduce new evidence.

At the conclusion of the Employee's submission, he/she may be questioned by the Management Presenting Officer and by the Disciplinary Appeal Panel.

'Management' / School Response

The 'Management Presenting Officer' (in the case of an Appeal this will normally be the Chair of the original Panel) will respond to the appeal case and may introduce evidence for the decisions of the First Panel. Any witnesses called by the Management Presenting Officer will be:

- Questioned by the Management Presenting Officer
- Questioned by the Employee and/or her representative
- Questioned by the Disciplinary Appeal Panel
- Questioned by the Management Presenting Officer to clarify any particular points but not to introduce new evidence.

At the conclusion of the Management Presenting Officer's submission, she may be questioned by the Employee and/or her representative and by the Disciplinary Appeal Panel.

Summing-Up

The Employee and/or her representative will be asked to sum up her case but not to introduce new evidence.

The Management Presenting Officer will be asked to sum up his/her response but not to introduce new evidence.

Decision

The Disciplinary Appeal Panel will adjourn in order to consider the case before giving a decision. The Panel must consider all the facts and decide what whether to

- Dismiss the appeal and uphold the original decision of the disciplinary panel;
- Reduce the level of sanction; or
- Allow the appeal and overturn the original decision of the disciplinary panel.

Conclusion of Disciplinary Appeal Hearing

When a decision has been reached, the Chairperson will draw up a statement setting out the panel's finding and decision. The appeal hearing will be reconvened and the employee and presenting officer informed of the panel's response to the appeal.

The Panel's decision will be confirmed in a letter to the employee within five working days of the appeal hearing. The letter will state clearly the Panel's conclusions in relation to the evidence presented.