

STUDENT DISCIPLINARY APPEALS

1. Application

These procedures apply to students of the Yalga-binbi Institute who wish to appeal against a decision of a member of staff or by the Director under the Institute's *Discipline Procedures (Students)*.

2. Procedures

- a) A student affected by a decision of a member of staff under Sub-clauses 3 a, b, c, or e of the Institute's *Discipline Procedures (Students)* may appeal against that decision to the Training Co-ordinator within two (2) days after being informed of that decision.
- b) If the decision under Sub-clauses 3 a, b, c, or e of the Institute's *Discipline Procedures (Students)* was a decision of the Training Co-ordinator, then the student may appeal to the Director within two (2) days after being informed of that decision.
- c) Upon the receipt of an appeal under Subclause (a) above, the decision of the member of staff shall be of no effect.
- d) Upon the receipt of an appeal under Subclause (b) above, the decision of the Training Co-ordinator shall be of no effect.
- e) An appeal to the Training Co-ordinator under Sub-clause (a) above shall be subject to the provisions of Sub-clauses 3 (f) to (h) of the Institute's *Discipline Procedures (Students)*.
- f) A student affected by a decision of the Training Co-ordinator under Sub-clause (b) or (e) above may appeal to the Director within seven (7) days after being informed of the decision.
- g) Upon the receipt of an appeal under Subclause (f), the decision of the Training Co-ordinator shall be of no effect.
- h) An appeal to the Director under Sub-clause (f) above shall be subject to the provisions of Sub-clauses 3 (i) to (q) of the Institute's *Discipline Procedures (Students)*.
- i) A student affected by a decision of the Director in respect of action taken under Sub-clause 3 (m) of the Institute's *Discipline Procedures (Students)* may appeal against:
 - a) that decision;
 - b) the severity of the disciplinary action taken; or
 - c) both the decision and the severity of the disciplinary action taken, to the Committee of Management within twenty-eight (28) days after having received notification of that action.
- j) The Committee of Management, on receipt of an appeal from a student under Sub-clause (i) above, may consider and uphold that appeal or shall appoint a committee, to be known as a Student Disciplinary Appeals Committee, to determine that appeal.
- k) A Student Disciplinary Appeals Committee shall consist of:
 - a) the Chairman of the Committee of Management or, where the Chairman so nominates, another member of the Committee of Management (other than the Director) to act in the place of the Chairman;
 - b) a member of the Committee of Management nominated by the Director (other than a member nominated under paragraph (a)); and

- c) a student of Yalga-binbi Institute, nominated by the Chairman of the Committee of Management, who has not been directly involved with the incident that has led to the discipline proceedings which are the subject of this appeal.
- l) An appeal shall be by way of a re-hearing.
- m) A Student Disciplinary Appeals Committee shall fix a date and time not later than seven (7) days after its appointment for the hearing of that appeal.
- n) The appellant must appear in person before the Student Disciplinary Appeals Committee and may be represented or assisted by a student colleague or a member of staff nominated by the appellant.
- o) The Director shall have the right to appear before the Student Disciplinary Appeals Committee and to be heard at the hearing of the appeal, but shall not be eligible to be a member of a Student Disciplinary Appeals Committee.
- p) Only members of the Student Disciplinary Appeals Committee may be present while the Committee formulates its recommendation.
- q) A Student Disciplinary Appeals Committee may recommend to the Committee of Management that it confirm, quash, or vary a decision by the Director to take disciplinary action.
- r) When an appeal has been made, pending the decision of the Student Disciplinary Appeals Committee:
- any disciplinary action taken by the Director against the student shall be of no effect; and
 - the Committee of Management may exclude the appellant from using all or specified equipment, vehicles, or facilities of the Institute, without loss of standing in their course, for a period not in excess of seven (7) days.
- s) The Committee of Management may, after considering the recommendation of the Student Disciplinary Appeals Committee, confirm, quash or vary a decision by the Director to take disciplinary action.
- t) The decision and report of the Committee of Management, including the reasons for its decision, shall be conveyed in writing to the relevant parties within seven (7) days of the meeting of the Committee of Management.
- u) The decision of the Committee of Management shall be final.
- v) If the Committee of Management decides to quash a decision by the Director to take disciplinary action, it may reimburse the appellant's expenses to such an extent as it sees fit.