

UNIVERSITY OF PROFESSIONAL STUDIES, ACCRA

RULES AND PROCEDURES OF THE APPEALS BOARD

OF THE UNIVERSITY COUNCIL

13TH JUNE 2013

RULES AND PROCEDURES OF THE APPEALS BOARD

IN EXERCISE OF THE POWER CONFERRED ON THE UNIVERSITY COUNCIL BY SECTION 33(1) of the University of Professional Studies Act, 2012 (Act 850) these Rules and Procedures are made this 13th Day of June, 2013

PART I THE APPEALS BOARD

1. Authority and Jurisdiction

There is established by this Act a body known as The University of Professional Studies Appeals Board

2. The Appeals Board shall hear and determine on appeal,

(a) acts or omissions in contravention of this Act or the Statutes enacted by the Council; (b) a breach of employment contract by the University;

(c) the promotion of persons duly employed by the University;

(d) grievances by students against the University on matters related to welfare and discipline; or

(e) any other matter or dispute referred to the Appeals Board by the Council.

(3) (i) The chairperson and two other members of the Appeals Board constitute a

panel for the hearing and determination of a matter before the Appeals Board.

(ii) In the absence of the chairperson, one of the two lawyers as provided for in paragraph (b) of subsection (3) of the Act shall act as chairperson.

PART II THE REGISTRY

1. There shall be established a separate registry to be known as the Appeals Board's Registry.
2. The Administrative head of the Registry shall be a R egistrar appointed by the vice- Chancellor.
3. The Registrar shall, at least, fourteen (14) days before the beginning of each semester publish within the precinct of the University, the long list which shall show the number of appeals in respect of which preliminary matters for hearing have been completed.
4. The publication shall be notice to all parties of the listing before the Board during the semester of any cause or matter mentioned in the list.
5. The Registrar shall deliver notices of appeals to the parties affected or their counsel who shall serve the parties by themselves or their duly authorized agents if service by an officer the Board is likely to be difficult or unduly delayed.
6. A person who is a party to any cause or matter before the Board may appear in person or may be represented by counsel of his choice.

PART III NOTICE AND GROUNDS OF APPEAL

1. Any person aggrieved by the decision ruling or order made under Section 33(4) of the University of Professional Studies Act, 2012 (Act 850) may appeal to the Appeals Bard of the University.
2. The appeal to the Board shall be by way of re-hearing and shall be brought by a notice referred to in these Rules as "The Notice of Appeal".
3. The Notice of Appeal shall be filed in the Registry by the aggrieved person (hereinafter referred to as the Appellant) within fourteen (14) days of the date on which the decision, ruling or order appealed against was made.
4. The Notice of Appeal shall,

    (a) set out the grounds of appeal;

    (b) State whether the whole or part only of the decision, ruling or order is complained or and in the latter case specify the part;

    (c) State the nature of the relief sought; and

    (d) State the names and addresses of all parties directly affected by the appeal.

5. The Notice of Appeal shall be accompanied by a Written Submission of the Appellant's case based on the grounds of appeal as set out in the Notice of Appeal.

    Its shall set out – The full case and arguments to be advanced by the party including relevant authorities, references to any relevant decided cases and statute law upon which the party intends to rely.

6. The documents filed by the appellant shall be served on t he other part (hereinafter referred to as the Respondent) who shall within fourteen (14) days of service on him file a Written Submission of his case in similar terms as contained in Rule 5 supra he may in his submission a contention that the decision, ruling or order appealed against be varied; the Respondent may cross-appeal.
7. The Written Submission filed by the respondent shall be served on the appellant who may with leave of the Board, reply to it.
8. Under no circumstances shall the periods prescribed for th e filing of processes be extended except with leave of the Board; such leave shall not be granted after one month of the date fixed for the filing of such processes.
9. An appellant who fails to attach a written submission to his notice of appeal, shall have his appeal dismissed.
10. A respondent who fails to file a written submission within the stipulated period, shall not be heard at the appeal.
11. No grounds of appeal other than those contained in th e Notice of Appeal shall be permitted to be argued at the hearing, except with leave of the Board.
12. The Registrar, within fourteen (14) days of the close of processes, shall fix a date for the hearing of the appeal.
13. The parties may argue the appeal either by themselves or by their counsel
14. It is not open as of right to any party to the appeal to adduce new evidence in support of
is original case but, in the interest of justice, the Board may allow or require new evidence to the
adduced; such evidence shall be in the form of
oral examination, an affidavit or a deposition taken before an examiner or commissioner as the Board may direct
15. A party may, by leave of the Board, allege any facts essential to the issue that has come to his knowledge after the decision, ruling or order of trial body and adduce evidence in support of the allegation.
16. The Board shall after hearing the parties adjourn the appeal for Judgment.
17. The Judgment of the Board shall be final.

18. The Board shall not review any judgment after it has been delivered unless it is satisfied that the circumstances of the case are exceptional and that in the interest of justice there should be a review.
19. The outcome of the appeal shall be communicated to the Council.