

# CIC Independent Appeals Tribunal (IAT)

## Tribunal Hearing Procedure



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*Last amended: 13 January 2017*

A copy of this procedure will be provided to all parties before the hearing.

The procedures below will apply at Tribunal hearings of appeals against admission or disciplinary decisions taken by a Subscribing Member.

*For appeals against non-admission to any class of membership of the subscribing Institution, references to the decision of the Institution shall mean the decision of non-admission against the appellant.*

### **1. Opening statement by the Tribunal Chairman**

- The Chairman will open the hearing by stating that the Tribunal has been convened to consider the appeal made by the appellant against the decision of the Subscribing Member and outline the by-law(s), regulations, rules, etc. found to have been breached and the penalty imposed.
- State that the proceedings of the hearing will be recorded, and that a copy of that record will be available, on request, to the appellant and the Subscribing Member.
- Inform members of the public and the press who are present at the hearing that they may not address the Tribunal or in any way participate in the business of the Tribunal.
- Identify himself/herself and the other members of the Tribunal, stating the names and their nominating Institution.
- Ask the appellant or his/her representative and the representative of the Subscribing Member to identify themselves.
- Outline the procedure to be followed by the Tribunal at the hearing and remind both parties that the hearing is to consider only the evidence that had previously been submitted to the Subscribing Member as part of their admission or disciplinary processes.
- Inform the parties that they may request a short recess at appropriate points in the proceedings, if they wish to withdraw to confer.

### **2. Tribunal costs**

The Chairman will ascertain from the parties whether they require the Tribunal to consider the award of CIC's costs against the other party.

### **3. Statement by the appellant or their representative**

The Chairman will invite the appellant or their representative to make a statement to the Tribunal.

### **4. Calling of witnesses by the appellant or their representative**

After the appellant or their representative has finished their statement, the Chairman will ask the appellant or their representative if they wish to call any witnesses. If there are witnesses to be called, each witness will in turn be questioned by the appellant or their representative and then by the representative of the Subscribing Member and by the Tribunal Panel Members. Witnesses will

enter the hearing when called and will be asked to leave when they have finished answering questions.

When all the witnesses called by the appellant or their representative have been questioned, the Chairman will ask the members of the Tribunal if they have any further questions to put to the appellant or their representative.

#### **5. Statement by the Subscribing Member or their representative**

The Chairman will invite the Subscribing Member or their representative to make a statement to the Tribunal.

#### **6. Calling of witnesses by the Subscribing Member or their representative**

After the representative of the Subscribing Member has finished their statement, the Chairman will ask the representative of the Subscribing Member if they wish to call any witnesses. If there are witnesses to be called, each witness will in turn be questioned by the representative of the Subscribing Member and then by the appellant or their representative and by the Tribunal Panel Members.

When all the witnesses called by the representative of the Subscribing Member have been questioned, the Chairman will ask the members of the Tribunal if they have any further questions to put to the Subscribing Member or their representative.

#### **7. Concluding statements**

The Chairman will invite the appellant or their representative to make a concluding statement to the Tribunal. When the appellant or their representative has finished their statement the Chairman will invite the Subscribing Member or their representative to make a concluding statement to the Tribunal.

#### **8. Decision of the Tribunal**

The Tribunal will consider its decision in private. After the Tribunal has completed its deliberations the hearing will resume and the Chairman will orally deliver the decision of the Tribunal. This will conclude the Tribunal hearing.

#### **9. Issuing of the reasoned judgment**

The Chairman will produce and issue the Tribunal's decision in writing stating the decision and grounds for the decision to the Secretary to the Tribunal. The Secretary will forward the reasoned judgment to the appellant and Subscribing Member and CIC will publish the decision on the CIC website within a recommended five working days of the issue of the reasoned judgment.

#### **10. Record of the hearing**

A transcription of the hearing will be sent to the appellant and the Institution within 28 days of it being requested. If a transcription is requested, this will form part of the hearing costs.