

**Major changes to the previous draft published on the Statute 24 webpage are highlighted in yellow.**

**Subsequent changes since 9 May 2017 version are highlighted in green**

## **24 Academic Staff**

### **PART I STATEMENT OF PRINCIPLE**

- (1) The University shall have in place policies and procedures governing its employees. Such policies and procedures shall apply to all employees to ensure objectiveness, fairness and equity amongst all staff groups.
- (2) The University shall ensure that where there is demonstrable need for procedural differences between staff groups, these are appropriately reflected in the policies and procedures, where necessary.
- (3) Excepting where changes arise as a result of amendments to legislation or nomenclature, the policies governing disciplinary, grievance, redundancy and removal for incapacity on medical grounds will be:
  - a. subject to negotiation with Trade Unions with a view to reaching agreement
  - b. subject to final approval by Council

### **PART II CONSTRUCTION AND APPLICATION**

#### **(1) Construction**

The University's policies and procedures shall be construed in every case to give effect to the following guiding principles, that is to say:

- (a) to ensure that Academic Staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs and privileges;
- (b) to enable the University to provide education, promote learning and engage research efficiently and economically;
- (c) to apply the principles of justice and fairness as prescribed in relevant legislation, regulation and good employment practices; and
- (d) to avoid unlawful discrimination and promote equality of opportunity, dignity at work and good relations.

#### **(2) Interpretation**

This Statute shall apply:

- (a) to Academic Staff, that is those who are employed on Academic, Research Only and Teaching Only and Clinical Academic, Research Only and Teaching Only terms of employment.

**Major changes to the previous draft published on the Statute 24 webpage are highlighted in yellow.**

**Subsequent changes since 9 May 2017 version are highlighted in green**

- (b) to the Vice-Chancellor to the extent and in the manner set out in the Annex to this Statute.

### PART III REDUNDANCY

Council shall be the Appropriate Body which decides whether it is desirable for a reduction in the Academic Staff (as defined in Part II (2)(a)) in all or part of the University where such a reduction would arise from restructures, reorganisations or closures. In such circumstances, Council shall require oversight of any resulting dismissals by reason of redundancy. Council does not require oversight of dismissals which arise under the contract of employment (e.g. the expiry of fixed term appointments or contracts of an indefinite nature linked to identified named funding sources).

In all other respects, the University's policies and procedures shall apply.

### PART IV INVOCATION OF ACADEMIC FREEDOM REVIEW

- (1) A member of staff, subject to disciplinary, redundancy or grievance proceedings, may invoke Part IV by serving on the Director, People Group a request for a review of whether statutory provisions relating to academic freedom (as provided for by Statute Part II (1)(a)) have been infringed.
- (2) Where an academic member of staff invokes statutory provisions relating to academic freedom (Part II (1)(a) of Statute 24), any disciplinary, redundancy or grievance proceedings against the member of staff will be temporarily suspended, pending the review of Statute Part II (1)(a).
- (3) The detailed procedure for the review of academic freedom considerations (Statute Part II (1)(a)) will be laid out at an appendix to the relevant policy.

### PART V APPEALS

- (1) Purpose of Part IV

This Part establishes the procedure for hearing and determining appeals by members of the Academic Staff (as defined in Part II (2)(a)), who are dismissed or under notice of dismissal (except where dismissed for incapacity on medical grounds) and where they invoke statutory provisions relating to academic freedom (Part II (1)(a)). In all other circumstances the appeal procedure under the relevant policy will apply.

- (2) Institution of Appeals

A member of the Academic Staff shall institute an appeal under this Part by serving on the Registrar, within two weeks of receipt of written notification of the decision

**Major changes to the previous draft published on the Statute 24 webpage are highlighted in yellow.**

**Subsequent changes since 9 May 2017 version are highlighted in green**

to dismiss, notice in writing setting out the grounds of appeal and on what basis he/she asserts that Part II (1)(a) is invoked.

(3) Persons appointed to hear and determine appeals

- (a) Where an appeal is instituted under this Part the University shall appoint a panel to hear the appeal as follows:
- (i) One member of Council not being a person employed by the University;
  - (ii) Up to two senior Professorial members of staff nominated by the Senate; and
  - (iii) A designated representative of the Registrar.

A member of HR will be present at all appeal hearings and will advise on procedure.

(4) Provisions concerning appeal procedures and powers

- (a) The detailed procedure for hearing the appeal shall be for the persons appointed under (3)(a) to determine but shall be broadly in line with the appeal procedure under the relevant policy. A reasoned decision shall be issued in writing as soon as is reasonably practicable.
- (b) The persons hearing the appeal may allow or dismiss an appeal in whole or in part, which may include reinstatement and/or the imposition of a lesser sanction in respect of dismissals under the disciplinary and sickness absence policies and procedures; or reinstatement/redeployment in respect of an appeal against redundancy.

**Major changes to the previous draft published on the Statute 24 webpage are highlighted in yellow.**

**Subsequent changes since 9 May 2017 version are highlighted in green**

## ANNEX

### PROVISIONS AS TO THE VICE-CHANCELLOR

- (1) The Council may request its Chair to remove the Vice-Chancellor from office on legitimate grounds in accordance with the procedure described in this Annex.
- (2) A complaint seeking the removal from office of the Vice-Chancellor on legitimate grounds must be made by at least three members of the Council to the Chair of the Council.
- (3) If it appears to the Chair of the Council, on the material before him/her, that the complaint raises a prima-facie case and that this could, if proved, constitute sufficient grounds for dismissal or removal from office he/she shall request the Council to appoint a Tribunal to hear and determine the matter.
- (4) If it appears to the Chair of the Council that a complaint made to him/her under sub-paragraph (1) does not raise a prima-facie case or is trivial or invalid, he/she may recommend to the Council that no further action be taken upon it.
- (5) When the Council has appointed a Tribunal under sub-paragraph (2) it shall instruct a solicitor or other suitable person to formulate the charge or charges and to present, or arrange for the presentation of, the charges before the Tribunal.
- (6) A Tribunal appointed by the Council shall comprise:
  - an independent Chair; and
  - one member of the Council, not being a person employed by the University;
  - and
  - one member of the Academic Staff.
- (7) Subject to the principles of justice and fairness and good employment practice the Tribunal may determine its own procedure to hear and determine the matter.
- (8) The Tribunal shall send its reasoned decision on any charge referred to it together with its findings of fact regarding the charge as to the appropriate penalty to the Chair of the Council and to the Vice-Chancellor, drawing attention to the period of time within which any appeal should be made.
- (9) Where a complaint is to be referred to a Tribunal under this Statute, the Chair of the Council may suspend the Vice-Chancellor from his/her duties and may exclude the Vice-Chancellor from the precincts of the University or any part thereof without loss of salary.
- (10) Persons appointed to hear such an appeal shall be persons independent of the University and shall comprise:
  - one person holding, or having held, judicial office or being barristers or solicitors of at least ten years' standing; and

**Major changes to the previous draft published on the Statute 24 webpage are highlighted in yellow.**

**Subsequent changes since 9 May 2017 version are highlighted in green**

one person being a Senior Academic external to the University and of national renown.

- (11) The persons so appointed shall, subject to the principles of justice and fairness and good employment practice, determine the procedure to be adopted in hearing the appeal.
- (12) The persons appointed to hear an appeal shall send the reasoned decision on the appeal, together with any findings of fact different from those come to by the Tribunal to the Vice-Chancellor and to the Chair of the Council.

DRAFT

**Major changes to the previous draft published on the Statute 24 webpage are highlighted in yellow.**

**Subsequent changes since 9 May 2017 version are highlighted in green**

**Ord. [number tbc] - Policies and Procedures for employees relating to Grievance, Redundancy, Disciplinary and Removal for incapacity on medical grounds**

- (1) The University shall have policies and procedures in place governing its employees. These policies and procedures shall include but shall not be limited to those listed in paragraphs 2 below. The University shall ensure that these policies and procedures apply the principles of justice and fairness as prescribed in relevant legislation, regulation and good employment practices.
- (2) The University shall have in place policies and procedures concerning:
  - Grievance
  - Redundancy
  - Discipline
  - Removal for incapacity on medical grounds (which forms part of the Sickness Absence Policy and Procedure)
- (3) In applying these policies and procedures the University shall act in such a way as to deliver its aims, objectives and associated activities efficiently and effectively, whilst:
  - (a) subscribing to the University's principles of equality and academic freedom, which are enshrined in the Statute;
  - (b) acting, as is reasonable in all the relevant circumstances, in a manner that is just and fair; and
  - (c) avoiding unlawful discrimination and promoting equality of opportunity, dignity at work and good relations.