

Conference of Colleges Appeal Tribunal

Frequently asked questions

These 'FAQs' are intended only as informal advice to students and colleges; they do not form any part of the Conference of Colleges Appeal Tribunal Regulations and process and have no legal status; they do not bind CCAT or the CCAT panel in any way.

For information about the procedures and process of the Conference of Colleges Appeal Tribunal (CCAT), reference should always be made to the [Regulations](#). Further details of timescale and the administrative process may be found in the [CCAT Schedule](#).

All appeals are considered on an individual basis, and practice may vary from one appeal to another depending on the nature of the appeal. Throughout the process it should be noted that 'The Chair, the President and the Panel shall have discretion as to appropriate procedure. In all of their activities each shall be guided by the principles of natural justice'.
[Regulation 23]

Where will I find the Regulations and Schedule?

The Regulations and Schedule are available on the Conference [website](#). The CCAT Regulations will normally be available on the websites and in Handbooks of participating Colleges.

What is the Conference of Colleges Appeal Tribunal?

The terms of reference and regulations of the Conference of Colleges' Appeal Tribunal were prepared by the Colleges' Legal Panel and originally approved by the Conference of Colleges in May 2002.

The Conference of Colleges Appeal Tribunal is offered to any College that has signed up to it and the membership to date is 43 Colleges. Its status is entirely voluntary, and its role is as a Conference appeal body for students on matters of academic discipline. [Participating Colleges](#) have agreed to assist the Tribunal or Panel, and to follow the outcome of a decision of a Panel of the Tribunal. **[Regulation 22]**

CCAT was set up to provide a more independent appeal mechanism than Colleges can otherwise provide individually. Students at Colleges that are members of the Tribunal have a right of appeal to the Tribunal against some college decisions (see section below 'What appeals will the Tribunal consider').

Students at Colleges that are not members of the Tribunal (Ripon College, St Catherine's) will have a right of appeal direct to the [Office of Independent Adjudicator](#) (OIA).

A student who is not happy with the outcome of an appeal to the Tribunal may be able to take a complaint to the OIA.

What appeals will the Tribunal consider?

The Tribunal can only deal with appeals against 'disciplinary decisions imposing a substantial penalty' such as 'expulsion, rustication or suspension, substantial fines, and other penalties of a similar severity'. **[Regulation 1.1]**

Interim internal decisions such as the 'imposition of probation or specially assessed collections' would not be considered by CCAT. **[Regulation 1.1]**

When can an appeal be made to the Conference of Colleges Appeal Tribunal?

An appeal can be made only after all avenues of appeal against the final decision of the College **[Regulation 1.1]** have been exhausted, 'normally within **5 days** of the date of the decision appealed against'. **[Regulation 4]** Applicants are advised to contact the Conference

Secretariat as early as possible about timing and coverage if they are considering making an application.

Are there any statistics regarding the success of appeals and the number of appeals taken to the Conference of Colleges Appeal Tribunal?

Yes. Information is available from the Conference of Colleges Secretariat.

What is the status of the decisions of previous panels?

Panels deal with each case on its own individual facts in the light of the regulations which establish the Tribunal. Panels are not formally 'bound' by the decisions of previous Panels.

What information do I need in order to bring an appeal to CCAT?

The Regulations provide the definitive account of how CCAT operates.

The timescale of the process, membership of the Tribunal and informal advice in layperson's terms may be found in the [Schedule, CCAT Membership, and FAQs](#).

What do I need to do to appeal against a college decision?

It may be possible for you to appeal to the CCAT. You will first need to

- consider whether your College is a 'participating College' of the Conference of Colleges Tribunal. **[Regulation 1]** A list of participating Colleges is available on the Conference [website](#). If your College is not a participating member, you should appeal directly to the [OIA](#).
- identify the decision or decisions which you wish to appeal against, and provide a copy of the decisions being challenged **[Regulation 5a]**.
- consider whether the decision of the College involves a 'substantial penalty' such as expulsion, rustication or suspension, or a substantial fine. Interim internal decisions such as the imposition of probation or specially assessed collections would not be considered by CCAT **[Regulation 1.1]**
- consider whether your complaint is that the College has broken its own 'statutes, by-laws, regulations or rules', and if so which; or whether your complaint relates to a failure to comply with some general principle of law.

You should also consider what remedy you are seeking against the decision or decisions concerned. **[Regulation 5d]**

If your College is a participating member, you need to email or send your application to [Lucy Lightowler](#) at the Conference of Colleges Secretariat as soon as possible.

What information do I need to provide in my application?

Your application should include;

- a brief statement of the facts and of the arguments on which the application is based – normally between one to two sides of A4
- a copy of the decision being challenged, any request for a remedy, and where applicable, an application for a stay of the effects of the decision being challenged, or for any preliminary relief of an urgent nature.
- details of your subject and year, your contact address, telephone number, and email address **[Regulation 5a-f]**.

An application can be refined and added to if it is decided that a hearing will be held, at this stage you will be asked to provide an 'agreed bundle' – see below.

What happens after I have submitted my application?

You will receive an acknowledgement from the Conference Secretariat, and details of the procedures and timeline that will be followed **[Schedule para 2]**.

The College will be asked to respond briefly to the application - normally on one to two sides of A4 - and a Panel will usually be convened to consider your application and the College's

response. The President may act alone to dismiss an appeal if this is outside the jurisdiction of CCAT. **[Regulation 6 and Schedule paras 2 & 3]**

Who will be on the panel to consider my appeal?

Panel members will consist of a Panel President and two panel members from nominees of participating Colleges which make up the Conference of Colleges Tribunal. Participating Colleges nominate a maximum of three members of Governing Body from each of the participating colleges, and Permanent Private Halls provide one Governing Body member.

The President of the Panel will be a member of the Governing Body and hold a law degree or other legal qualifications. Panel members are nominated by the participating colleges and will be a member of Governing Body of that college. Panel members cannot be connected to your College and care is taken to ensure that they are not connected to your subject. **[Regulation 6, 7, 8]**

What do I do if one of the panel members has a connection with my appeal?

'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.' **[Regulation 10]**

Once a Panel has been convened, both parties will be asked to notify the Secretariat by return if there are any concerns with the Panel membership. You need to demonstrate that there is a risk or a perception of a risk of bias. The Chair or Deputy Chair will decide if the concern is justified, and if so a replacement will be sought, and the parties notified. **[Schedule para 4]**

You do not have the right to choose panel members according to preference and it is not necessary for panel members to have medical qualifications to decide medical issues.

When can I expect to have my case heard?

The President and/or Panel will first decide whether your appeal falls within the Tribunal's jurisdiction and whether it is appropriate to hold a hearing to consider your appeal **[Regulations 9 & 12]**. Additional information may be required from the parties at this stage of the process to clarify particular points. **[Regulation 14]**

If it is decided that a hearing is appropriate, both parties will be asked to attend a hearing, which will normally be held no later than 14 days after receipt of application. **[Regulation 13; Schedule paras 5 ii - iv]** There may be some unavoidable delays when appeals arise just before or during vacations.

I have been sent a date for the hearing, and I can't go?

If there are dates that you cannot make for very good reasons, you are advised to inform the Panel at the time you submit your appeal to CCAT.

If a difficulty unexpectedly arises, and there is a good reason, you should notify the Conference Secretariat immediately. It may be possible for the Panel to re-arrange a hearing date. However, the process for the CCAT is intended to be an expedited process **[Schedule intro]** and it will be of benefit to all concerned to meet the deadlines and attend the hearing as required, so that the outcome of your appeal is not delayed.

What do I have to provide for the hearing?

The Panel President will ask you and the College to prepare an 'agreed bundle' and provide any other information to clarify any specific issues arising from the preliminary discussion of the application and the College response. **[Regulation 13]**

What is an 'agreed bundle'?

This is an agreed set of documents which the Panel is likely to find useful, and any documents to which either party intends to refer to in its submission. These are collected in a single bundle rather than two. Documents such as relevant College Rules, extracts of the minutes of relevant bodies, and copies of significant letters will usually be included.

Agreement between the parties may be helpful in determining how far back in the history it is necessary to go. It will be helpful if both parties go further and set out the agreed facts, or reach agreement as to which facts are in dispute. With regard to the disputed facts, the bundle should include the documents, and any witness statements, that either side proposes to rely on.

The bundles must be paginated with tabs, index, and cross references provided.

You and the College must work together to produce the bundle and to send **five sets** of the bundles to the Conference Secretariat 48 hours before the hearing, excluding week-ends, bank holidays, and periods when the University is closed, e.g. over the Christmas period. Both you and the College need to ensure that you each have a set of the agreed bundle. **[Regulation 13 and Schedule 5]**

Where will the appeal be heard?

The hearing will normally take place in the College of the President of the Panel.

Can a student be allowed representation from the student union as their 'Counsel', or does this have to be a legal professional?

You can attend the hearing on your own, or take a friend or a family member with you for moral support. Hearings are conducted informally, in a non-confrontational manner and the Panel President will communicate simply. Most appellants do not feel the need for external legal advice.

'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.' **[Regulation 15]** Any third party representative including representation from the student union is permitted. If the Panel find that a representative is stepping beyond the functions of advocacy, it could step in.

You will need to notify the Conference Secretariat of proposed representation and witnesses as soon after notice of the hearing as possible **[Regulation 13, Schedule 6]**. If one party is so represented, the other party may ask for and be granted similar rights.

Note that each party will bear its own costs.

What will happen at the hearing?

The hearing will normally be held in public, unless the Panel decides otherwise in the interests of the parties **[Regulation 15]**. Gowns are not worn.

At a typical hearing, the President of the Panel and two Panel members, and a College representative or representatives will be present. An officer from the Conference Secretariat will often be present in a neutral capacity, and will arrange for the proceedings to be recorded. **[Regulation 16]**

On arrival each party will normally be guided to a waiting area, and when the Panel is ready the parties will be taken to the room and introduced to the Panel. The Panel will introduce themselves and explain what will happen. If you need to take a few moments out, the Panel will be happy to arrange for a short break.

How long will the hearing take?

'The Chair, the President and the Panel shall have discretion as to appropriate procedure. In all of their activities each shall be guided by the principles of natural justice'. **[Regulation 23]** The format of hearings will vary from case to case as they are considered on an individual basis.

The objective of the hearing is to enable the Panel to gain a full picture of the situation, and the length of time that this will take will depend on the nature of the appeal.

Typically hearings have been held during a morning or an afternoon during the week. The priority of the hearing is to ensure that everyone has a fair chance to put their case, but the aim is to ensure that this does not drag on beyond a morning or afternoon.

Each side may be informed in advance that they have a fixed time to present their case to the Panel. If witnesses are produced, witness statements may be asked for in advance of the hearing.

When will I be told the decision of the panel?

Normally within 7 days of the hearing. **[Regulation 21]** If matters are straightforward, it may be possible for the Panel to provide a provisional decision at the end of the hearing. Brief reasons will be stated with, or as soon as possible after, communication of the decision - and will be provided in writing.

What do I do if I am unhappy with the outcome of my appeal to the Conference of Colleges Appeal Tribunal?

The next route of appeal is to the Office of the Independent Adjudicator ([OIA](#)); details of how to do this are sent to you and to the College with the final decision of the CCAT Panel. Note you must send a signed [OIA Complaint Form](#) within **twelve months** of the date of the final decision and reasons of CCAT and the Completion of Procedures Letter. For example, if your Completion of Procedures Letter is dated 7 January the OIA should receive your Complaint Form by 7 January the following year. However, if your Completion of Procedures Letter is dated on or before **8 July 2015** the OIA must receive your Complaint Form within **three months** of the Letter's date.

Can I claim costs for my appeal?

No. Each party bears the costs of an appeal to the Conference of Colleges **[Schedule 6]**.

What happens to the bundles, documents, decision and recording?

Each party should retain their own paperwork. The Panel members will return all documents to the Conference Secretariat.

The decision is a public document **[Regulation 20]** and may be made available to new Panel Presidents and members for guidance, and to anyone else on request and will remain on file. All other documents and recording will be retained by the Conference Secretariat for twelve months or for the duration of any further appeal, whichever is longer. Electronic files will be retained for two years.

June 2016