

## Balliol College: Academic Disciplinary Appeal Procedure

*College Handbook 2.8.8 refers*

1. *Grounds for Appeal.* A student wishing to appeal (“the Student”) has a right of appeal against any decision of Academic Progress Committee (“APC”) that the student be suspended or expelled from their course, or that they be denied permission to return to study after a period of suspension.
2. *Exercising of Right to Appeal.* The Student exercises their right to appeal by giving notice of appeal in writing to the Senior Tutor within 7 days of being given notice of APC’s decision.
3. *Staying of Decisions Pending Appeal.* Any suspension or expulsion decision is stayed pending determination of the appeal. However, if the Student is appealing a decision of APC that they not be permitted to return to study after a period of suspension, they shall remain suspended pending determination of the appeal.
4. *Constitution of Academic Disciplinary Appeals Committee.* An appeal under (1) above is to be heard by an Academic Disciplinary Appeals Committee (ADAC) constituted specifically to hear the appeal. The ADAC shall have three members, who shall be the three members of the College’s standing Appeals Committee unless one or more of those members is ineligible on those grounds identified in (5) below or is unavailable during the period of the appeal, in which case the Master shall nominate further members. In any event, the ADAC shall comprise
  - a. One Fellow of the College of suitable seniority and experience, who is a member of Governing Body holding an academic post, who will chair the Appeals Committee; and
  - b. Two further senior members of the College holding academic posts (who need not be members of the Governing Body).
5. *Disqualification.* The following shall not be eligible to serve on the ADAC:
  - a. The Master, the Senior Tutor, the Dean, the Vice-Master (Academic) or the Chaplain.
  - b. Any person who has served as designated Personal Tutor for the student.
  - c. Any person who has taught (in tutorials or in any other category where reporting on individual progress was required or expected) the student.
  - d. Any person who has acted as subject tutor for any of the subjects studied by the student.
  - e. Any person who is a member of the Academic Progress Committee or who has in any other capacity been involved with the events that have brought the case before the ADAC (membership of the Tutorial Board or Governing Body does not in itself constitute direct involvement merely because it may involve routine scrutiny of reports on student progress and exam results).
  - f. Any person who has previously served on an ADAC, or any other similar panel under another procedure of the College, in another case involving the same student.

If sufficient ADAC members not disqualified under these headings cannot be found from within the College then the Master shall have the option of substituting one or more members from another College or other Colleges of the University of Oxford who do meet these conditions, and who (apart from the fact that they are members of another College, not of Balliol College) fall under the descriptions in 4 above.

6. *Secretary of ADAC.* The ADAC shall be assisted by the Academic Administrator (or another senior administrative employee of the College enlisted by the Master) who will act as Secretary to the ADAC (“the Secretary”).
7. *Objections to Membership.* Within 48 hours of the constitution of the ADAC, the Student will be given notice by the Secretary of the identities of its members, and will have 24 hours from the time of being given that notice to object to the appointment of one or more of them, stating the grounds for doing so. If, in the Master’s view, the Student’s grounds for objecting are reasonable ones, the ADAC will be reconstituted with alternative members within 72 hours of the objection being made.
8. *Representation of APC before ADAC.* Within 4 days of the constitution of the ADAC (or of its reconstitution as required in 7 above) the Chair of APC is to nominate a person (“the APC Representative”) to make a case, before the ADAC, in favour of the implementation of the disciplinary measure. The APC representative may not be the Master, but may be any other member of the APC.
9. *Date of hearing.* Within 7 days of the constitution (or, if required, reconstitution) the Secretary shall fix a date for an ADAC hearing. The hearing is to take place no later than one calendar month after the constitution (or reconstitution) of the ADAC. Subject to that one month limit, the date should be fixed in consultation with the Student, the APC Representative, and the members of the ADAC.
10. *Hearing Details.* At least 7 days before the hearing the Secretary will:
  - (a) write to the ADAC members, the Student and the APC Representative to confirm the date, time and location of the hearing;
  - (b) provide the ADAC members, the Student, and the APC Representative with a bundle containing
    - all correspondence from the Senior Tutor to the Student on academic disciplinary matters;
    - all minutes of APC pertaining specifically to the Student;
    - the letter from the Student giving notice of appeal;
    - any other relevant documents.
11. *Representation of the Student.* The Student shall be informed by the Secretary that they have a right (but are not required) to attend the hearing in person to represent their case, and that they are entitled to be represented or accompanied at the ADAC hearing by one other person (“The Friend”) subject to the limitations in 12 below. The Student shall inform the Secretary at least 72 hours before the hearing of one of the following:
  - a) That they will attend the hearing in person and represent themselves, possibly accompanied by a Friend;
  - b) That they will attend the hearing in person but be represented by a Friend (and thus surrender the right to speak on their own behalf);
  - c) That they will not attend the hearing in person but will be represented by a Friend.

If the Student is to be represented or accompanied by a Friend, they shall inform the Secretary within 72 hours of the hearing of the identity of the Friend. It is the responsibility of the Student to inform their Friend, if any, of the arrangements for the hearing. If the Student wishes, the Chaplain/Wellbeing & Welfare Officer shall

either agree to act as a Friend and represent the student, or shall assist the Student in identifying another person who can so act.

12. *Limitations on choice of Friend.* Except with the special leave of the Chair of the ADAC, the Friend must be a current student, Fellow or employee of the College. Cases for the granting of special leave include but are not limited to those in which no suitable student, Fellow or employee of the College is available to assist, or in which the Student has reasonable grounds to wish their situation to remain unknown to those students, Fellows or employees of the College who are available to assist. However an ADAC will not allow legal or other professional representation for the Student.
13. *Additional Documentation.* If the Student or the APC Representative wishes the ADAC to take account of any additional documentation or written submissions, copies must be provided to the Secretary at least five days before the hearing. The Secretary will then ensure that it is circulated to the ADAC and the other party as soon as possible. Any documentation submitted after this deadline will not be considered by the ADAC unless the Chair of the ADAC decides that exceptional circumstances warrant its inclusion.
14. *Identity of Witnesses.* Not less than 5 days before the hearing, the Student and the APC Representative shall inform the Secretary of any witnesses they wish to call at the hearing. The Chair of the ADAC shall also inform the Secretary of any the witnesses that the ADAC itself intends to call if they are not called by the parties. The Secretary will in advance of the hearing provide a list of all these witnesses to the Student, the APC Representative and the ADAC members. Witnesses will normally be required to give evidence in person at the hearing, and will be expected to answer questions from ADAC members and from either party as allowed under 16 below. It is the responsibility of the person calling witnesses to ensure that they attend.
15. *Written Testimony.* Where the Student and the APC Representative agree that a witness need not attend, or where it is impracticable for a witness to attend, or where in the opinion of the Chair of the ADAC it would not be appropriate for a witness to attend, the ADAC may accept evidence given in a written statement. Any written statements should be submitted to the Secretary at least three working days before the hearing. The Secretary will then circulate them to the other parties and the members of the ADAC as soon as possible.
16. *Order of speaking and adducing evidence.* The Student's representative and the APC Representative will have the opportunity to address the ADAC at the hearing. The ADAC may also hear witnesses in any order and in any manner that to it seems appropriate, having regard to the requirements of natural justice. Questions will be asked of witnesses in the first instance by the members of the ADAC. At the discretion of the Chair, the Student's representative and the AC Representative may also ask questions of any witnesses. Any witness of whom questions are asked by the calling party will also be subject to cross-examination by the other party. The AC Representative and the Student's representative also have the right to make closing statements, in that order.
17. *Regulation of procedure.* Subject to the above, the ADAC has the power (having regard to the requirements of natural justice) to regulate the procedures governing preparations for the hearing, and the hearing itself, so as to ensure that the process is fair and reasonable and, so far as possible in view of the seriousness of the case, informal and flexible.

18. *Grounds for consideration by ADAC.* The ADAC is empowered to consider (i) whether the process followed by the APC that led to the disciplinary measure was fair and in accordance with the College's policies and procedures; (ii) whether material errors of fact occurred in the process followed by APC that led to the disciplinary measure; (iii) whether APC's action was disproportionate to the seriousness of the Student's failures to meet the academic conditions set by APC. The ADAC is not empowered to revisit matters of academic judgement in the marking and assessing of the Student's work. The ADAC will not take account of any information or documents which were not available to the Student or which were not available to the AC Representative at or before the hearing.
19. *Making of decision by ADAC.* When the ADAC members consider their findings and recommendations, each shall be given the opportunity to present and discuss their impressions and conclusions regarding the issues and the hearing. The ADAC will attempt to reach a unanimous conclusion regarding its findings and recommendations. If a unanimous conclusion cannot be reached, a motion for a decision may be made by any ADAC member other than the Chair. The success or failure of any motion shall be determined by simple majority vote.
20. *Possible disposals by ADAC.* The ADAC may, at its discretion, uphold the disciplinary measure, override entirely the disciplinary measure, or substitute for the disciplinary measure any alternative disposal which it was open to APC to have imposed in place of the disciplinary measure, having regard to the same principles and purposes to which the APC was required to have regard.
21. *Finality and further appeals.* The decision of the ADAC is final and not open to further appeal within the College. By convention, the Governing Body of the College does not interfere with it. The finality of the ADAC's determination is without prejudice to the right of the Student to make appeals or other applications to bodies outside the College, in particular to the Conference of Colleges Appeal Tribunal (CCAT)<sup>1</sup> or to the Office of the Independent Adjudicator (OIA).<sup>2</sup> The Senior Tutor will, on request, issue to the Student a Certificate of Completion of Procedures once all in-College remedies have been exhausted.

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<sup>1</sup> <https://www.balliol.ox.ac.uk/sites/default/files/2022-12/CCAT%20Regulations%20revised%202021.pdf>

<sup>2</sup> <http://www.oiahe.org.uk/>