

ORDINANCES

Ordinance 1

Definitions

Statutes, ordinances and regulations

Unless the context indicates otherwise, references to statutes, ordinances, regulations and standing orders are to those currently in force. Subject to the statutes and ordinances, regulations may cover matters including admissions, teaching, examinations, research, conditions of study, qualifications for degrees, distinctions and prizes, fees, congregations and ceremonies, the management and use of museums and libraries, academic dress and discipline.

University bodies and standing orders

A University body is a body constituted by the Charter, statutes or ordinances of the University. A standing order is an order made by Council, Court, Senate, Convocation or any other University body, for the purpose of governing its procedure or the procedure of its committees.

Academic staff

Academic staff are the professors, readers, senior lecturers, lecturers and research staff on academic conditions of service, whether they are funded by the University or by outside bodies, but excluding honorary and visiting staff. However with regard to the statute on membership of Senate (Statute 19), “non-professorial academic staff” may include such other members of staff involved in the academic work of the faculty as the faculty may, with the agreement of Senate, stipulate from time to time.

University officers

References to University officers include persons appointed, in accordance with a duly approved scheme of delegation, to act on their behalf on a particular occasion or in specified circumstances.

Notice

Unless specified otherwise, any notice required by statutes, ordinances or regulations shall be deemed to have been served:

- (a) when delivered by hand to the relevant address; or
- (b) 48 hours after being sent by pre-paid first class post to that address; or
- (c) where the recipient has given his or her consent to be served by email, one hour after being dispatched by email.

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The Academic Year

Academic year of the University shall run from 1 August to 31 July.

5 July 2002

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Council Procedure

Chair and Vice-Chair

The Chair and Vice-Chair will be elected by Council from among the lay members of Council. The Chair and Vice-Chair shall usually serve for an initial period of three years but their terms of office shall whenever practicable be staggered to avoid their terms expiring at the same time. They may be considered for re-election for two further periods of up to three years each. The election of the Chair or Vice-Chair shall normally take place no later than the first Council meeting of the academic year in which the term of office of the current Chair or Vice-Chair as the case may be is due to expire but the appointment will not take effect until immediately following the annual meeting of Court in that academic year. The role of the Vice-Chair is to chair meetings of Council in the Chair's absence, and to provide other assistance to the Chair as required. Where necessary for the good of the University, the Chair may take decisions on Council's behalf between meetings and will report such decisions to the next meeting.

Notice of business

The agenda and papers for business at a Council meeting will, whenever possible, be sent to members seven days in advance of the meeting. No substantive matter will be debated by Council without at least three days notice, unless Council declares the business to be urgent by a two thirds majority of those present.

Questions from members of Council

Members of Council may submit to the Secretary written questions addressed to the Vice-Chancellor or other University officers, to be placed on the agenda of a Council meeting. Unless urgent, such questions should

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be sent in time to allow circulation with the other papers, seven days before the meeting.

Submission of items for discussion

Members of Council may submit to the Secretary items for discussion at a Council meeting, including proposed motions for debate and decision. Unless urgent, such questions should be sent in time to allow circulation with the other papers, seven days before the meeting. Council may adjourn such items for further information to be obtained.

Debate

The conduct of a debate will be determined by the Chair, who will not unreasonably refuse any member the right to speak. The Chair may require a member to leave a meeting in the event of his or her disruptive behaviour.

Amendments

Suggested amendments to any proposal must be put one at a time, before the debate on the original proposal is concluded. If an amendment is carried, further debate and decision will relate to the amended proposal.

Conflicts of Interest

In the performance of their functions, members of Council and Council committees and working groups are under an obligation to act in the best interests of the University. If a member has a financial, personal or family interest which might appear to put this obligation at risk, the member should make the conflict known as soon as reasonably practicable to the Chair or Secretary of Council.

Conflict of Interest at a Meeting

When attending meetings of Council or Council committees or working groups, members who have a financial, personal or family interest in any matter arising shall as soon as practicable disclose the interest. Unless the Chair rules that the interest is not material, the member shall withdraw from the relevant part of the meeting and may not vote on the issue.

These provisions do not normally apply to an interest which arises only because a member is an employee or student at the University. For example, a staff member of Council would not be excluded from discussion of conditions of employment or pay increases relating to all members of the

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University's staff, nor would students be excluded from discussion of tuition fees or rent increases in University student accommodation.

However the Chair may rule that the provisions do apply to an interest which concerns a member of staff or student specifically, for example his or her own conditions of employment or pay increase, or a disciplinary matter in which the member of staff or student was directly involved.

Voting

Voting on any issue will be by a show of hands. The Chair may vote, and in the event of a tied vote has the right to exercise a casting vote.

Elections

Elections for the Chair and Vice-Chair and for committee membership will be by show of hands unless a paper ballot is requested by a Council member.

Committees

The University Secretary or one of his or her staff should normally be secretary to Council committees. Council may appoint to committees lay persons who are not members of Council, but Chairs of Council committees should normally be members of Council.

The Chair of Council, having taken account of the needs of the committee and having consulted the relevant committee chair, will consult Council members about vacancies on Council committees and potentially suitable candidates. The Chair, in consultation with the relevant committee chairs, will make final recommendations for Council's approval.

This process does not apply to the appointment of members of the Audit Committee, which is dealt with by the Nominations Committee of Court (Statute 14).

Custom and precedent

Where no written rules are laid down, custom and precedent will apply to the conduct of Council's business.

1 April 2011

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Nominations Committee of Court Procedure

Chair and Vice-Chair

The Chair will be a Pro Chancellor. The Chair of Council will normally be the Vice-Chair.

The role of the Vice-Chair is to chair meetings in the Chair's absence, and to provide assistance to the Chair as required.

In the event that an issue arises which is so urgent that a decision is required before the next meeting of the Committee, and the Chair considers that it is not appropriate or practicable to deal with the matter by correspondence, the Chair may decide that issue on the Committee's behalf. The Chair will report any such decision to the Committee at its next meeting.

Notice of Business

The agenda and papers for business at a Nominations Committee of Court meeting will, whenever possible, be sent to members seven days in advance of the meeting.

Quorum

The quorum shall be five, including the Chair or Vice-Chair, if there is not a quorum present at a meeting, the Chair shall reconvene it within 14 days. If there is still no quorum present, business may be approved by a majority of those present and voting.

Business by Correspondence

Business may be conducted by correspondence (including by email) where the Chair deems it appropriate.

Election of Members

Election of members of the Nominations Committee of Court shall be by secret ballot, using the single transferable vote method.

- (i) Election of three lay members of Council – Class III
All lay members of Council, with the exception of the Chair of Council and the Chair of Convocation (who are ex officio

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members of the Nominations Committee of Court) are eligible to stand for election to the Nominations Committee of Court.

If, at any time, Convocation's representative on Council is not the Chair of Convocation, he/she will be eligible to stand for election alongside the other lay members of Council.

At the appropriate Council meeting, those lay members of Council who wish to be considered for election to the Committee will be asked to put their names forward. Should there be more than three candidates for the three places, there will be a postal ballot.

- (ii) Election of two members of Court – Class IV
At the appropriate time, the University Secretary will send to all members of Court a notice of an election for two members of Court to join the Nominations Committee of Court. Members of Court may stand for election to the Nominations Committee by sending the University Secretary a letter of support signed by five members of Court other than themselves, together with a short CV. Should there be more than two candidates for the two places there will be a postal ballot.

Members of Court who are also members of Council may not stand in these elections.

Selection Panel

An interview panel of no less than three people (who would normally be members of the Nominations Committee of Court) will be convened to interview candidates who have applied to become lay members of Council. The panel will normally include the Chair of the Nominations Committee and the Chair of Council.

The Committee will ensure compliance with the University's Equal Opportunities Policy.

23 April 2012

Approved by the Privy Council on 28 March 2013

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Election to Court of Members of the Support Staff

The fifteen members of the support staff on Court will be elected separately in the following categories: technical services, operational services, and administrative and professional services, in proportion to their full-time equivalent numbers.

In each category, candidates may stand for election by sending the Secretary a letter of support signed by six members of staff in that category other than themselves, together with a short CV. Should there be more candidates than places, there will be a ballot. Each member of staff in the category may cast as many votes as there are vacancies. The candidates receiving the highest number of votes will be declared elected.

2 July 2010

Ordinance 5

Election to Council of Members of Staff

1. Professors

All members of the professorial staff shall be eligible for election to Council and shall form the electoral college for such elections. Candidates may be nominated by letter sent to the Secretary which shall be accompanied by a short curriculum vitae. Letters of nomination shall be signed by six members of the professorial staff other than the candidate nominated and shall contain a statement signed by the candidate indicating his willingness to accept the nomination.

2. Non-professorial academic staff

All members of the non-professorial academic staff shall be eligible for election to Council and shall form the electoral college for such elections. Candidates may be nominated by letter sent to the Secretary which shall

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be accompanied by a short curriculum vitae. Letters of nomination shall be signed by six members of the non-professorial academic staff other than the candidate nominated and shall contain a statement signed by the candidate indicating his willingness to accept the nomination.

3. Support staff

The 15 members of the support staff who have been elected as such to Court shall be eligible for election to Council and shall form the electoral college for such elections. Candidates may be nominated by letter sent to the Secretary which shall be accompanied by a short curriculum vitae. Letters of nomination shall be signed by two other members of the support staff who have been elected as such to Court and shall contain a statement signed by the candidate indicating his willingness to accept the nomination.

4. Conduct of elections

Elections shall be conducted by secret ballot using the single transferable vote method of election.

2 July 2010

Ordinance 6

Membership of Senate

This ordinance puts into effect the provisions of Statute 19, Membership of Senate.

With regard to Class 3, (academic and other professional post-holders), the University Undergraduate Studies Committee and the University Graduate Studies Committee shall annually elect one of their number to serve on Senate from 1 August. Similarly, the Faculty Managers shall annually elect one of their number to serve on Senate from 1 August.

With regard to Class 4 (members of the academic staff), there shall be a total of twelve members of staff from each faculty in Class 2, (heads of school or their nominees), and Class 4 (academic staff) serving on Senate at any one time. The number of members of the academic staff serving on Senate from each faculty shall be calculated by deducting from twelve the number of staff in the faculty serving on Senate in Class 2. In Class 4,

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members of the academic staff serving on Senate shall be elected by single transferable vote by the academic staff of the faculty, to serve from 1 August for renewable three-year terms, in accordance with procedures formally adopted by the faculty board and approved by Senate.

1 April 2011

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Faculty Boards and Faculty Assemblies

Faculty Boards

Membership of Faculty Boards

The Faculty Board shall comprise of the Dean of the Faculty (Chair), the Head of each constituent School of the Faculty, the Faculty Research Director(s), the Faculty Education Director(s), the Faculty Manager, the Faculty Financial Controller and the Faculty Human Resources Managers. Other persons, including student representatives, may attend one or more meetings of the Faculty Board at the invitation of the Dean. A Head of School who is unable to attend a Faculty Board meeting may nominate a deputy to attend on his/her behalf. A Faculty Board may co-opt up to three additional members as determined by Standing Orders.

Responsibilities of Faculty Boards

The Faculty Board debates and advises the Dean on the education and research strategies of the Faculty and is responsible for their implementation. The Faculty Board is also responsible for the management of the Faculty generally. The Faculty Board may delegate to Faculty committees or to its members such work as is appropriate, and shall ensure that the Board, directly or through its committees or members, discharge its responsibilities.

Subject to the overriding authority of Senate, the activities of Faculty Boards will include:

- a) recommending to Senate changes and additions to Statutes, Ordinances and Regulations
- b) appointing examiners (other than examiners for higher degrees, who are appointed by the Deans, as set out in paragraph 2 of

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Ordinance 17: Assessment for Academic Awards)

- c) advising the Dean of the Faculty
- d) dealing with any matter referred by Senate
- e) bringing to the attention of Senate matters of concern in the Faculty.
- f) arranging election of Faculty representatives on Senate in accordance with Statute and Ordinance
- g) discharging any other duty given to it by the University or its Statutes, Ordinances or Regulations, or required of it by any other legitimate regulatory body
- h) establishing appropriate procedures to ensure effective communication within the Faculty of the issues discussed and decisions taken by the Faculty Board.

Faculty Assemblies

Membership of Faculty Assemblies

The Chair of the Faculty Assembly will be appointed as provided by Faculty Assembly Standing Orders. All members of the Faculty and not less than ten of the Faculty's elected Faculty and School student representatives may attend the Faculty Assembly. The arrangements for appointment of such student representatives to the Faculty Assembly will be determined by the Faculty Assembly's Standing Orders. The Chair may invite other persons to attend as appropriate.

Meetings and Authorities of Faculty Assemblies

The Dean will schedule at least two meetings of the Faculty Assembly per session, and may schedule or call further meetings of the Faculty Assembly as appropriate. A meeting of the Faculty Assembly may also be called by constituent members of the Faculty Assembly in accordance with provisions to be set out in Standing Orders. The Faculty Assembly may formulate for consideration by the Faculty Board a resolution or opinion on any matter of relevance to the Faculty, but shall have no further authority. The Faculty Board shall, however, take into account in its future decision making such views expressed by the Faculty Assembly.

Standing orders

Faculty Boards and Faculty Assemblies will adopt Standing Orders to govern their procedure having regard to the template approved by Senate.

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Approved by the Privy Council on 23 March 2013

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Academic Schools

There shall be such academic Schools as Council shall, on the recommendation of Senate, from time to time determine. A Regulation of Academic Schools shall record such determination. For academic and administrative purposes, such Schools may be sub-divided into groups known as 'Primary Units'. Senate may designate any such individual or group of Primary Units as entitled to carry the title 'Academic Department'. A Regulation of Primary Units and Primary Units designated as Academic Departments shall record such designation. Each Academic School shall be located in a Faculty and have a Head of School, appointed in accordance with the relevant ordinance. All staff appointed to an Academic School shall be members of that School. Subject to the approval of Senate, Academic Schools may jointly establish interdisciplinary centres or institutes.

All research and credit-bearing teaching in the University shall be carried out under the auspices of one or more of the Academic Schools.

2 July 2010

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Primary Units

Primary units are groups of staff within an Academic School, working together for academic purposes. Primary Units, or a group of primary units may be designated as Academic Departments which notwithstanding that designation shall remain subject to the provisions of this Ordinance Membership of Primary Units shall be decided by the Head of School in consultation with members of the School, subject to final decision by the Dean of the Faculty in the event of disagreement within the School.

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Heads of Primary Units shall be appointed by the Head of School after consultation with the members of the Primary Unit. Heads of Primary Units shall stand down at the conclusion of the term of office of their Head of School, but they shall be eligible for re-appointment.

The Head of a Primary Unit shall be responsible to the Head of School and his or her remit may include the following:

- a) providing academic and intellectual leadership to colleagues within the Primary Unit;
- b) advising the Head of School on the workload of members of the academic staff in the Primary Unit, including the balance between research, teaching and administration;
- c) ensuring that staff reviews are conducted for staff in the primary unit, thus assisting in career development, setting research targets, identifying training needs and advising on performance;
- d) facilitating consultative decision making within the Primary Unit, where appropriate involving all staff and students;
- e) ensuring that the academic content of curricula in the relevant disciplinary areas is appropriate;
- f) managing any budget allocated to the primary unit by the Head of School;
- g) contributing to the running of the Academic School; and
- h) risk management within the Primary Unit.

2 July 2010

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Heads of Academic Schools

1. Role

The Head of an Academic School shall be responsible to the Dean for the following:

- (a) playing a leading role in the formulation of academic strategy, policy and planning at School and faculty level;
- (b) academic leadership in the School
- (c) maintenance of academic standards in the School;
- (d) championship of research in the School;

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- (e) the quality of education and educational support for students in the School;
- (f) review and development of teaching and learning programmes;
- (g) management, development and support for all School staff;
- (h) delivery of the School budget as set by the dean and achieving value for money;
- (i) long-term, strategic and operational planning in the School;
- (j) health and safety in the School;
- (k) security in the School;
- (l) risk management;
- (m) management of the School's daily affairs; and
- (n) such other matters as the Dean shall direct.

2. Terms of Appointment

To encourage effectiveness in the role, Heads of Schools will usually be expected to serve from 1 August for an initial period of four years, although on the recommendation of the Dean a shorter period may be agreed. They shall be required to undertake a prescribed programme of training and development. Heads of Schools may be considered for appointment for further periods of up to four years. Extensions of the initial period for any period for up to 12 months may be authorised by the Vice-Chancellor on the recommendation of the Dean but any further appointment for any longer period should only be authorised after the appointment process set out in paragraph 3 below has been followed. Remuneration to reflect the responsibilities of the role shall be determined in accordance with the principles of the University's job evaluation process.

3. Appointment Process

A job description and person specification for the particular post, consistent with this ordinance, shall be drafted by the Dean with the approval of a Pro Vice-Chancellor.

In the summer term before the final year of a Head of School's term of office (whether the initial or a subsequent period), the Dean shall appoint two senior members of the academic staff as consultants, one of each gender, from outside the School but from within the same Faculty, to undertake a first consultation with all members of the School with the remit of identifying possible candidates for the post and discussing with persons so identified whether they would be willing to be considered for the position. The consultants have a duty to ensure that, as far as is possible, potential

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candidates of both genders are considered. All members of the School should be notified of the consultation and be invited to indicate to the consulters their willingness to be considered but it should also be made clear that interest can be communicated at any time during the consultation process and others may be encouraged by the consulters to consider the position in the light of the consultation responses.

The consulters will report to the Dean the names of those candidates who are willing to be considered for the post of Head of School, together with any other potential candidates identified in the consultation as having relevant skills and experience for the position. All such persons will be invited by the Dean to apply formally for the position with a *curriculum vitae* and a brief statement setting out their view of the task as Head of School.

Those persons so applying for the position will meet with the Dean, together with a 'recommendation panel', which must consist of at least two but not more than four other senior persons (which will normally include a Pro Vice-Chancellor, and may include a serving Head of School in the same faculty and must include at least one person of each gender). The meeting will enable all issues to be explored including aptitude and suitability and how the position might impact upon the candidate's research, teaching and career aspirations.

Following meetings with all candidates, the *curriculum vitae* and statements of those candidates who wish to be considered for the post will be published and circulated to all members of the School. The consulters will undertake a second consultation to seek the views of the members of the School on the candidates so identified. Taking full account of these views, they will submit a written report to the Dean on the results of their consultation and setting out the preferred and acceptable candidates to the School.

The Dean will consider the report with the recommendation panel and, having consulted with the Pro Vice-Chancellor with responsibility for the faculty in which the School lies, shall make a recommendation to the Vice-Chancellor. The report of the consulters must accompany that recommendation. If the Vice-Chancellor approves the person so recommended, the appointment will be reported to Senate and Council. If the Vice-Chancellor has reason to believe that the appointment of that person will not be in the best interests of the University, he or she may

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invite the Dean, after fresh consultation with the recommendation panel, to recommend an alternative candidate, provided that alternative candidate did make application to the recommendation panel. If the Dean considers that there is no other candidate to recommend, and the Vice-Chancellor remains unwilling to accept the recommendation, then an appointment committee will be established, in the form and in accordance with the procedures set out in Ordinance 12(3). Such an appointment committee may, if it so decides, advertise the post outside the University immediately as well as within it.

2 July 2010

Ordinance 11

Pro Vice-Chancellors

1. Number

The number of Pro Vice-Chancellors shall be determined from time to time by Council on the recommendation of the Vice-Chancellor.

2. Role

Pro Vice-Chancellors shall be responsible to the Vice-Chancellor. In addition to their power to exercise the functions of the Vice-Chancellor, as conferred by statute, their responsibilities shall include:

- a) a leading role in the formulation and implementation of University academic strategy and policy;
- b) membership of the University Planning and Resources Committee, Senate and Council;
- c) managing, supporting and guiding the deans;
- d) academic leadership;
- e) promoting research and teaching within the University;
- f) maintaining academic standards in the University;
- g) risk management;
- h) preparing the University budget for presentation to Council;
- i) participation in particular projects and activities within the University, as requested by the Vice-Chancellor;
- j) operation of academic promotions procedures in the University;
- k) promoting and supporting a working partnership between academic and support staff; and

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l) communication and relationships between the University and outside organisations.

3. Terms of appointment

Pro Vice-Chancellors shall usually serve from 1 August for an initial period of four years. They may be considered for reappointment for further periods of up to three years. They shall be required to undertake a prescribed programme of training and development before taking up the post. Their salaries will be determined by the Remuneration Committee.

4. Appointment process

Unless the number of Pro Vice-Chancellors is to be reduced, in the spring term before the final year of a Pro Vice-Chancellor's term of office, the Vice-Chancellor shall prepare a job description and person specification for the post of Pro Vice-Chancellor, consistent with this ordinance, as agreed with Senate and Council. Where the number of Pro Vice-Chancellors is to be increased, the Vice-Chancellor shall in like manner prepare a job description and person specification for the new post. The Vice-Chancellor shall advertise the job description and person specification within the University and call for applications from members of the University's staff.

This procedure shall apply whether the term of office is the initial or a subsequent period, save that the Vice-Chancellor with the approval of Council may appoint a current Pro Vice-Chancellor for a subsequent period without inviting others to apply.

Council shall establish an appointments committee, comprising the Vice-Chancellor, who shall be Chair, two members of the academic staff appointed by Senate and two lay members of Council. The committee may invite particular individuals to apply. The committee shall shortlist and interview applicants and make a recommendation, through Senate, to Council.

In the event that no acceptable candidate within the University can be found, the post may be advertised outside the University for consideration by the appointments committee.

20 November, 2003

Appointment of Deputy Vice-Chancellor*

A Deputy Vice-Chancellor shall be appointed in accordance with the

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general provisions of Ordinance 11, save that at the discretion of the Vice-Chancellor, the post may be advertised externally at the same time as it is advertised internally.

The Vice-Chancellor may also use executive search consultants (head hunters) in a lead role to assist in the handling of applications.

** Temporary Ordinance 11 approved 11 July 2006*

Ordinance 12

The Deans of the Faculties

1.Role

The Dean of the Faculty shall be a member of the University Planning and Resources Committee and Senate. Advised by the Faculty Board, the Dean is responsible to the appropriate Pro Vice-Chancellor for the following:

- (a) playing a leading role in the formulation of University academic strategy and policy, acting in the best interests of the University, with the benefit of knowledge of the faculty
- (b) providing academic leadership in the faculty
- (c) leading the planning process within the faculty
- (d) risk management within the faculty
- (e) determining strategic priorities within the faculty, including use of space
- (f) making an appropriate case to the University in support of the faculty's plans
- (g) promoting research and teaching within the faculty, in line with the University Vision and Strategy
- (h) ensuring the quality of education in the faculty
- (i) maintaining academic standards in the faculty
- (j) acting as budget-holder for the faculty, determining the budgets of heads of budget units and delivering the faculty budget
- (k) securing value for money within the faculty
- (l) managing the faculty's daily affairs
- (m) managing, encouraging and guiding heads of school within the faculty
- (n) leading the appointments, promotions and probation procedures in the faculty

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- (o) ensuring appropriate line management for all staff within the faculty
- (p) chairing the faculty board
- (q) presenting candidates in the faculty for degrees
- (r) communications and relationships between the faculty and the University, and the faculty and outside organisations

2. Terms of appointment

Deans shall usually serve from 1 August for a period of five years. They shall be required to undertake a prescribed programme of training and development. Additional remuneration to reflect the responsibilities of the role will be determined by the Remuneration Committee.

3. Appointment Process

In the summer term before the final year of the current dean's term of office, an appointment committee shall be established to find the dean's successor. The membership shall comprise (i) the Vice-Chancellor, as Chair, (ii) a Pro Vice-Chancellor, (iii) the Chair of Council, (iv) one additional lay member of Council or one Pro-Chancellor, (v) the Registrar, (vi) four members of the faculty, to consist of two professorial, one non-professorial and one from support staff, selected by the faculty in whatever manner the faculty itself shall determine, and (vii) two members of Senate from outside the faculty. One of the two professorial members of the faculty on the appointment committee shall act as academic secretary to the committee. Duties will include reporting back all feedback from the faculty on candidates, including feedback from presentations to the faculty.

The committee shall prepare a job description and person specification for the dean, consistent with this ordinance, to be agreed by the faculty board, and the Vice-Chancellor. The committee shall advertise the job description and person specification formally within the faculty, setting a clear deadline for receipt of applications. Short-listed candidates will be interviewed and make a presentation to all members of the faculty.

When the appointment committee has reached a final decision to appoint a candidate, the offer and appointment will be made in accordance with relevant Statutes, Ordinances and Regulations.

In the event that no acceptable candidate is found within the University, the post may be advertised outside the University. The term of appointment of

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a dean may be extended during the term of office by the Vice-Chancellor for any single period not exceeding 12 months.

Approved by the Privy Council on 23 March 2013

Ordinance 13

University Officers

The following shall be Officers of the University:

- a) Those listed in the relevant statute; and
- b) Such others as Council shall approve from time to time on the recommendation of the Vice-Chancellor.

5 July 2002

Ordinance 14

Registrar

Role

The Registrar shall be the senior administrative officer of the University and the head of the University's professional and support services. He or she shall be responsible to the Vice-Chancellor. The Registrar's responsibilities shall include:

- a) acting on behalf of the Vice-Chancellor at his or her request in the administrative, financial and business affairs of the University;
- b) playing a leading role in the formulation and implementation of University strategy and policy;
- c) membership of the University Planning and Resources Committee, Senate and Council committees as appropriate;
- d) managing, supporting and guiding the heads of support service divisions;
- e) leading the planning processes in support services;
- f) acting as overall budget holder for the support services;
- g) playing a leading role in preparing the University budget for presentation to Council;
- h) ensuring delivery of value for money in the support services
- i) risk management;

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- j) promoting and supporting a working partnership between academic and support staff; and
- k) communication and relationships between the University and outside organisations.

Terms of appointment

The Registrar shall be appointed by Council. The Registrar's salary shall be determined by the Remuneration Committee.

Delegation of Powers by the Registrar

The Registrar may nominate an alternate member of the University to exercise the powers and functions of the University Registrar as set out in Ordinances: 25 (Initial Service Review); 27 (Redundancy Procedure), 28 (Conduct Procedure for Members of Staff), 29 (Capability and Performance Procedure for Members of Staff), 32 (Staff Grievance Procedure) and 33 (Removal from an additional post). Similar delegation of powers may also be made for any matters that are specified as the responsibility of the Registrar under the University's academic regulations.

27 May 2011

Ordinance 15

Students

Student status

Student status is acquired on registration and terminates in the event of any of the following:

- a) receipt of the academic award for which the student is registered;
- b) the end of the maximum period of study for the programme, excluding periods of suspension and including periods of extension, which have been accepted by the faculty, as prescribed by regulation;
- c) the student being required to leave the University, save that he or she will retain student status pending any internal appeal; and
- d) the student otherwise leaving the programme.

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Programmes of study

Matters relating to academic awards and programmes of study are governed by regulation.

Fees

The fees payable by a student are governed by regulation.

Library

Students may have access to the University Library and other facilities as governed by regulation.

Disciplinary and related matters

Disciplinary and related matters concerning students are governed by regulation.

5 July 2002

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Awards and Distinctions

Academic awards

On the recommendation of the appropriate faculty board, subject to the overriding authority of Senate and Council, the University will grant an academic award to any person who has fulfilled all the conditions prescribed by statutes, ordinances and regulations.

Honorary degrees

On the recommendation of Senate, Council may award a degree of the University as an honorary degree, save that no degree may be awarded otherwise than by examination if it deems the holder to be fit to practice in a professional capacity.

Honorary fellowships

On the recommendation of Senate and Council, Court may confer the University's highest distinction of Honorary Fellow on any person who has rendered exceptional service to the University.

Withdrawal

On the recommendation of Senate, Council may withdraw an academic

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award, distinction or prize of the University if it is subsequently discovered that the award, distinction or prize was improperly obtained.

Resignation

On the recommendation of Senate, Council may accept a request from any person to resign an academic award, distinction or prize of the University.

Restoration

On the recommendation of Senate, Council may restore an academic award, distinction or prize of the University to a person who has been deprived of it or has voluntarily resigned it.

Change of Name on Certificates issued by the University

The University will issue award certificates in the name in which the award is confirmed by the Faculty Examination Board. No subsequent changes will be permitted to the name shown on a certificate except where a graduate, who has undergone gender re-assignment, legally changes their name.

27 May 2011

Ordinance 17

Assessment for Academic Awards

1. Conduct of Assessment for Academic Awards

Assessment of students for academic awards shall be carried out under the direction of the appropriate examination board by properly appointed examiners. The following shall also be governed by regulations:

- (a) assessment of University of Bristol students studying at other higher education institutions; and
- (b) assessment of students by members of staff of industrial or other similar organisations.

2. Examiners

On behalf of Senate, the dean shall appoint examiners for higher degrees by research and faculty boards shall appoint other examiners, in accordance with regulations. Examiners shall be competent and respected individuals in their area of study. External examiners shall normally be

ORDINANCES

members of the academic staff of other universities; they shall not be members of Council or of the University's staff and shall not have been employed by the University within the previous five years.

3. Examination Boards

(a) An initial examination board comprising at least three persons shall be convened to approve every undergraduate and taught postgraduate academic award of the University.

(b) For undergraduate and taught postgraduate awards, the initial examination board shall comprise the internal and external examiners for each subject or group of subjects included in the programme of study for the award. This examination board shall make recommendations to the faculty examination board of the faculty in which the degree is awarded. The faculty examination board shall be chaired by the dean or his or her nominee and its composition shall be determined by the faculty board. The faculty examination board shall not question the academic judgment of the initial examination board, but shall ensure that proper procedures have been carried out, and that the treatment of special cases is fair across the faculty, including consideration given for illness and personal problems affecting a student's performance, the award of aegrotat degrees and penalties imposed for plagiarism. Within this remit, the faculty examination board shall have the power to accept or amend recommendations made by the initial examination board.

(c) For all research degrees, the examiners shall make recommendations to the Research Degrees Examination Board, which shall have the power to accept or reject recommendations made by the initial examiner.

6 July 2012

Addition to Ordinance 17 (approved by Special Resolution at the Council meeting on 25th November 2011)

Notwithstanding anything contained to the contrary in the Ordinances, Regulations and Standing Orders of the University, in the event that any act or omission on the part of a member or members of the academic staff or any other persons appointed to deal with examinations or assessment

ORDINANCES

within the University shall in the view of the Council disable the University from conducting examinations and assessment in the normal way, Council (acting in accordance with the provisions of Statute 17.1 and Statute 21.1) may order that the Vice-Chancellor representing Senate as its Chairman and acting in his absolute discretion in what he considers to be in the best interests of the University and its students shall (subject always to the provisions of the Charter and Statutes of the University) have the power (after consulting with such members of Senate as he considers appropriate) to determine what methods of examination and assessment of a student's ability or proficiency shall be adopted by any relevant internal examiners and the relevant external examiners of the University for the purpose of:

- i. the award of any degree, diploma or certificate of the University
- ii. the classification of any degree of the University
- iii. the assessment of satisfactory performance or proficiency before any student is allowed to pass from one part of a programme of study or one University year to another;

and similarly have the power to exercise the authorities of University examination boards to approve the award of any degree, diploma or certificate so examined or assessed.

25 November 2012

Ordinance 18

Failure to Complete Assessment

Failure to complete part of the assessment

A candidate may be prevented by illness or other substantial cause from completing a minor part of the assessment for an academic award.

Provided this does not exceed one quarter of the total, and provided there is sufficient evidence of the candidate's ability, then on the recommendation of the relevant examination board for the programme of study, the faculty examination board may allow the candidate to pass, where appropriate with a classified award.

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Aegrotat awards

Aegrotat awards do not include an honours degree or an award with commendation or distinction. They will not be made to candidates for academic awards which deem the holder to be fit to practice in a professional capacity.

In the following circumstances the faculty examination board may decide that an aegrotat award should be made:

- a) if the candidate has been prevented by illness or other substantial cause from completing a minor part of the assessment for an academic award, as under Failure to Complete Part of the Assessment above, but there is insufficient evidence of the candidate's ability for the examiners to make a classified award; or
- b) the candidate has been prevented by illness or other substantial cause from completing the whole or a major part of the assessment; and in addition to case a) or b),
- c) the candidate is unable to undergo assessment at a later date in accordance with regulations, or the department and student consider this undesirable or impracticable; and
- d) the candidate has demonstrated that he or she is worthy of an aegrotat award; and
- e) the candidate agrees to an aegrotat award.

5 July 2002

Research degrees

If a candidate is prevented by death, illness or other substantial cause from completing a research degree, the Research Degrees Examination Board (RDEB) may consider making an appropriate award, based on the available evidence of the research work completed by the candidate. The case will normally be submitted to RDEB by the Graduate Education Director of the relevant Faculty. The following criteria must be satisfied:

- a) enough of the research project must have been completed to allow a proper assessment to be made of the scope of the thesis;
- b) the standard of the research work completed must be that normally required for the award of the degree in question, and must demonstrate the candidate's grasp of the subject;
- c) the written material available (draft chapters, published work, work prepared for publication, presentations to conferences, progress

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reports by the candidate) must demonstrate the candidate's ability to write a thesis of the required standard.

If these requirements are satisfied, RDEB may decide that an award (at either doctoral or master's level as deemed appropriate) should be made, notwithstanding that the research degree has not been completed.

Approved by Council on 10 May 2013

Ordinance 19

SUMMARY OF ACADEMIC AWARDS

The University of Bristol may make the awards listed below:-

Faculty of Arts

Undergraduate Awards

Preliminary Certificate in Arts denoted by PreCertArts

Pathway Certificate in Arts denoted by PathCertArts

Certificate of Higher Education in Arts denoted by CertHEArts

Diploma of Higher Education in Arts denoted by DipHEArts

Graduate Diploma denoted by GradDip

Bachelor of Arts denoted by BA

Bachelor of Arts in Theological Studies (Trinity College, Bristol) denoted by BA

Bachelor of Arts in Theology Studies (Trinity College, Bristol) denoted by BA

Bachelor of Arts in Theological Studies (Wesley College, Bristol) denoted by BA

Bachelor of Arts in Theology and Ministry (Wesley College, Bristol) denoted by BA

Postgraduate Taught Awards

Postgraduate Certificate in *(subject)* denoted by PGCert

Postgraduate Diploma in *(subject)* denoted by PGDip

Master of Arts denoted by MA

Master of Research in *(subject)* denoted by MRes

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Postgraduate Research Awards

Master of Music denoted by MMus
Master of Philosophy denoted by MPhil
Master of Letters denoted by MLitt
Doctor of Philosophy denoted by PhD

Higher Doctorates

Doctor of Music denoted by DMus
Doctor of Letters denoted by DLitt

Faculty of Engineering

Undergraduate Awards

Preliminary Certificate in Engineering denoted by PreCertEng
Pathway Certificate in Engineering denoted by PathCertEng
Certificate of Higher Education in Engineering denoted by CertHEEng
Diploma of Higher Education in Engineering denoted by DipHEEng
Bachelor of Engineering denoted by BEng
Bachelor of Science denoted by BSc
Master of Engineering denoted by MEng

Postgraduate Taught Awards

Postgraduate Certificate in (*subject*) denoted by PGCert
Postgraduate Diploma in (*subject*) denoted by PGDip
Master of Science in (*subject*) denoted by MSc
Master of Research in (*subject*) denoted by MRes

Postgraduate Research Awards

Master of Science denoted by MSc
Engineering Doctorate denoted by EngD
Doctor of Philosophy denoted by PhD

Higher Doctorates

Doctor of Engineering denoted by DEng

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Faculty of Medical and Veterinary Sciences

Undergraduate Awards

Preliminary Certificate in Medical Sciences denoted by PreCertMedSci

Preliminary Certificate in Veterinary Sciences denoted by PreCertVetSci

Pathway Certificate in Medical Sciences denoted by PathMedSci

Pathway Certificate in Veterinary Sciences denoted by PathVetSci

Certificate of Higher Education in Medical Sciences denoted by

CertHEMedSci

Certificate of Higher Education in Veterinary Sciences denoted by

CertHEVetSci

Diploma of Higher Education in Medical Sciences denoted by

DipHEMedSci

Diploma of Higher Education in Veterinary Sciences denoted by

DipHEVetSci

Bachelor of Veterinary Science denoted by BVSc

Bachelor of Science denoted by BSc

Master in Science denoted by MSci

Postgraduate Taught Awards

Postgraduate Certificate in (*subject*) denoted by PGCert

Postgraduate Diploma in (*subject*) denoted by PGDip

Master of Science in (*subject*) denoted by MSc

Master of Research in (*subject*) denoted by MRes

Postgraduate Research Awards

Master of Science denoted by MSc

Doctor of Medicine denoted by MD

Doctor of Philosophy denoted by PhD

Higher Doctorates

Doctor of Science denoted by DSc

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Faculty of Medicine and Dentistry

Undergraduate Awards

Preliminary Certificate in Medicine denoted by PreCertMed
Preliminary Certificate in Dentistry denoted by PreCertDent
Pathway Certificate in Medicine denoted by PathCertMed
Pathway Certificate in Dentistry denoted by PathCertDent
Certificate of Higher Education in Medicine denoted by CertHEMed
Certificate of Higher Education in Dentistry denoted by CertHEDent
Diploma of Higher Education in Medicine denoted by DipHEMed
Diploma of Higher Education in Dentistry denoted by DipHEDent
Diploma in Dental Hygiene and Dental Therapy
Bachelor of Science denoted by BSc
The conjoined degree of Bachelor of Medicine and Bachelor of Surgery
denoted by MB,ChB
Bachelor of Dental Surgery denoted by BDS

Postgraduate Taught Awards

Postgraduate Certificate in (*subject*) denoted by PGCert
Postgraduate Diploma in (*subject*) denoted by PGDip
Master of Science in (*subject*) denoted by MSc
Master of Clinical Dentistry denoted by MClinDent
Master of Research in (*subject*) denoted by MRes

Postgraduate Research Awards

Master of Science denoted by MSc
Master of Surgery denoted by ChM
Doctor of Dental Surgery denoted by DDS
Doctor of Philosophy denoted by PhD
Doctor of Medicine denoted by MD

Higher Doctorates

Doctor of Science denoted by DSc

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Faculty of Science

Undergraduate Awards

Preliminary Certificate in Science denoted by PreCertSci
Pathway Certificate in Science denoted by PathCertSci
Certificate of Higher Education in Science denoted by CertHESci
Diploma of Higher Education in Science denoted by DipHESci
Bachelor of Science denoted by BSc
Master in Science denoted by MSci

Postgraduate Taught Awards

Postgraduate Certificate in *(subject)* denoted by PGCert
Postgraduate Diploma in *(subject)* denoted by PGDip
Master of Science in *(subject)* denoted by MSc
Master of Research in *(subject)* denoted by MRes

Postgraduate Research Awards

Master of Science denoted by MSc
Doctor of Philosophy denoted by PhD

Higher Doctorates

Doctor of Science denoted by DSc

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Faculty of Social Sciences and Law

Undergraduate Awards

Preliminary Certificate in Social Sciences denoted by PreCertSocSci

Preliminary Certificate in Law denoted by PreCertLaw

Pathway Certificate in Social Sciences denoted by PathCertSocSci

Pathway Certificate in Law denoted by PathCertLaw

Certificate of Higher Education in Social Sciences denoted by
CertHESocSci

Certificate of Higher Education in Law denoted by CertHELaw

Diploma of Higher Education in Social Sciences denoted by DipHESocSci

Diploma of Higher Education in Law denoted by DipHELaw

Foundation Degree (Science) denoted by FDSc

Professional Graduate Certificate in Education

Bachelor of Science denoted by BSc

Bachelor of Laws denoted by LLB

Graduate Diploma denoted by GradDip

Master in Science denoted by MSci *(Subject to Council's approval at its meeting in October 2010, this award will be removed from this list as it is no longer awarded by the Faculty).*

Postgraduate Taught Awards

Postgraduate Certificate in *(subject)* denoted by PGCert

Postgraduate Diploma in *(subject)* denoted by PGDip

Diploma in Advanced Social Work (Child Care) *(subject to Council's approval at its meeting in October 2010, this award will be removed from this list as it is no longer delivered by the Faculty)*

Advanced Diploma in Legal Studies *(subject to Council's approval at its meeting in October 2010, this award will be removed from this list as it is no longer delivered by the Faculty)*

Postgraduate Certificate in Education denoted by PGCE

Advanced Certificate in Education *(subject to Council's approval at its meeting in October 2010, this award will be removed from this list as it is no longer delivered by the Faculty)*

Master of Arts in *(subject)* denoted by MA

Master of Science in *(subject)* denoted by MSc

Master of Science in Social Work denoted by MSc in Social Work

Master of Education in *(subject)* denoted by MEd

ORDINANCES

Master of Laws in (*subject*) denoted by LLM
Master of Social Science denoted by MSocSci
Master of Research in (*subject*) denoted by MRes
Master in Research and Professional Studies in Education
Master of Social Work denoted by MSW

Postgraduate Research Degrees

Master of Philosophy denoted by MPhil
Doctor of Education denoted by EdD
Doctor of Philosophy denoted by PhD
Doctor of Social Science denoted by DSocSci
Doctor of Educational Psychology denoted by DEdPsy

Higher Doctorates

Doctor of Science denoted by DSc
Doctor of Laws denoted by LL.D

2 July 2010

Ordinance 20

Academic Status

Persons who are involved in the University's teaching or research, but who are not members of staff, may be accorded academic status for a specified period in accordance with regulations. They shall then be eligible to examine students of the University. Academic status acknowledges the recipient's contribution to the academic work of the University. Those with academic status are awarded a title and are permitted to use the Library and other University facilities.

5 July 2002

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Ordinance 21

Congregations

Congregations of the University shall be held at least annually to confer degrees, at such time and place as Council may determine. The Chancellor shall preside, or in his or her absence the Vice-Chancellor or a Pro Vice-Chancellor. The Registrar or his or her nominee shall be present.

Recipients of degrees other than honorary degrees shall be presented for admission by the dean of the faculty to which the degree belongs, or by another senior member of the faculty appointed by the Vice-Chancellor.

Recipients of honorary degrees shall be presented for admission by a person appointed by Senate.

5 July 2002

Ordinance 22

Associated Institutions

Association

Council may by ordinance, on the recommendation of Senate, associate with the University an institution in which specialised teaching is given, or which has specialised research facilities, to supplement the teaching and research of the University. Teaching and supervision of University of Bristol students will be carried out by members of staff of the institution who have been accorded academic status in the University. Senate must approve the terms and conditions of any such association.

Changes

Any change to associations shall require the approval of Senate and Council, with appropriate notice to the institution.

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Associated institutions

The following institutions are associated with the University:

- (a) @Bristol
- (b) The Bristol, Clifton and West of England Zoological Society
- (c) The Bristol Institute for Transfusion Sciences
- (d) The Bristol Urological Institute
- (e) The British Institute of Florence
- (f) The Burden Neurological Institute
- (g) Hestercombe Gardens Trust
- (h) The Institute for Animal Health
- (i) The Institute of Grassland and Environmental Research, Aberystwyth
- (j) The National Cancer Centre of Singapore
- (k) The North Bristol NHS Trust
- (l) Rolls-Royce plc
- (m) Rothamsted Experimental Station
- (n) The Veterinary Laboratories Agency, Weybridge
- (o) The Wildfowl & Wetlands Trust, Slimbridge

22 October 2010

Ordinance 23

Affiliated Institutions

Affiliation

Council may by ordinance, on the recommendation of Senate, affiliate an institution with the University. Students taught at the institution are registered at the University of Bristol and receive degrees from the University of Bristol. The University will visit and inspect the institution, to ensure the quality of teaching and supervision, which will be carried out by members of staff of the institution who have been accorded academic status at the University.

Changes

Any change to affiliations shall require the approval of Senate and Council, with appropriate notice to the institution.

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Affiliated institutions

The following institutions are affiliated to the University:

- (a) The Baptist College, Bristol
- (b) Trinity College, Bristol
- (c) Wesley College, Bristol
- (d) City of Bristol College
- (e) Great Western Hospital NHS Foundation Trust
- (f) Gloucestershire Hospitals NHS Foundation Trust
- (g) North Bristol NHS Trust
- (h) Royal United Hospital Bath NHS Trust
- (i) Taunton and Somerset NHS Foundation
- (j) University Hospitals Bristol NHS Foundation Trust
- (k) Weston Area Health NHS Trust
- (l) Yeovil and District Hospital NHS Foundation Trust

22 October 2010

Ordinance 24

University of Bristol Students' Union

Background

1. Pursuant to the provisions of the Charter of the University of Bristol (referred to in this Ordinance 24 as the "University"), there will be a union of students of the University known as the "University of Bristol Students' Union" (the "Union").

2. The Union will be established as a company limited by guarantee in order to promote the charitable object of the advancement of education of students at the University for the public benefit by:

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- (a) Promoting the interests and welfare of students at the University during their course of study and representing, supporting and advising its members.
- (b) Being the recognised representative channel between students and the University and any other external bodies.
- (c) Providing social, cultural, sporting and recreational activities and forums for discussion and debate for the personal development of its members.

3. The Union will be registered as a charity by the Charity Commission for England and Wales (the "Charity Commission") in accordance with the Charities Act 1993. The Union will also be a "students' union" within the meaning of the Education Act 1994.

Management and control

4. The Union will be managed and controlled in accordance with the provisions set out in its memorandum of association (the "Memorandum") and articles of association (the "Articles") from time to time. While the provisions of Ordinance 24.5 to 24.12 (inclusive) describe certain of the provisions of the Memorandum and Articles, it is the Memorandum and Articles which regulate the governance of the Union.

5. The Memorandum and Articles provide that the Union will be under the management and control of a group of trustees (together the "Trustees") made up of:

- (a) The "Sabbatical Trustees" appointed by secret ballot of the members of the Union.
- (b) "Student Trustees" elected by a student council (the "Student Council") elected by the members of the Union.
- (c) "Co-opted Trustees" appointed by the Trustees themselves.
- (d) "Nominated Trustees" appointed by the Council of the University (the "University Council").

The Trustees

6. The Trustees are the company directors (under company law) and charity trustees (under charity law) of the Union. All of the powers of the Union are exercisable by the Trustees, who may delegate some of their powers to an executive committee (and one or more other committees) in accordance with the Articles. The Trustees have the power to make, repeal or alter a set of rules (the "Rules") to regulate the management,

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administration and working practices of the Union. The Trustees have the power, acting jointly with the Student Council, to make, repeal or alter a set of bye-laws (the "Bye-Laws") to regulate the working practices of the Union that are not dealt with in the Rules.

Membership

7. Every full-time and part-time student of the University will be entitled to become a member of the Union (by becoming a member of the charitable company by which it is constituted), unless they give notice in accordance with the Articles that they choose not to be a member of the Union. The University and the Trustees from time to time are also members of the Union.

Major union offices

8. The "major union offices" for the purposes of Part II, Education Act 1994 are set out in the Articles (as they may be amended from time to time). The holders of the major union offices may, if they wish, withdraw from their course of study at the University during their period of office.

Budget

9. The Trustees must obtain the approval of the University Council of the budget for the Union in respect of each financial year before, or at the earliest possible date after, the start of the financial year in accordance with the Articles. Where the approval of the University Council has not been obtained before the start of the financial year, the Trustees may implement and act upon the draft budget notwithstanding that it has yet to be approved by the University Council but will agree any changes to the draft budget which may be required by the University Council in order to obtain its approval at the earliest possible date after the start of the financial year.

Annual members' meeting

10. There will be an annual members' meeting held once in each Academic Year on the date set aside in the University calendar to be free of teaching and otherwise in accordance with the Bye-Laws.

Chief executive

11. There will be a chief executive of the Union appointed jointly by the University Council and the Trustees. The chief executive will enter into a contract of employment with the Union.

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Union Advisers

12. There will be legal and financial advisers to the Union appointed jointly by the University Council and the Trustees. The responsibility of the advisers will be specified in the Articles (as amended from time to time).

The University's role

13. The University Council is obliged by Part II, Education Act 1994 to take such steps as are reasonably practicable to secure that the Union operates in a fair and democratic manner and is accountable for its finances. In order to comply with this duty, certain powers are reserved to the University Council by the Memorandum and Articles.

Funding

14. The University may make financial contributions to the Union of such amounts and at such intervals as the University Council determines from time to time. The Trustees may make recommendations to the University Council in relation to such funding which the University Council may act upon (at its absolute discretion).

15. The University may make such arrangements (including such terms as to the payment of rent, repair and such other matters as may be agreed from time to time by the University and the Union) for the use or occupation of such parts of the University's premises by the Union as the University Council determines from time to time.

Student Affairs Committee

16. There will be a joint committee of the University Council and the Student Council called the "Student Affairs Committee". Subject to the provisions of Ordinance 24.17 below, the memberships and terms of reference of the Student Affairs Committee will be laid down by the University Council and may be amended from time to time by the Student Affairs Committee with the prior approval of the University Council.

17. The functions of the Student Affairs Committee shall include:

- (a) monitoring reports on the financial and any other material affairs of the Union provided by the Trustees at such intervals and in such format as the Student Affairs Committee may determine from time to time and reporting on such financial and other material affairs to the

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University Council in order to enable it to monitor whether such financial affairs of the Union are properly conducted;

(b) monitoring the conduct of all elections to major union office and reporting on such elections to the University Council in order to enable it to monitor whether such elections are fairly and properly conducted;

(c) receiving and scrutinising the budget for the Union for any financial period and reporting on the budget to the University Council in order to allow it to decide whether to give its approval in accordance with the Articles; and

(d) receiving recommendations from the Trustees in relation to funding for the Union and reporting on those recommendations to the University Council.

Alterations to Ordinance 24

18. Ordinance 24 may be altered by the University Council from time to time and in such manner as the University Council determines.

Statutory references

19. Any reference to a statute or statutory provision in this Ordinance 24 includes any statute or statutory provision which modifies, consolidates, re-enacts or supersedes it.

3 July 2009

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Ordinance 25

Initial Service Review

1. Introduction

This initial service review procedure is designed to:

- support new members of staff while they are settling into the University;
- give the University time to assess the suitability of the new member of staff for continued employment; and
- provide a framework within which any areas of concern can be identified, addressed and resolved.

Managers shall ensure that new members of staff:

- understand their role and the expected standards of performance;
- have access to necessary information, equipment, training and other resources; and
- are aware of relevant rules, policies, procedures and standards of conduct.

Support shall be provided through regular discussions between the new member of staff and his or her manager or nominee. This shall be a two-way process, giving the member of staff an opportunity to raise issues, as well as enabling the manager to evaluate progress. While every effort will be made to support members of staff in successfully completing their initial review period, action under this procedure may be taken if their performance is found to be deficient or they are judged unsuitable to be confirmed in post, for example because of misconduct, inadequate performance, lack of capability through ill-health or for some other substantial reason.

2. Length of initial service review period

The length of the initial service review period is set out in the member of staff's contract of employment. Where a member of staff is absent from work for a substantial proportion of his or her initial service review period, for example due to sickness absence or maternity leave, the University shall extend the initial service review period for a corresponding amount of time and shall notify the member of staff accordingly. Where a member of

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staff is contracted on a part-year basis, such as term-time only, the length of the initial service review period shall be calculated in relation to time worked.

Where a significant and particular element of the work falls in a specific part of the year, the probationary period may be extended to ensure this period is adequately covered and to enable the individual to demonstrate their full capability in the respect of this particular element of their role.

3. Procedural issues

University Postholders and Appropriate Managers

For staff reporting within the academic school/faculty structure, references to Appropriate Manager shall usually be construed as referring to either the Head of School or School/Faculty Manager, but may in appropriate cases refer to a head of department or head of discipline. In support process areas, references to Appropriate Manager shall usually refer to either the Divisional Head, or in larger areas, other postholders within the line management structure as appropriate.

In this procedure, unless the context indicates otherwise, references to University postholders and Appropriate Managers shall be construed to refer either to the postholder or the Appropriate Manager or to an appropriate member of staff nominated by him or her to act with full authority on his or her behalf.

Confidentiality

Throughout any proceedings taken under this procedure, the University shall seek to ensure that a high standard of confidentiality is maintained, before and after the hearing as well as in relation to the hearing itself. Care shall be taken not to undermine the position of the member of staff concerned in relation to his or her colleagues. Investigations shall be undertaken with discretion. Where necessary to ensure confidentiality, administrative support shall be provided by Human Resources. Wherever practicable, hearings shall be held away from the member of staff's normal place of work. None of this shall preclude information about the outcome being given to any person where this is appropriate.

Attendance at hearings

A member of staff who is subject to proceedings under this ordinance has the right to attend hearings and to be represented by an adviser, friend,

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trade union or other representative. If the member of staff is for good reason unable to attend a formal hearing, the hearing shall be adjourned to a suitable alternative date within a reasonable time. However if there are reasonable grounds to believe that the member of staff is refusing or failing to attend a hearing without good cause, the member of staff will be informed that a further hearing is being arranged. On that further occasion the University may proceed in the absence of the member of staff, unless satisfied that there are good grounds for his or her non-attendance. Any submission concerning non-attendance made by the member of staff in writing, or by his or her representative in person or in writing, shall be considered before any decision is taken to hear the matter in his or her absence. If the hearing proceeds in the member of staff's absence, any submission made about the substantial issues under consideration by the member of staff in writing, or by his or her representative in person or in writing, shall be considered at the hearing.

4. Formal review meetings

In the ordinary course of events, two formal reviews shall take place during the initial service review period, the first half way through the initial service review period and the second towards the end of the initial service review period. Human Resources shall remind Appropriate Managers of the need for a review and shall seek a brief report. The Appropriate Manager shall then formally meet the member of staff to discuss progress. Where all aspects of performance and conduct are satisfactory, written confirmation that the member of staff has successfully completed the half way stage or the whole initial service review period shall be sent to Human Resources and copied to the member of staff. Where the review highlights problems, the Appropriate Manager may take informal or formal action under this procedure, having first sought advice from a human resources manager.

5. Dealing with conduct issues

There is a clear difference between conduct and performance. Where the problems identified under this procedure concern conduct rather than performance, the Appropriate Manager shall clearly specify whether problems relate to conduct or performance. Where problems of both conduct and performance are identified, they may be dealt with in the same meeting, but they shall be clearly distinguished and separately discussed. Where action is taken under this procedure in relation to issues of conduct, these shall be properly investigated in line with the spirit of the Conduct Procedure. Any alleged misconduct must be clearly set out and the

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member of staff shall be given an opportunity to respond fully to the allegations. Appropriate Managers should not take more serious action under this procedure than would have been taken against another member of staff for similar conduct under the Conduct Procedure. Where an allegation of gross misconduct is made it shall be dealt with under the University's Conduct Procedure.

6. Informal action

When the performance or conduct of a member of staff during the initial review period is causing concern, the Appropriate Manager's first step will usually be to discuss the problem with the member of staff as soon as practicable. Such discussions shall identify the nature of the problem and consider its causes and possible solutions. The Appropriate Manager shall ensure that the member of staff is aware of the standards of performance or conduct expected, outline in what respect the member of staff's performance or conduct is failing to meet an acceptable standard and, through discussion with the member of staff, seek to identify ways of resolving the problem. Measures that may be taken include supervisory support, training, mentoring, counselling and changes to working arrangements. Where the individual considers there are issues of discrimination, consideration shall be given to providing relevant supportive mentoring, for example by offering a female member of staff an appropriate female mentor. The Appropriate Manager shall ensure that the member of staff is clear about the standards of performance and conduct expected for the future and the timescales within which this standard is to be achieved.

Where there is continuing concern after such informal discussion, the Appropriate Manager shall make a brief note of the discussion and confirm the main points in writing to the member of staff, including future expectations, timescales within which improvement is expected, and the potential consequences of a failure to improve.

7. Formal action

Stage 1

Where informal discussions have not led to an improvement, or where, exceptionally, informal discussion is inappropriate, the Appropriate Manager, after consultation with a human resources manager, may consider taking formal action under Stage 1 of this procedure. Before any decision is taken to proceed with formal action under Stage 1, the Appropriate Manager shall where appropriate gather such further

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information as may be required, with advice from a human resources manager. The Appropriate Manager shall inform the member of staff that an investigation is taking place and shall normally interview the member of staff. Written statements may be obtained.

If the Appropriate Manager decides that it is appropriate to consider giving the member of staff a Stage 1 warning, the Appropriate Manager shall arrange a hearing. The Appropriate Manager shall inform the member of staff in writing at least seven working days in advance that there is to be a hearing. The letter shall include:

- a statement of the grounds that have led to a warning being contemplated, including full details of the alleged misconduct or perceived inadequate performance;
- supporting information and evidence;
- the date, time and location of the hearing;
- the fact that the hearing is taking place under Stage 1 of this procedure;
- the right of the member of staff to attend and to be accompanied by an adviser, friend, trade union or other representative; and
- a copy of this procedure.

At the hearing the Appropriate Manager shall interview the member of staff, who shall be given the opportunity to respond. A human resources manager shall normally attend the hearing. The Appropriate Manager may, for good reason, request another member of staff to attend the hearing. Individuals may attend to give relevant evidence. The Appropriate Manager shall ensure that a note is taken of the hearing. The note shall normally be taken by a human resources manager. The meeting shall be conducted in a constructive manner, designed to achieve improved performance if possible, allowing opportunity for discussion of ways in which conduct or performance might be improved.

If, having considered the evidence, the Appropriate Manager is satisfied that a warning is appropriate, he or she shall inform the member of staff that a letter shall be sent within seven working days, giving a warning under the procedure and stating that the warning shall be in force for a particular period, after which it will be spent. The period of the warning may be the remainder of the initial service review period, or a shorter period, or a longer period, in which case the Appropriate Manager shall extend the

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initial service review period to coincide with the termination of the warning. If the case concerns only misconduct, then the Appropriate Manager may issue a warning equivalent to a Stage 1 warning under the Conduct Procedure, for a period not exceeding six calendar months, without extending the initial review period.

The Appropriate Manager shall enclose a copy of the note of the hearing, and shall set out in the letter:

- the basis for the finding;
- the improvement expected;
- the time during which this improvement must be achieved;
- the duration of the warning, if longer than the period during which an improvement must be achieved;
- any training or support which may be available;
- the consequences of a failure to improve, which would include action under Stage 2 of this procedure and any of the outcomes possible under Stage 2; and
- the member of staff's right to appeal against any outcome of Stage 1.

Progress shall then be monitored closely and discussed at regular intervals with the member of staff, who shall be shown any report on his or her conduct or performance prepared during the period in which the warning is current.

If, having considered the evidence, the Appropriate Manager is satisfied that a warning is not appropriate, he or she shall so inform the member of staff and shall confirm this by letter within seven working days.

Stage 2

If the member of staff's work remains unsatisfactory after a Stage 1 warning, or where there is reason to believe that the member of staff is unsuitable to be confirmed in post, the Appropriate Manager, after consultation with a human resources manager, may take action under Stage 2 of this procedure. Before any action is taken, the Appropriate Manager shall arrange a hearing. The Appropriate Manager shall inform the member of staff in writing at least seven working days in advance that there is to be a hearing. The letter shall include:

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- a statement of the grounds that have led to the action contemplated, including full details of the alleged misconduct or failure in performance;
- supporting information and evidence;
- the date, time and location of the hearing;
- the fact that the hearing is taking place under Stage 2 of this procedure;
- the right of the member of staff to attend and to be accompanied by an adviser, friend, trade union or representative; and
- a copy of this procedure.

At the hearing the Appropriate Manager shall interview the member of staff, who shall be given the opportunity to respond. The Appropriate Manager shall arrange for a human resources manager to attend the hearing. The Appropriate Manager may, for good reason, request another member of staff to attend the hearing. Individuals may attend to give relevant evidence. The Appropriate Manager shall ensure that a note is taken of the hearing. The note shall normally be taken by a human resources manager.

If, having considered the evidence, the Appropriate Manager is satisfied that no formal action is appropriate, he or she shall so inform the member of staff and shall confirm this by letter within seven working days.

In cases of misconduct or inadequate performance, the Appropriate Manager may issue a warning, as set out under Stage 1. If the Appropriate Manager considers that further time is likely to enable the member of staff to reach the required level of improvement, the Appropriate Manager may decide to extend the member of staff's initial service review period and set a further date for review. If the case concerns only misconduct, then the Appropriate Manager may confirm the member of staff in post, but issue a warning equivalent to a Stage 2 warning under the Conduct Procedure for a period not exceeding two years.

Alternatively, if the Appropriate Manager concludes that an extension of the initial service review period would not bring about the necessary improvement, he or she may take steps to dismiss the member of staff. In other cases where the Appropriate Manager is of the view that the member of staff is unsuitable to be confirmed in post, he or she may decide that the member of staff should be dismissed and instruct the Human Resources Director to take appropriate action.

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Within seven working days of the hearing the Appropriate Manager shall send the member of staff a copy of the note of the hearing together with a letter confirming the finding, the basis for that finding, the action taken, and the right of appeal.

8. Suspension

A member of staff who is the subject of a complaint of misconduct or against whom a criminal charge is pending or who is the subject of police investigation, may be suspended on full pay by the Vice-Chancellor, pending disciplinary hearing or criminal trial. Suspension shall be employed where necessary to protect a member or members of the University community, or the property of the University or the property of a member or members of the University community, or to facilitate an investigation. Written reasons for the decision shall be recorded and made available to the member of staff. A member of staff who is suspended is prohibited from entering University premises and from participating in University activities. Subject to agreement with the member of staff, partial suspension may be employed, allowing the member of staff to engage in some of his or her normal duties.

Wherever possible, when suspension of a member of staff is being considered, the member of staff will be interviewed and invited to make representations before any suspension order is made. He or she will be entitled to be accompanied at any such interview by an adviser, friend, trade union or other representative. A member of staff who has been suspended may make representations to the Vice-Chancellor concerning the suspension as soon as is reasonably practicable. The representations may be made in person or in writing, as the member of staff chooses, and may be put forward by the member of staff or his or her adviser, friend, trade union or other representative. A decision to suspend a member of staff shall be subject to review at the request of the member of staff after four weeks. Such a review shall not involve a hearing, but the member of staff, either personally or through an adviser, friend, trade union or other representative, shall be entitled to make written representations. The review shall be conducted by the Vice-Chancellor. In addition to the initial review, the Vice-Chancellor shall review the suspension on receipt of evidence of altered circumstances which affect the original decision.

Where the Vice-Chancellor appoints a nominee, the same person may deal with the original suspension and any subsequent representations.

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9. General

Trade union representatives

When formal proceedings under this procedure are contemplated against an accredited representative of a trade union recognised by the University, the Human Resources Director shall inform the Branch Chair, Secretary or full-time official of the Union of the circumstances before the hearing.

Academic freedom

Where members of staff are involved in teaching or research, whether or not they are covered by Statute 32, the University shall safeguard their freedom within the law to question and test received wisdom and to put forward new ideas and controversial or unpopular opinions, without suffering any detriment.

Staff transferring within the University

Members of staff transferring to another post within the University while subject to initial service review will continue the initial service review period in the new post. Where an initial service review has been successfully completed individuals will not be subject to another initial service review on transferring to an alternative role in the University.

10. Appeals

All appeals must be made in writing to the University Secretary within twenty working days of the date when the letter confirming the decision appealed against was sent. The appeal letter shall set out clearly the general grounds on which the appeal is based. A member of staff shall not normally be permitted to raise grounds at the appeal hearing if these were not raised in the original written appeal submission. An appeal may be made under this procedure after a member of staff has left the University following dismissal, however appeal proceedings may be suspended pending the outcome of an employment tribunal application.

Appeals against warnings or extensions

Appeals under this procedure against warnings or extension of the initial service review period shall be heard by the Dean of Faculty or Registrar, unless the original decision was taken by the Dean or Registrar, in which case the appeal shall be heard by a Pro Vice-Chancellor. Where the original decision was taken by a Pro Vice-Chancellor or the Vice-Chancellor, the appeal shall be heard by a senior member of staff appointed by the Vice-Chancellor. The decision shall be final. The person

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hearing the appeal shall be advised by the Human Resources Director. The member of staff may present his or her case in person or in writing, and may be represented by an adviser, friend, trade union or other representative. There shall be no entitlement to a rehearing of the case. Grounds for appeal include (1) new evidence which could not reasonably have been presented at the hearing at which the original decision was taken, (2) that the original hearing was not conducted fairly, or (3) that the original decision was unreasonable in the light of the findings of fact. In the first case, the person hearing the appeal may remit the matter back for reconsideration. In the second and third cases, the person hearing the appeal shall overturn the original decision if he or she considers it just to do so.

Appeals against dismissal

Appeals against dismissal shall take the form of a review. There shall be no entitlement to a rehearing of the case and witnesses may be called only with the appeal Committee's permission. Grounds for appeal include (1) new evidence which could not reasonably have been presented at the hearing at which the original decision was taken, (2) that the original hearing was not conducted fairly, or (3) that the original decision was unreasonable in the light of the findings of fact. The committee shall overturn the original decision if it considers it just to do so.

Council shall appoint a committee of three to consider the appeal, none of whom shall have had any prior involvement in the case. The committee shall include a lay member of Council as Chair, and, in the case of members of staff to whom Statute 32 applies, shall also include a member of the academic staff appointed by Senate. Where the appeal is made by a member of the clinical academic staff, who is required to engage in clinical work or activities and for that purpose to be registered with the General Medical or Dental Council or similar body and/or to have an honorary or substantive contract or status with a National Health Service trust or similar body, then the committee may include, in addition to its other members, an appropriate medically qualified representative of the National Health Service, appointed by the Chief Executive of the Avon, Gloucestershire and Wiltshire Strategic Area Health Authority or successor body.

The University Secretary shall act as secretary to the appeal committee. The procedure shall be determined by the committee. (Guidelines on procedure shall be issued from time to time). The member of staff may

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present the appeal in person, attend hearings and be represented by an adviser, friend, trade union or other representative. The University may be represented by a member of staff or lawyer. The committee may adjourn hearings, set time limits for stages of the proceedings, correct accidental errors and dismiss an appeal if there are undue delays in taking the matter forward. Every effort will be made to deal with the matter expeditiously. The committee shall give a reasoned decision in writing, which shall be sent to the member of staff and to Council. Any dismissal under this procedure shall remain in force pending the outcome of an appeal. If the decision to dismiss is overturned, continuity of employment shall be restored.

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Ordinance 26

Fixed-Term Contracts

1. Preliminary issues

Definitions

In this Ordinance, "fixed-term contract" is defined in accordance with the Fixed-Term Employees (Prevention of Less Favorable Treatment) Regulations 2002; that is, as a contract of employment that, under its provisions determining how it will terminate in the normal course, will terminate:

- a) on the expiry of a specific term, or
- b) on the completion of a particular task, or
- c) on the occurrence or non-occurrence of any other specific event other than the attainment by the employee of any normal and bona fide retiring age in the establishment for an employee holding the position held by him or her.

A "permanent contract" is a contract which is open-ended and is not for a fixed-term, but any such contract may be lawfully terminated in various circumstances, including resignation, retirement, ill-health, gross misconduct and redundancy.

Exceptional circumstances

Where a member of staff disagrees that circumstances are exceptional as set out in this ordinance, he or she has a right of review as set out in section 8, below. In addition there will be six-monthly meetings between the University and the trade unions (subject to agreement with the unions) to discuss circumstances that have been determined by the University to be exceptional, and in the event of disagreement as to what amounts to exceptional circumstances, the principles to apply in future cases will be determined by the Personnel and Health and Safety Committee of Council. The trade unions will have the right to make written representations.

2. Equal treatment

The Fixed-Term Employees (Prevention of less Favourable Treatment) Regulations 2002 require that staff employed on a fixed-term basis enjoy the same terms and conditions as permanent staff. Members of staff on

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fixed-term contracts shall:

- a) receive a statement of their terms and conditions of employment;
- b) be treated as favourably as those on permanent contracts, for example, in relation to pay, staff benefits, training, promotion, career development and information about job vacancies;
- c) be able to discuss with their line manager whether permanent employment is justified under this ordinance;
- d) be able to discuss with their line manager what their career options might be;
- e) within 21 days of a request, receive a written statement explaining any differences in their employment arrangements from those of comparable permanent employees, taking into account the overall employment package; and
- f) within 21 days of a request, in the circumstances where a member of staff has four years' continuous service as set out in this ordinance, receive a written statement explaining whether the contract is permanent, or the objective reasons for continuing the fixed - employment.

3. Use of fixed-term contracts

Subject to the further qualifications set out below in section 5, fixed-term contracts will only be used in the University for transparent, necessary and objective reasons, as follows:

- a) The post is a clearly defined training or career development position;
- b) The post is a first research position and the fixed-term is for four years or fewer; this does not apply to an applicant for a researcher position who already has three years' appropriate and relevant experience at another higher education institution;
- c) The post is a secondment;
- d) The post requires specialist skills for a limited period (although it could be argued that many academic and research posts require "specialist skills" this provision is intended to relate to other specialist skills which are required for a limited period. Use of this provision will be subject to six monthly review between the relevant Unions and the University to ensure that it is not used beyond its intended application) or is to accomplish a particular task or project for a limited period;

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- e) The appointment is to provide cover for a member of the University's staff who is absent for a limited period (for example on maternity leave, sickness absence, career break, secondment or sabbatical leave); and
- f) Other exceptional circumstances.

In addition, no fixed-term contract will be awarded for a period longer than four years, other than in exceptional circumstances, and there will be no more than three successive renewals or extensions for periods of one year or less of a fixed-term contract of one year or less, other than in exceptional circumstances.

4. Open competition

Where a post has been created as a fixed-term post, but the University decides that it will become permanent, the fixed-term post-holder will be awarded the permanent contract unless the fixed-term post is (1) to be replaced by a permanent post with responsibilities that are substantially different to those currently being undertaken by the fixed-term post-holder and (2) after discussion with the individual and/or their representative, the University considers that it is appropriate to open the post to competition (use of this provision will be subject to a six monthly review between the relevant Unions and the University).

5. Renewal of fixed-term contracts after four years continuous service

In the light of the Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002, unless there are objectively justifiable grounds to do otherwise, if all the following apply:

- a) a member of staff is on a fixed-term contract at the University; and
- b) the fixed-term contract has previously been renewed by the University, or the member of staff has previously been employed on a fixed-term contract at the University before the start of the present contract; and
- c) the member of staff has been continuously employed at the University under the current contract, or under that contract taken with a previous fixed-term contract, for a period of four years or more,

then with effect from the later of the following two dates: namely (1) the date when the current contract was entered into or last renewed and (2) the date when the member of staff acquired four years continuous service, the

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member of staff shall be deemed to hold a permanent contract (subject to transitional provisions agreed with the relevant Unions).

There are some objectively justified grounds for not awarding a permanent contract in those circumstances, as follows:

- i. The post is part of a training programme that has been extended for a limited period;
- ii. The post is wholly or mainly concerned with a specific business or academic activity which the University has decided will cease within one year; and
- iii. Other exceptional circumstances which objectively justify use of a further fixed-term contract.

When considering the case for permanency, full account will be taken of the individual's employment history with the University.

6. Procedure at the termination of a fixed-term contract

Wherever a fixed-term contract is due to terminate, the procedure shall be as follows:

- a) Four months before the expiry of a fixed-term contract, the possible options for continued employment shall be discussed between the member of staff and his or her line manager, including renewal of the fixed-term contract in line with the categories listed in sections 3 and 5 above, award of a permanent contract and expiry of the fixed-term contract with no renewal. When considering the case for permanency, full account will be taken of the individual's employment history with the University.
- b) Three months before the expiry of the fixed-term contract, Human Resources shall send the member of staff written confirmation, subject to the consultation process, of any likely change in contractual terms or of the expiry of their employment contract, with information about entitlements such as redundancy pay.
- c) Where the decision is that a contract should expire and not be renewed, Human Resources shall at once initiate consultation with the member of staff on possible options for redeployment within the University.
- d) Human Resources shall give the member of staff information about other positions in the University.

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- e) Human Resources shall initiate consultation with the recognised trade union in accordance with statutory requirements.
- f) Further consultation shall take place with the recognised trade union and member of staff as required.

7. Reasoned decision

If a fixed-term contract is not renewed or extended, or a permanent contract is not offered at the end of a fixed-term contract, at the earliest possible date and at the latest within fourteen days of the expiry of the contract, the University shall give the member of staff reasons for the decision in writing. The member of staff has the right to request a review of any such decision, as set out in section 8, below.

8. Right of review

Within twenty working days of receipt of notification of a decision concerning a fixed-term contract, the member of staff may request Council to review the decision. The request must be made to the University Secretary in writing, setting out clearly the grounds on which the request is made. Council shall appoint a committee of three to conduct the review, including a lay member of Council and, in the case of a member of staff to whom Statute 32 applies, a member of the academic staff appointed by Senate. The member of staff may address the committee in person and be represented by an adviser, friend or trade union or other representative. The University may be represented by a member of staff or lawyer. If the committee considers that the University's decision was unreasonable, or insupportable in the light of legal considerations or the University's statutes and ordinances, it may require the University to renew or extend a fixed-term contract or to offer the member of staff a permanent contract. The Committee's decision shall be final. The committee shall give reasons for its decision, which shall be sent to the member of staff and reported to Council.

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Ordinance 27

Redundancy Procedure

1. Scope

This ordinance deals with redundancy. However it does not apply when a fixed-term contract ends by the expiry of the fixed-term, the completion of the task or the occurrence or non-occurrence of the specific event which defines the fixed-term. In such a case the procedure laid down in the ordinance on fixed-term contracts will apply.

2. University postholders may act through nominees

In this procedure, unless the context indicates otherwise, references to University postholders shall be construed to refer either to the postholder or to an appropriate member of staff nominated by him or her to act with full authority on his or her behalf.

3. General principle

The University shall ensure security and continuity of employment for as many of its staff as is reasonably practicable. Every reasonable effort will be made to avoid redundancy situations arising and to avoid making individual members of staff redundant.

4. Definition of redundancy

For the purposes of this procedure, dismissal by reason of redundancy has the meaning set out in section 139 of the Employment Rights Act 1996 (see the current HMSO website at <http://www.hmso.gov.uk/acts/acts1996/96018--s.htm#139>)

5. Consultation

Where there is a possibility that staff may be made redundant, at the earliest opportunity consultation shall take place between the University and appropriate representatives, as required by section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 (See the current HMSO website at http://www.hmso.gov.uk/acts/acts1992/Ukpga_19920052_en_14.htm#mdiv188). Consultation shall also take place between the University and members of staff likely to be affected. In both cases, consultation shall be organised by the Human Resources Director and shall continue throughout the progress of the procedures.

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The aim of the consultation shall be (1) to avoid dismissal if possible, for example by voluntary severance or redeployment, (2) to reduce the number of staff to be dismissed if redundancy is unavoidable, and (3) to mitigate the consequences of any dismissals.

6. Institution of procedures

In the case of members of staff to whom Statute 32 applies, Council shall consider whether the circumstances are such that the redundancy procedures should be instituted, and if so, whether this should primarily relate to a particular part or parts of the University.

In the case of members of staff to whom Statute 32 does not apply, the appropriate Dean or the Registrar, in consultation with the Human Resources Director, shall decide whether the circumstances are such that the redundancy procedures should be instituted.

7. Panel

In the case of members of staff to whom Statute 32 applies, if Council decides that redundancy procedures should be instituted, the Vice-Chancellor shall appoint a panel to oversee the procedures and to make decisions. The panel shall consist of at least five members and shall include at least one lay member appointed by Council and at least one member of the academic staff appointed by Senate. The Human Resources Director shall attend the meetings of the panel to provide information and advice.

In the case of members of staff to whom Statute 32 does not apply, if the Dean or Registrar decides that redundancy procedures should be instituted, he or she shall appoint a panel to oversee the procedures and to make decisions. The panel shall consist of at least five members, at least one of whom shall be a member of staff from outside the School or Division, who has had no direct involvement in the relevant area of work. The Human Resources Director shall attend the meetings of the panel to provide information and advice.

Where redundancy may affect both academic and other staff in a particular area of the University, one panel may be convened by the Vice-Chancellor to deal with both sets of staff.

8. Selection criteria

In all cases, the panel, advised by the Human Resources Director, shall

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decide whether or not it is appropriate to invite applications for voluntary redundancy, and if so, on what basis these would be accepted. If there are insufficient agreed voluntary redundancies, the panel shall decide, on advice from the Human Resources Director, which members of staff fall within the pool for selection. It shall also decide, following consultation with the appropriate representatives, on the selection criteria for redundancy to be employed.

9. Representations

The panel will consider proposals from the Appropriate Manager in relation to the numbers of redundant posts, the appropriate pool and the selection criteria to be used. The Human Resources Director shall inform those members of staff falling within the pool for selection, in writing, of the selection criteria to be used. The Appropriate Manager will consider representations from those members of staff before applying the selection criteria. The Appropriate Manager will then recommend to the panel which members of staff should be made redundant. Any members of staff selected for redundancy and/or their representatives shall be invited to make representations to the panel orally or in writing. When a member of staff wishes to make oral representations, he or she may be represented by an adviser, friend, trade union or other representative.

10. Decisions

Throughout the process efforts will be made to find suitable alternative employment. Normally in the light of all the information provided and the representations made, the panel shall decide who shall be given notice of dismissal on grounds of redundancy and the panel shall report to Council.

However where redundancies arise from the closure of the whole or a substantial part of a school/division the panel will make recommendations to Council as to who should be given notice of redundancy.

11. Informing staff

Within seven days of the panel's decision, the Human Resources Director shall inform all staff in the pool for selection whether or not their employment is to be terminated on grounds of redundancy. Members of staff who are to be dismissed under this procedure shall be informed in writing of the reasons for the dismissal and, where selection has taken place, why they were selected.

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12. Dismissal

The Human Resources Director shall dismiss the members of staff selected for dismissal under this procedure.

13. Appeal

13.1 Appeals

Those selected for redundancy may appeal to Council on any matter save the decision to institute the redundancy procedures. All appeals must be made in writing to the University Secretary within twenty working days of the date when the letter confirming the decision appealed against was sent. The appeal letter shall set out clearly the general grounds on which the appeal is based. A member of staff shall not normally be permitted to raise grounds at the appeal hearing if these were not raised in the original written appeal submission. An appeal may be made under this procedure after a member of staff has left the University following dismissal, however appeal proceedings may be suspended pending the outcome of an employment tribunal application.

13.2 Appeal Committee

Council shall appoint a committee of at least three to consider the appeal, none of whom shall have had any prior involvement in the case. The committee shall include a lay member of Council as Chair, and, in the case of members of staff to whom Statute 32 applies, a member of the academic staff appointed by Senate. Where the appeal is made by a member of the clinical academic staff, who is required to engage in clinical work or activities and for that purpose to be registered with the General Medical or Dental Council or similar body and/or to have an honorary or substantive contract or status with a National Health Service trust or similar body, then the committee may include, in addition to its other members, an appropriate representative of the National Health Service, appointed by the Chief Executive of the Avon, Gloucestershire and Wiltshire Strategic Area Health Authority or any successor body.

13.3 Procedure

The University Secretary shall act as secretary to the appeal committee. The procedure shall be determined by the committee (Guidelines on procedure shall be issued from time to time). The member of staff may present the appeal in person, attend hearings and be represented by an adviser, friend, trade union or other representative. The University may be

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represented by a member of staff or lawyer. The committee may adjourn hearings, set time limits for stages of the proceedings, correct accidental errors and dismiss an appeal if there are undue delays in taking the matter forward. Every effort will be made to deal with the matter expeditiously. The committee may consider relevant oral and written evidence. The member of staff and University representative may call witnesses. Where witnesses are called in person, they may be questioned by the appellant and by the University representative, as well as by the committee. The committee may accept a witness's written statement in evidence where it is impracticable for the witness to attend or where in the opinion of the committee it is for some other reason in the interests of justice to do so.

13.4 Decision

The committee shall have power to reach a final decision on the matter, or it may decide to remit the matter for further consideration by the original redundancy panel. In either case, the committee shall give a reasoned decision in writing, which shall be sent to the member of staff and reported to Council.

13.5 Dismissal in force

Any dismissal under this procedure shall remain in force pending the outcome of an appeal. If the decision to dismiss is overturned, continuity of employment shall be restored.

Appendix 1

Employment Rights Act 1996, Section 139

(1) For the purposes of this Act an employee who is dismissed shall be taken to be dismissed by reason of redundancy if the dismissal is wholly or mainly attributable to:

- (a) the fact that his employer has ceased or intends to cease:
 - (i) to carry on the business for the purposes of which the employee was employed by him; or
 - (ii) to carry on that business in the place where the employee was so employed; or

- (b) the fact that the requirements of that business:
 - (i) for employees to carry out work of a particular kind; or
 - (ii) for employees to carry out work of a particular kind in the

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place where the employee was employed by the employer have ceased or diminished or are expected to cease or diminish.

(2) For the purposes of subsection (1) the business of the employer together with the business or businesses of his associated employers shall be treated as one (unless either of the conditions specified in paragraphs (a) and (b) of that subsection would be satisfied without so treating them).

(3) For the purposes of subsection (1) the activities carried on by a local education authority with respect to the schools maintained by it, and the activities carried on by the governors of those schools, shall be treated as one business (unless either of the conditions specified in paragraphs (a) and (b) of that subsection would be satisfied without so treating them).

(4) Where:

(a) the contract under which a person is employed is treated by section 136(5) as terminated by his employer by reason of an act or event; and

(b) the employee's contract is not renewed and he is not re-engaged under a new contract of employment, he shall be taken for the purposes of this Act to be dismissed by reason of redundancy if the circumstances in which his contract is not renewed, and he is not re-engaged, are wholly or mainly attributable to either of the facts stated in paragraphs (a) and (b) of subsection (1).

(5) In its application to a case within subsection (4), paragraph (a)(i) of subsection (1) has effect as if the reference in that subsection to the employer included a reference to any person to whom, in consequence of the act or event, power to dispose of the business has passed.

(6) In subsection (1) "cease" and "diminish" mean cease and diminish either permanently or temporarily and for whatever reason.

Employment Rights Act 1996 Section 136 (5)

(5) Where in accordance with any enactment or rule of law:

(a) an act on the part of an employer; or

(b) an event affecting an employer (including, in the case of an individual, his death),

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operates to terminate a contract under which an employee is employed by him, the act or event shall be taken for the purposes of this Part to be a termination of the contract by the employer.

Appendix 2

Trade Union and Labour Relations (Consolidation) Act 1992, Section 188

(1) An employer proposing to dismiss as redundant an employee of a description in respect of which an independent trade union is recognised by him shall consult representatives of the union about the dismissal in accordance with this section.

(2) The consultation must begin at the earliest opportunity, and in any event-

(a) where the employer is proposing to dismiss as redundant 100 or more employees at one establishment within a period of 90 days or less, at least 90 days before the first of those dismissals takes effect;

(b) where the employer is proposing to dismiss as redundant at least 10 but less than 100 employees at one establishment within a period of 30 days or less, at least 30 days before the first of those dismissals takes effect.

(3) In determining how many employees an employer is proposing to dismiss as redundant no account shall be taken of employees in respect of whose proposed dismissals consultation has already begun.

(4) For the purposes of the consultation the employer shall disclose in writing to the trade union representatives-

(a) the reasons for his proposals,

(b) the numbers and descriptions of employees whom it is proposed to dismiss as redundant,

(c) the total number of employees of any such description employed by the employer at the establishment in question,

(d) the proposed method of selecting the employees who may be dismissed, and

(e) the proposed method of carrying out the dismissals, with due regard to any agreed procedure, including the period over which the dismissals are to take effect.

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(5) That information shall be delivered to the trade union representatives, or sent by post to an address notified by them to the employer, or sent by post to the union at the address of its head or main office.

(6) In the course of the consultation the employer shall-

(a) consider any representations made by the trade union representatives, and

(b) reply to those representations and, if he/she rejects any of those representations, state his/her reasons.

(7) If in any case there are special circumstances which render it not reasonably practicable for the employer to comply with a requirement of subsection (2), (4) or (6), the employer shall take all such steps towards compliance with that requirement as are reasonably practicable in those circumstances.

(8) This section does not confer any rights on a trade union or an employee except as provided by sections 189 to 192 below.

Appendix 3

Redundancy Notice Provisions

(a) With the exception of staff covered by paragraphs (b) to (e), for whom protected arrangements will instead apply, staff will be given a minimum notice provision as follows in the event of dismissal by reason of redundancy:

- Staff employed by the University for less than 5 years: 3 months
- Staff employed by the University for at least 5 years but fewer than 7 years : 4 months
- Staff employed by the University for at least 7 years but fewer than 9 years :5 months
- Staff employed by the University for 9 years or more: 6 months

(b) All staff employed by the University on a permanent academic or academic related contract before the 1 October 2004, or offered such employment on such terms before that date, will retain the right to a minimum of one year's notice in the event of redundancy.

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(c) All staff employed by the University on an academic or academic-related contract at the 1 October 2004 and who were offered a permanent contract on or after the 1 October 2004 will be entitled to a minimum of 6 months' notice in the event of redundancy.

(d) All staff employed by the University on a permanent support staff contract at 30 April 2006, and those employed at that date on a fixed-term contract who subsequently transferred to a permanent contract, will be entitled to a minimum of 6 months' notice in the event of redundancy.

(e) The employment of a member of staff, who is employed on a fixed-term contract and who is subsequently selected for dismissal in a situation of general redundancy, will end either at the termination of the fixed-term contract or following 3, 4, 5 or 6 months' notice of redundancy in accordance with his or her length of service as set out in (a) above, whichever is the earlier.

Appendix 4 - Redundancy Pay

Any member of staff whose contract of employment is terminated by reason of redundancy will be entitled to receive a redundancy payment, based on length of service as follows. Enhanced redundancy payments applicable to redundancies effective from 1 May 2006 onwards.

Staff with 0-10 years' service - Statutory Redundancy Pay only

Staff with 10-20 years' service - Statutory Redundancy Pay x 2

Staff with 20 years' + service - Statutory Redundancy Pay x 2 (with no cap on weekly pay but a cap on total figure of £20K. The "cap on weekly pay" is the maximum amount of money defined (by the government) as a "week's pay" for the purposes of calculating a statutory redundancy payment.)

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Ordinance 28

Conduct Procedure for Members of Staff

1. Introduction

This procedure does not apply to:

- a) members of staff who are subject to an initial service review period, who are dealt with under a separate ordinance;
- b) cases which clearly involve performance rather than conduct, for example where there is a lack of capability, where the Capability and Performance Procedure shall apply; and
- c) cases which involve ill-health, where the Ill-Health Procedure shall apply.

Good conduct is essential for the efficient and orderly operation of the University's activities and to ensure the safety and well-being of members of the University and its associates. The purpose of this procedure is to provide a constructive framework for dealing with staff conduct and to ensure that disciplinary action, where necessary, is applied fairly and consistently. The University's Rules of Conduct for Members of Staff (see Appendix 1) set out the standards of behaviour expected of staff and give examples of behaviour considered by the University to amount to misconduct and gross misconduct, which may result in disciplinary action being taken. It is not possible to specify all forms of behaviour that will result in disciplinary action, nor the type of disciplinary action that may be taken in each situation and each case will be judged on its merits. The procedure shall be initiated at a stage appropriate to the seriousness of the alleged misconduct. With the exception of gross misconduct, no member of staff shall be dismissed for a first breach of the Rules of Conduct.

2. Procedural issues

University Postholders and Appropriate Managers

For staff reporting within the academic school/faculty structure, references to Appropriate Manager shall usually be construed as referring to either the Head of School, or School/Faculty Manager, but may in appropriate cases refer to a head of department or head of discipline. In support process areas, references to Appropriate Manager shall usually refer to either the Divisional Head, or in larger areas, other postholders within the line management structure as appropriate.

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In this procedure, unless the context indicates otherwise, references to University postholders and Appropriate Managers shall be construed to refer either to the postholder or the Appropriate Manager or to an appropriate member of staff nominated by him or her to act with full authority on his or her behalf.

Confidentiality

Throughout any proceedings taken under this procedure, the University shall seek to ensure that a high standard of confidentiality is maintained, before and after the hearing as well as in relation to the hearing itself. Care shall be taken not to undermine the position of the member of staff concerned in relation to his or her colleagues. Investigations shall be undertaken with discretion. Where necessary to ensure confidentiality, administrative support shall be provided by Human Resources. Wherever practicable, hearings shall be held away from the member of staff's normal place of work. None of this shall preclude information about the outcome being given to any person where this is appropriate.

Attendance at hearings

A member of staff who is subject to proceedings under this ordinance has the right to attend hearings and to be represented by an adviser, friend, trade union or other representative. If the member of staff is for good reason unable to attend a formal hearing, the hearing shall be adjourned to a suitable alternative date within a reasonable time. However if there are reasonable grounds to believe that the member of staff is refusing or failing to attend a hearing without good cause, the member of staff will be informed that a further hearing is being arranged. On that further occasion the University may proceed in the absence of the member of staff, unless satisfied that there are good grounds for his or her non-attendance. Any submission concerning non-attendance made by the member of staff in writing, or by his or her representative in person or in writing, shall be considered before any decision is taken to hear the matter in his or her absence. If the hearing proceeds in the member of staff's absence, any submission made about the misconduct by the member of staff in writing, or by his or her representative in person or in writing, shall be considered at the hearing.

3. Informal action

When the conduct of a member of staff is causing concern, the normal management and staff review processes having failed to secure the

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required improvement, the Appropriate Manager's^{*} first step shall almost always be to discuss the problem with the member of staff informally under this procedure. Such discussions shall identify the problem and consider its causes and possible solutions. The Appropriate Manager shall ensure that the member of staff is aware of the standards expected and shall consider whether any further support or action might be appropriate.

Where there is continuing concern after such informal discussion, the Appropriate Manager shall make a brief note of the discussion and confirm the main points in writing to the member of staff, including future expectations and the potential consequences of a failure to improve.

Where a member of staff's health appears to be a contributory cause, the Appropriate Manager shall consider whether it would be appropriate to seek a medical opinion, in which case advice shall be sought from a human resources manager. Where an underlying medical condition is established as a reason for conduct problems, it will normally be appropriate to take the matter forward under the Ill-Health Procedure.

4. Formal action

Stage 1

Where informal discussions have not led to improved conduct, or where, exceptionally, alleged misconduct is of such seriousness that informal discussion is inappropriate, the Appropriate Manager, after consultation with a human resources manager, may consider taking formal action under Stage 1 of this procedure. Before any decision is taken to proceed with formal action under Stage 1, the Appropriate Manager shall where appropriate gather such further information as may be required, with advice from a human resources manager. The Appropriate Manager shall inform the member of staff that an investigation is taking place and shall normally interview the member of staff. Written statements may be obtained.

If the Appropriate Manager decides that it is appropriate to consider giving the member of staff a Stage 1 warning, the Appropriate Manager shall arrange a hearing. The Appropriate Manager shall inform the member of

^{*} Throughout this procedure (subject to Ordinance 33 on removal from an additional post), if the Head of School/Divisional Head's conduct is causing concern, the matter will be dealt with by the dean or Registrar, as appropriate; if the dean or Registrar's conduct is causing concern, the matter will be dealt with by the appropriate Pro Vice-Chancellor; and if a Pro Vice-Chancellor's conduct is causing concern, the matter will be dealt with by the Vice-Chancellor.

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staff in writing at least seven working days in advance that there is to be a hearing. The letter shall include:

- a statement of the grounds that have led to a Stage 1 warning being contemplated, including full details of the alleged misconduct;
- supporting information and evidence;
- the date, time and location of the hearing;
- the fact that the hearing is taking place under Stage 1 of this procedure;
- the right of the member of staff to attend and to be accompanied by an adviser, friend, trade union or other representative; and
- a copy of this procedure.

At the hearing the Appropriate Manager shall interview the member of staff, who shall be given the opportunity to respond. A human resources manager shall normally attend the hearing. The Appropriate Manager may, for good reason, request another member of staff to attend the hearing. Witnesses may attend to give relevant evidence. The Appropriate Manager shall ensure that a note is taken of the hearing. The note shall normally be taken by a human resources manager.

If, having considered the evidence, the Appropriate Manager is satisfied that a Stage 1 warning is appropriate, the Appropriate Manager shall inform the member of staff that a letter shall be sent within seven working days, giving a Stage 1 warning under the procedure, and that the warning will be in force for a period of six calendar months from the date of the letter, after which it will be spent. The Appropriate Manager shall enclose a copy of the note of the hearing, and shall set out in the letter:

- the basis for the finding;
- the standard of conduct expected;
- the time during which this improvement must be achieved;
- any training or support which may be available;
- the consequences of a failure to improve; and
- the member of staff's right to appeal.

The member of staff shall be shown any report on his or her conduct prepared during the period in which the Stage 1 warning is current. If, having considered the evidence, the Appropriate Manager is satisfied that a

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Stage 1 warning is not appropriate, he or she shall so inform the member of staff and shall confirm this by letter within seven working days.

Stage 2

If the member of staff does not meet the required standard of conduct set out under the Stage 1 warning, or where, exceptionally, the alleged misconduct is such that it is appropriate to dispense with a Stage 1 warning, the Appropriate Manager, after consultation with a human resources manager, may consider taking formal action under Stage 2 of this procedure. Before any decision is taken to proceed with formal action under Stage 2, the Appropriate Manager shall where appropriate gather such further information as may be required, with advice from a human resources manager. The Appropriate Manager shall inform the member of staff that an investigation is taking place and shall normally interview the member of staff. Written statements may be obtained.

If the Appropriate Manager decides that it is appropriate to consider giving the member of staff a Stage 2 warning, the Appropriate Manager shall arrange a hearing. The Appropriate Manager shall inform the member of staff in writing at least seven working days in advance that there is to be a hearing. The letter shall include:

- a statement of the grounds that have led to a Stage 2 warning being contemplated, including full details of the alleged misconduct;
- supporting information and evidence;
- the date, time and location of the hearing;
- the fact that the hearing is taking place under Stage 2 of this procedure;
- the right of the member of staff to attend and to be accompanied by an adviser, friend, trade union or other representative; and
- a copy of this procedure.

At the hearing the Appropriate Manager shall interview the member of staff, who shall be given the opportunity to respond. A human resources manager shall normally attend the hearing. The Appropriate Manager may, for good reason, request another member of staff to attend the hearing. Witnesses may attend to give relevant evidence. The Appropriate Manager shall ensure that a note is taken of the hearing. The note shall normally be taken by a human resources manager.

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If, having considered the evidence, the Appropriate Manager is satisfied that a Stage 2 warning is appropriate, he or she shall inform the member of staff that a letter shall be sent within seven working days, giving a Stage 2 warning under the procedure, and that the warning will be in force for a period of up to two years from the date of the letter (subject to review at one year), after which it will be spent. The Appropriate Manager shall enclose a copy of the note of hearing, and shall set out in the letter:

- the basis for the finding;
- the standard of conduct expected;
- the time during which this improvement must be achieved;
- any training or support which may be available;
- the consequences of a failure to improve; and
- the member of staff's right to appeal.

The member of staff shall be shown any report on his or her conduct prepared during the period in which the Stage 2 warning is current. If, having considered the evidence, the Appropriate Manager is satisfied that a Stage 2 warning is not appropriate, he or she shall so inform the member of staff and shall confirm this by letter within seven working days. Alternatively the Appropriate Manager may instead issue a Stage 1 warning as set out under Stage 1 of this procedure.

Stage 3

If the member of staff does not meet the required improvements set out under the Stage 2 warning, or where gross misconduct is alleged, the Appropriate Manager, after consultation with the Human Resources Director and Pro Vice-Chancellor or Registrar, may set out allegations to be heard by a disciplinary panel.

In the case of a member of staff to whom Statute 32 applies, the Vice-Chancellor shall appoint to the panel three members with no prior involvement in the case, including a lay member of Council in the chair, and a member of the academic staff appointed by Senate. Where the case concerns a member of the clinical academic staff, who is required to engage in clinical work or activities and for that purpose to be registered with the General Medical or Dental Council or similar body and/or to have an honorary or substantive contract or status with a National Health Service trust or similar body, then the panel may include, in addition to its other members, an appropriate representative of the National Health Service,

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appointed by the Chief Executive of the Avon, Gloucestershire and Wiltshire Strategic Area Health Authority or successor body.

In the case of a member of staff to whom Statute 32 does not apply, the dean or head of division shall appoint to the panel three members who have no prior involvement in the case, nominating one of them as Chair.

The Human Resources Director shall act as secretary to the panel, to give advice and to assist the panel, and shall arrange for a note of the proceedings to be taken. The panel may seek independent legal advice.

The Human Resources Director shall appoint a member of the University staff or a lawyer to present the allegation against the member of staff. The Human Resources Director shall ask the case presenter to set out the allegation or allegations in writing and these shall be sent to the member of staff at least seven working days before the hearing.

The Human Resources Director may call for written witness statements in support of the allegation, in which case copies of these shall be sent to the member of staff at least seven working days before the hearing.

Subject to the provisions of this ordinance and to representations made by the member of staff, the order of proceedings at the hearing shall be at the discretion of the panel (Human Resources will issue guidelines on procedure from time to time). The panel shall rely only on written or oral evidence presented at the hearing. Normally evidence shall be given by witnesses appearing in person, who may be called by the case presenter, the member of staff or the panel. All such witnesses may be questioned by the case presenter, the member of staff or his or her representative, and members of the panel. The panel may accept a written statement in evidence where the member of staff agrees that the author of the statement need not attend, or where it is impracticable for him or her to attend, or where in the opinion of the panel it is for some other reason in the interests of justice to do so. The panel may ask for additional enquiries to be undertaken, and may call for additional persons to attend.

While every effort will be made to ensure that the member of staff is not rushed in the presentation of his or her case, the panel may impose reasonable time limits on oral addresses and submissions. The panel shall refuse to admit evidence that is, in its opinion, irrelevant to the issues raised. The panel shall have power to adjourn a hearing to another date.

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The panel shall ensure that the proceedings are dealt with expeditiously. It may set time limits for each stage of the proceedings, and may dismiss the charges if there are undue delays by the University in taking the matter forward.

The panel shall find against a member of staff only if, on the evidence before it, it is satisfied that the allegations are proved. Normally a unanimous verdict will be expected, but if, exceptionally, the members of the panel cannot agree, the verdict of the panel shall be that of the majority of its members. The panel shall give a reasoned decision in writing, which shall be sent to the member of staff. The Vice-Chancellor, having consulted the Chair of the Personnel and Health and Safety Committee, has the power for good reason to suspend the activity of the panel, to stop the proceedings against the member of staff, or to require the proceedings or any stage of the proceedings to be concluded by a given date.

Disciplinary sanctions

Disciplinary sanctions normally open to the panel are:

- a) A disciplinary warning; if a Stage 2 warning is given, the period during which the warning will remain active shall be determined at the time of the hearing and shall be notified in writing to the member of staff and in exceptional circumstances this period may exceed two years;
- b) As an agreed alternative to dismissal, the award of a reasonable sum by way of compensation, either to the University or to an individual, in respect of identified and quantified loss;
- c) Dismissal effected by the Human Resources Director, without notice in the case of gross misconduct.

If, having considered the evidence, the panel is satisfied that no action is appropriate, it shall so inform the member of staff and shall confirm this by letter.

5. Suspension

A member of staff who is the subject of a complaint of misconduct or against whom a criminal charge is pending or who is the subject of police investigation, may be suspended on full pay by the Vice-Chancellor, pending disciplinary hearing or criminal trial. Suspension shall be employed where necessary to protect a member or members of the University

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community, or the property of the University or the property of a member or members of the University community, or to facilitate an investigation. Written reasons for the decision shall be recorded and made available to the member of staff. A member of staff who is suspended is prohibited from entering University premises and from participating in University activities. Subject to agreement with the member of staff, partial suspension may be employed, allowing the member of staff to engage in some only of his or her normal duties.

Wherever possible, when suspension of a member of staff is being considered, the member of staff will be interviewed and invited to make representations before any suspension order is made. He or she will be entitled to be accompanied at any such interview by an adviser, friend, trade union or other representative. A member of staff who has been suspended may make representations to the Vice-Chancellor concerning the suspension as soon as is reasonably practicable. The representations may be made in person or in writing, as the member of staff chooses, and may be put forward by the member of staff or his or her adviser, friend, trade union or other representative. A decision to suspend a member of staff shall be subject to review at the request of the member of staff after four weeks. Such a review shall not involve a hearing, but the member of staff, either personally or through an adviser, friend, trade union or other representative, shall be entitled to make written representations. The review shall be conducted by the Vice-Chancellor. In addition to the initial review, the Vice-Chancellor shall review the suspension on receipt of evidence of altered circumstances which affect the original decision.

Where the Vice-Chancellor appoints a nominee, the same person may deal with the original suspension and any subsequent representations.

6. General

Trade union representatives

When formal proceedings under this procedure are contemplated against an accredited representative of a trade union recognised by the University, the Human Resources Director shall inform the Branch Chair, Secretary or full-time official of the Union of the circumstances before the hearing.

Academic freedom

Where members of staff are involved in teaching or research, whether or not they are covered by Statute 32, the University shall safeguard their

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freedom within the law to question and test received wisdom and to put forward new ideas and controversial or unpopular opinions, without suffering any detriment.

Warnings

Where a member of staff transfers to a new post within the University, any current disciplinary warnings will remain in force and the head of the school/division to which the member of staff is transferring will have been advised of this. Appropriate Managers shall refer to the University's Staff Handbook or Recruitment Guide for advice on references.

A warning that is spent shall normally be disregarded for future disciplinary purposes. After a warning is spent, any notes and correspondence relating to the warning shall be destroyed, except for one copy which shall be held on the central personnel file, clearly marked as spent. However where a pattern emerges whereby the conduct of a member of staff is satisfactory throughout the period during which a warning is current only to fall below the required standard very soon thereafter, the warning may be borne in mind in deciding the type of disciplinary action to be taken in the future.

Clinical academic staff

Action may be taken under this procedure against a member of the clinical academic staff, whether on a substantive or an honorary contract, who is required to engage in clinical work or activities, and for that purpose to be registered with the General Medical or Dental Council or similar body and/or to have an honorary or substantive contract or status with an NHS trust or similar body, in respect of conduct arising in connection with his or her NHS work or activities, as if the work or activities were performed in and for the University. Where the registration, contract or status referred to above is suspended, during that period of suspension the Vice-Chancellor may suspend the member of staff from employment at the University. Where the outside suspension has been imposed as a substantive disciplinary measure, the University suspension will be without pay.

Other procedures

If a conduct case is in progress and it emerges that the member of staff's behaviour may have been wholly or partly attributable to a medical condition or amounts to an issue of capability or performance, the Appropriate Manager may transfer the case to be dealt with under another appropriate procedure. Where it is unclear which procedure is the most

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appropriate, the University shall decide which procedure to adopt, subject to representations made by the member of staff or his or her representative.

Deferral

The University may, but is not obliged to, defer action under this procedure pending the outcome of:

- investigation by the police;
- criminal prosecution;
- relevant disciplinary action taken outside the University, for example against a member of the clinical academic staff who is required to engage in clinical work or activities, and for that purpose to be registered with the General Medical or Dental Council or similar body and/or to have an honorary or substantive contract or status with an NHS trust or similar body, in respect of conduct arising in connection with his or her clinical work or activities.

7. Appeals

All appeals must be made in writing to the University Secretary within twenty working days of the date when the letter confirming the decision appealed against was sent. The appeal letter shall set out clearly the general grounds on which the appeal is based. A member of staff shall not normally be permitted to raise grounds at the appeal hearing if these were not raised in the original written appeal submission. An appeal may be made under this procedure after a member of staff has left the University following dismissal, however appeal proceedings may be suspended pending the outcome of an employment tribunal application.

Appeals against warnings

Appeals under this procedure against warnings shall be heard by the dean of faculty or Registrar, unless the original decision was taken by the dean or Registrar, in which case the appeal shall be heard by a pro vice-chancellor. Where the original decision was taken by a pro vice-chancellor or the Vice-Chancellor, the appeal shall be heard by a senior member of staff appointed by the Vice-Chancellor. The decision shall be final.

The person hearing the appeal shall be advised by the Human Resources Director. The member of staff may present his or her case in person or in

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writing, and may be represented by an adviser, friend, trade union or other representative. There shall be no entitlement to a rehearing of the case. Grounds for appeal include (1) new evidence which could not reasonably have been presented at the hearing at which the original decision was taken, (2) that the original hearing was not conducted fairly, or (3) that the original decision was unreasonable in the light of the findings of fact. In the first case, the person hearing the appeal may remit the matter back for reconsideration. In the second and third cases, the person hearing the appeal shall overturn the original decision if he or she considers it just to do so.

Appeals against decisions other than warnings

Appeals against a decision other than a warning, whether against the finding of guilt or the penalty imposed, shall take the form of a review. There shall be no entitlement to a rehearing of the case and witnesses may be called only with the appeal committee's permission. Grounds for appeal include (1) new evidence which could not reasonably have been presented at the hearing at which the original decision was taken (2) that the original hearing was not conducted fairly or (3) that the original decision was unreasonable in the light of the findings of fact. The committee shall overturn the original decision if it considers it just to do so.

Council shall appoint a committee of three to consider the appeal, none of whom shall have had any prior involvement in the case. The committee shall include a lay member of Council as Chair, and, in the case of members of staff to whom Statute 32 applies, a member of the academic staff appointed by Senate. In addition, in the case of members of staff to whom Statute 32 applies, the member of staff may request that an independent person from outside the University with relevant experience should sit as a fourth member of the committee. Where the appeal is made by a member of the clinical academic staff, who is required to engage in clinical work or activities and for that purpose to be registered with the General Medical or Dental Council or similar body and/or to have an honorary or substantive contract or status with a National Health Service trust or similar body, then the committee may include, in addition to its other members, an appropriate representative of the National Health Service, appointed by the Chief Executive of the Avon, Gloucestershire and Wiltshire Strategic Area Health Authority or successor body.

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The University Secretary shall act as secretary to the appeal committee. The procedure shall be determined by the committee (Guidelines on procedure shall be issued from time to time). The member of staff may present the appeal in person, attend hearings and be represented by an adviser, friend, trade union or other representative. The University may be represented by a member of staff or lawyer. The committee may adjourn hearings, set time limits for stages of the proceedings, correct accidental errors and dismiss an appeal if there are undue delays in taking the matter forward. Every effort will be made to deal with the matter expeditiously. The committee shall give a reasoned decision in writing, which shall be sent to the member of staff and to Council.

Any dismissal under this procedure shall remain in force pending the outcome of an appeal. If the decision to dismiss is overturned, continuity of employment shall be restored.

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Appendix 1 Summary of Disciplinary Action

Action	Taken by postholder (or nominee)	Consults	Possible action before hearing	Notice (working days)	Present at hearing (or nominee)	Action which may follow hearing	Period in force	Time for appeal (working days)
Informal discussion			Appropriate Manager			Advice, training, transfer		
Stage 1 warning	Appropriate Manager	Human Resources Manager	Investigation	7	Human Resources Manager	Stage 1 warning	6 months	20
Stage 2 warning	Appropriate Manager	Human Resources Manager	Investigation / Suspension	7	Human Resources Manager	Stage 2 warning	Up to 2 years	20
Stage 3 Gross misconduct or breach of Stage 2 warning	Appropriate Manager	Human Resources Director	Investigation / Suspension	7	Human Resources Director	Disciplinary action, including dismissal		20

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Appendix 2

Rules of Conduct for Members of Staff

Introduction

These Rules apply to all members of staff of the University and form part of their terms and conditions of employment. They set out behaviour which may amount to misconduct, resulting in disciplinary action. The Rules are intended to promote a productive, harmonious and safe working environment.

General Requirements

Members of staff are expected to:

- a) Comply with their contract and terms and conditions of employment;
- b) Fulfill the duties of their post as reasonably required by their Appropriate Manager;
- c) Observe relevant University rules, regulations, codes of practice and policy statements;
- d) Comply with health and safety and data protection requirements.

Misconduct

The following list gives examples of behaviour which may constitute misconduct. This list is not intended to be exhaustive:

- a) Conduct which constitutes a criminal offence, of a kind that is judged in all the circumstances to be relevant to the member of staff's employment by the University, whether committed on University premises or elsewhere;
- b) Violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language at work;
- c) Sexual, racial, or any other form of harassment, including bullying of any student or member of staff of the University, or any visitor to the University, or any other failure to respect the University's Equal Opportunities and Dignity at Work Policies;

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- d) Incapacity at work through the use of alcohol or drugs;
- e) Fraud, deceit, deliberate falsification of records, deception or dishonesty in relation to the University or its staff, students or visitors;
- f) Theft, misappropriation or misuse of University property, or the property of the University's staff, students or visitors, including intellectual property;
- g) Fraud or plagiarism in connection with academic research or failure to comply with the University's Research Misconduct Policy;
- h) Computer misuse, contrary to the University's regulations;
- i) Misuse or unauthorised use of University premises, equipment or facilities;
- j) Damage to University property, or the property of the University's staff, students or visitors, caused intentionally or recklessly;
- k) Action likely to cause injury or impair safety on University premises, or infringement of University Health and Safety policy;
- l) Negligence which causes or might cause unacceptable loss, damage or injury;
- m) Improper bias in relation to students, whether relating to admission or assessment;
- n) Willful or negligent failure to respect confidentiality of information and/or breach of the University's policy on Data Protection;
- o) Failure to respect the rights of any student or member of staff of the University, or any visitor to the University, to freedom of belief and freedom of speech;
- p) Breach of the provisions of any University code, policy, rule or regulation;
- q) Misuse of the University's name, or bringing the University into serious disrepute;
- r) Undertaking paid work detrimental to or in conflict with the University's interests without the University's permission;
- s) Unauthorised absence;
- t) Poor timekeeping;
- u) Failure to comply with a reasonable request or instruction from an appropriate person.

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Gross Misconduct

A member of staff who is found to have been guilty of misconduct shall normally in the first instance be given a warning. However gross misconduct, of such seriousness as to give good grounds for immediate dismissal, may lead to summary dismissal without warning. When determining whether an issue should be dealt with as misconduct or gross misconduct, the actual or potential consequences of the conduct shall be considered. Examples of behaviour which may constitute gross misconduct include assault or physical violence, theft, fraud, research misconduct and serious breaches of regulations relating to health and safety or data protection.

2 July 2010

Ordinance 29

Capability and Performance Procedure for Members of Staff

1. Introduction

This procedure is designed to provide a constructive framework within which to help members of staff who are failing to achieve a satisfactory level of performance at work to fulfill the duties of the role to the required standard. It is the University's intention wherever possible to be corrective rather than punitive.

This procedure does not apply to:

- a) members of staff who are subject to an initial service review period, who are dealt with under a separate ordinance;
- b) cases which clearly involve conduct rather than performance, where the Conduct Procedure shall apply; where it is considered that poor performance results from negligence or lack of application, it will normally be appropriate to use the Conduct Procedure;
- c) cases which involve ill-health, where the Ill-Health Procedure shall apply.

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2. Procedural issues

University Postholders and Appropriate Managers

For staff reporting within the academic school/faculty structure, references to Appropriate Manager shall usually be construed as referring to either the Head of School or School/Faculty Manager, but may in appropriate cases refer to a head of department or head of discipline. In support process areas, references to Appropriate Manager shall usually refer to either the Divisional Head, or in larger areas, other postholders within the line management structure as appropriate.

In this procedure, unless the context indicates otherwise, references to University postholders and Appropriate Managers shall be construed to refer either to the postholder or the Appropriate Manager or to an appropriate member of staff nominated by him or her to act with full authority on his or her behalf.

Confidentiality

Throughout any proceedings taken under this procedure, the University shall seek to ensure that a high standard of confidentiality is maintained, before and after the hearing as well as in relation to the hearing itself. Care shall be taken not to undermine the position of the member of staff concerned in relation to his or her colleagues. Investigations shall be undertaken with discretion. Where necessary to ensure confidentiality, administrative support shall be provided by Human Resources. Wherever practicable, hearings shall be held away from the member of staff's normal place of work. None of this shall preclude information about the outcome being given to any person where this is appropriate.

Attendance at hearings

A member of staff who is subject to proceedings under this ordinance has the right to attend hearings and to be represented by an adviser, friend, trade union or other representative. If the member of staff is for good reason unable to attend a formal hearing, the hearing shall be adjourned to a suitable alternative date within a reasonable time. However if there are reasonable grounds to believe that the member of staff is refusing or failing to attend a hearing without good cause, the member of staff will be informed that a further hearing is being

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arranged. On that further occasion the University may proceed in the absence of the member of staff, unless satisfied that there are good grounds for his or her non-attendance. Any submission concerning non-attendance made by the member of staff in writing, or by his or her representative in person or in writing, shall be considered before any decision is taken to hear the matter in his or her absence. If the hearing proceeds in the member of staff's absence, any submission made about the capability and performance by the member of staff in writing, or by his or her representative in person or in writing, shall be considered at the hearing.

3. Informal action

This procedure is not intended to replace normal management processes as the way in which staff performance is supported and monitored. Issues of unsatisfactory performance will normally be dealt with through management and staff review, and this capability and performance procedure will be used only where the failure to reach a satisfactory level of performance is significant or persistent (issues of progression and salary increments are addressed elsewhere).

When the performance of a member of staff is causing such concern, the normal management and staff review processes having failed to secure the required improvement, the Appropriate Manager's* next step shall be to discuss the problem with the member of staff informally under this procedure. Such discussions shall identify clearly the problem and consider its causes and possible solutions. The Appropriate Manager shall ensure that the member of staff is aware of the standards expected and shall consider whether any further support or action might be appropriate. Further action might include training, increased supervision, counseling, mentoring or changed working arrangements. Where the individual considers there are issues of discrimination, consideration shall be given to providing relevant supportive mentoring, for example by offering a female member of staff an appropriate female mentor.

* Throughout this procedure (subject to Ordinance 33 on removal from an additional post), if the Head of School/Divisional Head performance is causing concern, the matter will be dealt with by the dean or Registrar, as appropriate; if a dean's performance is causing concern, the matter will be dealt with by the appropriate pro vice-chancellor; and if the Registrar's or a pro vice-chancellor's performance is causing concern, the matter will be dealt with by the Vice-Chancellor.

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Where there is continuing concern after such informal discussion, the Appropriate Manager shall make a brief note of the discussion and confirm the main points in writing to the member of staff, including future expectations, timescales within which improvement is expected, and the potential consequences of a failure to improve, namely the possibility of formal action under Stage 1 of this procedure.

Where a member of staff's health appears to be a contributory cause, the Appropriate Manager shall consider whether it would be appropriate to seek a medical opinion, in which case advice shall be sought from a human resources manager. Where an underlying medical condition is established as a reason for performance problems, it will normally be appropriate to take the matter forward under the Ill-Health Procedure.

4. Formal action

Stage 1

Where informal discussions have not led to improved performance, the Appropriate Manager, after consultation with a human resources manager, may consider taking formal action under Stage 1 of this procedure. Before any decision is taken to proceed with formal action under Stage 1, the Appropriate Manager shall where appropriate gather such further information as may be required, with advice from a human resources manager. The Appropriate Manager shall inform the member of staff that an investigation is taking place and shall normally interview the member of staff. Written statements may be obtained. If the Appropriate Manager decides that it is appropriate to consider giving the member of staff a Stage 1 notification of concern, the Appropriate Manager shall arrange a hearing. The Appropriate Manager shall inform the member of staff in writing at least seven working days in advance that there is to be a hearing. The letter shall include:

- a statement of the grounds that have led to a Stage 1 notification of concern being contemplated, including full details of the perceived inadequate performance;
- supporting information and evidence;
- the date, time and location of the hearing;

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- the fact that the hearing is taking place under Stage 1 of this procedure;
- the right of the member of staff to attend and to be accompanied by an adviser, friend, trade union or other representative; and
- a copy of this procedure.

At the hearing the Appropriate Manager shall interview the member of staff, who shall be given the opportunity to respond. A human resources manager shall normally attend the hearing. The Appropriate Manager may, for good reason, request another member of staff to attend the hearing. Individuals may attend to give relevant evidence. The Appropriate Manager shall ensure that a note is taken of the hearing. The note shall normally be taken by a human resources manager.

If, having considered the evidence, the Appropriate Manager is satisfied that a Stage 1 notification of concern is appropriate, the Appropriate Manager shall consider representations from the member of staff on the period during which improvement in performance is to be achieved, and the period, which may be longer, during which the notification of concern shall remain in force. The latter shall not normally be more than two years.

The Appropriate Manager shall inform the member of staff that a letter shall be sent within seven working days, giving a Stage 1 notification of concern under the procedure, and stating that the notification of concern will be in force for a given period from the date of the letter, after which it will be spent. The Appropriate Manager shall enclose a copy of the note of hearing, and shall set out in the letter:

- the basis for the finding;
- the improvement expected;
- the time during which this improvement must be achieved, with dates for review of performance, which shall be at least every three months;
- the period during which the notification of concern will remain in force, which, if there is concern about the member of staff's

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- ability to sustain an improvement over time, may be longer than the period during which improvement must be achieved;
- any training or support which may be available, and the period for which it will be available the consequences of a failure to improve, which might include action under Stage 2 of this procedure and any of the outcomes under Stage 2;
- the member of staff's right to appeal against the outcome of action under Stage 1.

The member of staff shall be shown any report on his or her performance prepared during the period in which the Stage 1 notification of concern is current.

If, while the Stage 1 notification of concern is still in force, the required improvements under it have been made and sustained to the satisfaction of the Appropriate Manager, he or she may decide that the notification of concern should be treated as spent and shall confirm this decision to the member of staff in writing.

If, having considered the evidence, the Appropriate Manager is satisfied that a Stage 1 notification of concern is not appropriate, he or she shall so inform the member of staff and shall confirm this by letter within seven working days.

Stage 2

If the member of staff has not met the required improvements within the timescale set out under the Stage 1 notification of concern, or where performance deteriorates while the notification of concern is in force, the Appropriate Manager, after consultation with a human resources manager, may consider taking formal action under Stage 2 of this procedure. Before any decision is taken to proceed with formal action under Stage 2, the Appropriate Manager shall where appropriate gather such further information as may be required, with advice from a human resources manager. The Appropriate Manager shall inform the member of staff that an investigation is taking place and shall normally interview the member of staff. Written statements may be obtained.

If the Appropriate Manager decides that it is appropriate to consider giving the member of staff a Stage 2 warning, the Appropriate

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Manager shall arrange a hearing. The Appropriate Manager shall inform the member of staff in writing at least seven working days in advance that there is to be a hearing. The letter shall include:

- a statement of the grounds that have led to a Stage 2 warning being contemplated, including full details of the perceived inadequate performance;
- supporting information and evidence;
- the date, time and location of the hearing;
- the fact that the hearing is taking place under Stage 2 of this procedure;
- the right of the member of staff to attend and to be accompanied by an adviser, friend, trade union or other representative; and
- a copy of this procedure.

At the hearing the Appropriate Manager shall interview the member of staff, who shall be given the opportunity to respond. A human resources manager shall normally attend the hearing. The Appropriate Manager may, for good reason, request another member of staff to attend the hearing. Individuals may attend to give relevant evidence. The Appropriate Manager shall ensure that a note is taken of the hearing. The note shall normally be taken by a human resources manager.

If, having considered the evidence, the Appropriate Manager is satisfied that a Stage 2 warning is appropriate, the Appropriate Manager shall consider representations from the member of staff on the period during which improvement in performance is to be achieved, and the period, which may be longer, during which the warning shall remain in force. The latter shall not normally be more than two years.

The Appropriate Manager shall inform the member of staff that a letter will be sent within seven working days, giving a Stage 2 warning under the procedure, and that the warning will be in force for a given period from the date of the letter, after which it will be spent. The Appropriate Manager shall enclose a copy of the note of hearing, and shall set out in the letter:

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- the basis for the finding;
- the improvement expected;
- the time during which this improvement must be achieved, with dates for review of performance, which shall be at least every three months;
- the period during which the warning will remain in force, which, if there is concern about the member of staff's ability to sustain an improvement over time, may be longer than the period during which improvement must be achieved;
- any training or support which may be available, and the period for which it will be available;
- the consequences of a failure to improve, which might include action under Stage 3 of this procedure and any of the outcomes under Stage 3 including dismissal;
- the member of staff's right to appeal against the outcome of action under Stage 2.

The member of staff shall be shown any report on his or her performance prepared during the period in which the Stage 2 warning is current.

If, while the Stage 2 warning is still in force, the required improvements under it have been made and sustained to the satisfaction of the Appropriate Manager, he or she may decide that the warning should be treated as spent and shall confirm this decision to the member of staff in writing.

If, having considered the evidence, the Appropriate Manager is satisfied that a Stage 2 warning is not appropriate, he or she shall so inform the member of staff and shall confirm this by letter within seven working days.

Alternatively the Appropriate Manager may instead extend a Stage 1 notification of concern.

Stage 3

If the member of staff does not meet the required improvements within the timescale set out under the Stage 2 warning, or where performance deteriorates while the Stage 2 warning is in force, the

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Appropriate Manager, after consultation with the Human Resources Director, may set out a case to be heard by a panel.

In the case of a member of staff to whom Statute 32 applies, the Vice-Chancellor shall appoint to the panel three members with no prior involvement in the case, including a lay member of Council in the chair, and also including a member of staff of the academic staff appointed by Senate. Where the case concerns a member of the clinical academic staff, who is required to engage in clinical work or activities and for that purpose to be registered with the General Medical or Dental Council or similar body and/or to have an honorary or substantive contract or status with a National Health Service trust or similar body, then the panel may include, in addition to its other members, an appropriate representative of the National Health Service, appointed by the Chief Executive of the Avon, Gloucestershire and Wiltshire Strategic Area Health Authority or successor body.

In the case of a member of staff to whom Statute 32 does not apply, the dean or head of division shall appoint to the panel three members who have no prior involvement in the case, nominating one of them as Chair.

The Human Resources Director shall act as secretary to the panel, to give advice and to assist the panel, and shall arrange for a note of the proceedings to be taken. The panel may seek independent legal advice.

The Human Resources Director shall appoint a member of the University staff or a lawyer to present the case against the member of staff. The Human Resources Director shall ask the case presenter to set out the case in writing and this shall be sent to the member of staff at least seven working days before the hearing. Copies of any written statements shall be sent to the member of staff at least seven working days before the hearing.

Subject to the provisions of this ordinance and representations made by the member of staff, the order of proceedings at the hearing shall be at the discretion of the panel (Human Resources will issue guidelines on procedure from time to time). The panel shall rely only

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on written or oral evidence presented at the hearing. Normally evidence shall be given in person, by individuals who may be called by the case presenter, the member of staff or the panel. All such persons may be questioned by the case presenter, the member of staff or his or her representative, and members of the panel. The panel may accept a written statement in evidence where the member of staff agrees that the author of the statement need not attend, or where it is impracticable for him or her to attend, or where in the opinion of the panel it is for some other reason in the interests of justice to do so. The panel may ask for additional enquiries to be undertaken, and may call for additional persons to attend.

While every effort will be made to ensure that the member of staff is not rushed in the presentation of his or her case, the panel may impose reasonable time limits on oral addresses and submissions. The panel shall refuse to admit evidence that is, in its opinion, irrelevant to the issues raised. The panel shall have power to adjourn a hearing to another date. The panel shall ensure that the proceedings are dealt with expeditiously. It may set time limits for each stage of the proceedings, and may dismiss the case if there are undue delays by the University in taking the matter forward.

The panel shall find against a member of staff only if, on the evidence before it, it is satisfied that the case is proved. Normally a unanimous verdict will be expected, but if, exceptionally, the members of the panel cannot agree, the verdict of the panel shall be that of the majority of its members. The panel shall give a reasoned decision in writing, which shall be sent to the member of staff.

The Vice-Chancellor, having consulted the Chair of the Personnel and Health and Safety Committee, has the power for good reason to suspend the activity of the panel, to stop the proceedings against the member of staff, or to require the proceedings or any stage of the proceedings to be concluded by a given date.

Sanctions

Sanctions normally open to the panel are as follows:

- If the panel believes that some improvement has been achieved and that the required improvement can be achieved within a

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reasonable period, the panel may issue a Stage 2 warning. If a Stage 2 warning is given, the period during which it will remain active shall be determined at the time of the hearing and shall be notified in writing to the member of staff and in exceptional circumstances this period may exceed two years.

- As an agreed alternative to dismissal, the member of staff may be redeployed to a post with a lower grade and salary.
- The member of staff may be dismissed with notice by the Human Resources Director.

If, having considered the evidence, the panel is satisfied that no action is appropriate, it shall so inform the member of staff and shall confirm this by letter.

5. General

Trade union representatives

When formal proceedings under this procedure are contemplated against an accredited representative of a trade union recognised by the University, the Human Resources Director shall inform the Branch Chair, Secretary or full-time official of the Union of the circumstances before the hearing.

Academic freedom

Where members of staff are involved in teaching or research, whether or not they are covered by Statute 32, the University shall safeguard their freedom within the law to question and test received wisdom and to put forward new ideas and controversial or unpopular opinions, without suffering any detriment.

Notifications of concern and warnings

Where a member of staff transfers to a new post within the University, any current notification of concern or warning will remain in force and the head of the school/division to which the member of staff is transferring will have been advised of this. Appropriate Managers shall refer to the University's Staff Handbook or Recruitment Guide for advice on references.

A notification of concern or warning that is spent shall normally be disregarded if action is taken under this procedure. After a notification of concern or warning is spent, any notes and correspondence

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relating to it shall be destroyed, except for one copy which shall be held on the central personnel file, clearly marked as spent.

Clinical academic staff

Action may be taken under this procedure against a member of the clinical academic staff, whether on a substantive or an honorary contract, who is required to engage in clinical work or activities, and for that purpose to be registered with the General Medical or Dental Council or similar body and/or to have an honorary or substantive contract or status with an NHS trust or similar body, in respect of performance issues arising in connection with his or her NHS work or activities, as if the work or activities were performed in and for the University.

Other procedures

If a case is in progress under this ordinance and it emerges that the member of staff's performance may have been wholly or partly attributable either to a medical condition or is considered to include or amount to misconduct, the case shall usually be transferred to be dealt with under another appropriate procedure. Where it is unclear which procedure is the most appropriate, the University shall decide which procedure to adopt, subject to representations made by the member of staff or his or her representative.

Deferral

The University may, but is not obliged to, defer action under this procedure pending the outcome of relevant action taken outside the University, for example against a member of the clinical academic staff who is required to engage in clinical work or activities, and for that purpose to be registered with the General Medical or Dental Council or similar body and/or to have an honorary or substantive contract or status with an NHS trust or similar body, in respect of performance issues arising in connection with his or her clinical work or activities.

6. Appeals

All appeals must be made in writing to the University Secretary within twenty working days of the date when the letter confirming the decision appealed against was sent. The appeal letter shall set out clearly the general grounds on which the appeal is based. A member

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of staff shall not normally be permitted to raise grounds at the appeal hearing if these were not raised in the original written appeal submission. An appeal may be made under this procedure after a member of staff has left the University following dismissal, however appeal proceedings may be suspended pending the outcome of an employment tribunal application.

Appeals against notifications of concern and warnings

Appeals under this procedure against notifications of concern and warnings shall be heard by the dean of faculty or Registrar, unless the original decision was taken by the dean or Registrar, in which case the appeal shall be heard by a pro vice-chancellor. Where the original decision was taken by a pro vice-chancellor or the Vice-Chancellor, the appeal shall be heard by a senior member of staff appointed by the Vice-Chancellor. The decision shall be final.

The person hearing the appeal shall be advised by the Human Resources Director. The member of staff may present his or her case in person or in writing, and may be represented by an adviser, friend, trade union or other representative. There shall be no entitlement to a rehearing of the case. Grounds for appeal include (1) new evidence which could not reasonably have been presented at the hearing at which the original decision was taken, (2) that the original hearing was not conducted fairly, or (3) that the original decision was unreasonable in the light of the findings of fact. In the first case, the person hearing the appeal may remit the matter back for reconsideration. In the second and third cases, the person hearing the appeal shall overturn the original decision if he or she considers it just to do so.

Appeals against other decisions

Appeals against a decision other than a notification of concern or warning shall take the form of a review. There shall be no entitlement to a rehearing of the case and witnesses may be called only with the appeal Committee's permission. Grounds for appeal include (1) new evidence which could not reasonably have been presented at the hearing at which the original decision was taken, (2) that the original hearing was not conducted fairly, or (3) that the original decision was unreasonable in the light of the findings of fact. The committee shall overturn the original decision if it considers it just to do so.

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Council shall appoint a committee of three to consider the appeal, none of whom shall have had any prior involvement in the case. The committee shall include a lay member of Council as Chair, and, in the case of members of staff to whom Statute 32 applies, a member of the academic staff appointed by Senate. In addition in the case of members of staff to whom Statute 32 applies, the member of staff may request that an independent person from outside the University with relevant experience should sit as a fourth member of the committee. Where the appeal is made by a member of the clinical academic staff, who is required to engage in clinical work or activities and for that purpose to be registered with the General Medical or Dental Council or similar body and/or to have an honorary or substantive contract or status with a National Health Service trust or similar body, then the committee may include, in addition to its other members, an appropriate representative of the National Health Service, appointed by the Chief Executive of the Avon, Gloucestershire and Wiltshire Strategic Area Health Authority or successor body.

The University Secretary shall act as secretary to the appeal committee. The procedure shall be determined by the committee (Guidelines on procedure shall be issued from time to time). The member of staff may present the appeal in person, attend hearings and be represented by an adviser, friend, trade union or other representative. The University may be represented by a member of staff or lawyer. The committee may adjourn hearings, set time limits for stages of the proceedings, correct accidental errors and dismiss an appeal if there are undue delays in taking the matter forward. Every effort will be made to deal with the matter expeditiously. The committee shall give a reasoned decision in writing, which shall be sent to the member of staff and to Council.

Any dismissal under this procedure shall remain in force pending the outcome of an appeal. If the decision to dismiss is overturned, continuity of employment shall be restored.

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Appendix 1 Summary of Action

Action	Taken by postholder (or nominee)	Consults	Possible action before hearing	Notice (working days)	Present at hearing (or nominee)	Action which may follow hearing	Time for appeal (working days)
Informal discussion	Appropriate Manager					Advice, training, transfer	
Stage 1 Notification of concern	Appropriate Manager	Human Resources Manager	Gather information	7	Human Resources Manager	Stage 1 Notification of concern	20
Stage 2 Warning	Appropriate Manager	Human Resources Manager	Gather information	7	Human Resources Manager	Gather information	20
Stage 3 Panel	Panel of 3	Human Resources Director	Gather information	7	Human Resources Director	Action including dismissal	20

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Ordinance 30

Procedure for Dismissal for Some Other Substantial Reason

1. Introduction

This procedure is designed to be used where it is believed that a member of staff should be dismissed and where the circumstances fall outside redundancy, conduct, capability or performance, ill-health, termination of a fixed-term contract, termination of employment during an initial service review period, or dismissal of a member of the clinical academic staff arising from the loss of registration, contract or status necessary for adequate performance in post.

Such a dismissal must be for some other substantial reason of a kind such as to justify the dismissal of an employee holding the position which the employee held or because "the employee could not continue to work in the position which he held without contravention (either on his part or on that of his employer) of a duty or restriction imposed by or under an enactment" (Section 98 of the Employment Rights Act 1996).

2. Procedural issues

University Postholders and Appropriate Managers

For staff reporting within the academic school/faculty structure, references to Appropriate Manager shall usually be construed as referring to either the Head of School or School/Faculty Manager, but may in appropriate cases refer to a head of department or head of discipline. In support process areas, references to Appropriate Manager shall usually refer to either the Divisional Head, or in larger areas, other postholders within the line management structure as appropriate.

In this procedure, unless the context indicates otherwise, references to University postholders and Appropriate Managers shall be construed to refer either to the postholder or the Appropriate Manager or to an appropriate member of staff nominated by him or her to act with full authority on his or her behalf.

Confidentiality

Throughout any proceedings taken under this procedure, the University shall seek to ensure that a high standard of confidentiality is maintained, before and after the hearing as well as in relation to the hearing itself. Care

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shall be taken not to undermine the position of the member of staff concerned in relation to his or her colleagues. Investigations shall be undertaken with discretion. Where necessary to ensure confidentiality, administrative support shall be provided by Human Resources. Wherever practicable, hearings shall be held away from the member of staff's normal place of work. None of this shall preclude information about the outcome being given to any person where this is appropriate.

Attendance at hearings

A member of staff who is subject to proceedings under this ordinance has the right to attend hearings and to be represented by an adviser, friend, trade union or other representative. If the member of staff is for good reason unable to attend a formal hearing, the hearing shall be adjourned to a suitable alternative date within a reasonable time. However if there are reasonable grounds to believe that the member of staff is refusing or failing to attend a hearing without good cause, the member of staff will be informed that a further hearing is being arranged. On that further occasion the University may proceed in the absence of the member of staff, unless satisfied that there are good grounds for his or her non-attendance. Any submission concerning non-attendance made by the member of staff in writing, or by his or her representative in person or in writing, shall be considered before any decision is taken to hear the matter in his or her absence. If the hearing proceeds in the member of staff's absence, any submission made about the capability and performance by the member of staff in writing, or by his or her representative in person or in writing, shall be considered at the hearing.

3. Formal action

Where, with the approval of the Vice-Chancellor, the Human Resources Director is of the view that a member of staff should be dismissed for some other substantial reason, a panel shall be appointed to consider whether the member of staff should be dismissed.

In the case of a member of staff to whom Statute 32 applies, the Vice-Chancellor shall appoint to the panel three members with no prior involvement in the case, including a lay member of Council in the chair and a member of the academic staff appointed by Senate. Where the case concerns a member of the clinical academic staff, who is required to engage in clinical work or activities and for that purpose to be registered with the General Medical or Dental Council or similar body and/or to have

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an honorary or substantive contract or status with a National Health Service trust or similar body, then the panel may include, in addition to its other members, an appropriate representative of the National Health Service, appointed by the Chief Executive of the Avon, Gloucestershire and Wiltshire Strategic Area Health Authority or successor body.

In the case of a member of staff to whom Statute 32 does not apply, the dean or head of division shall appoint to the panel three members who have had no prior involvement in the case, nominating one of them as Chair.

The Deputy Secretary shall act as secretary to the panel, to give advice and to assist the panel, and shall arrange for a note of the proceedings to be taken. The panel may seek independent legal advice.

The Deputy Secretary shall appoint a member of the University staff or a lawyer to present the case against the member of staff. The Deputy Secretary shall ask the case presenter to set out the case in writing and this shall be sent to the member of staff at least seven working days before the hearing. Copies of any written witness statements shall be sent to the member of staff at least seven working days before the hearing.

Subject to the provisions of this ordinance and representations made by the member of staff, the order of proceedings at the hearing shall be at the discretion of the panel (Guidelines on procedure shall be issued from time to time). The panel shall rely only on written or oral evidence presented at the hearing. Normally evidence shall be given in person, by individuals who may be called by the case presenter, the member of staff or the panel. All such persons may be questioned by the case presenter, the member of staff or his or her representative, and members of the panel. The panel may accept a written statement in evidence where the member of staff agrees that the author of the statement need not attend, or where it is impracticable for him or her to attend, or where in the opinion of the panel it is for some other reason in the interests of justice to do so. The panel may ask for additional enquiries to be undertaken, and may call for additional persons to attend.

While every effort will be made to ensure that the member of staff is not rushed in the presentation of his or her case, the panel may impose reasonable time limits on oral addresses and submissions. The panel shall

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refuse to admit evidence that is, in its opinion, irrelevant to the issues raised. The panel shall have power to adjourn a hearing to another date. The panel shall ensure that the proceedings are dealt with expeditiously. It may set time limits for each stage of the proceedings, and may dismiss the case if there are undue delays by the University in taking the matter forward.

The panel may recommend to the Vice-Chancellor that no action is appropriate or that the member of staff should be dismissed with notice by the Human Resources Director. The panel shall find against a member of staff only if, on the evidence before it, it is satisfied that the case is proved. Normally a unanimous verdict will be expected, but if, exceptionally, the members of the panel cannot agree, the verdict of the panel shall be that of the majority of its members. The panel shall give a reasoned decision in writing, which shall be sent to the member of staff. The Vice-Chancellor, having consulted the Chair of the Personnel and Health and Safety Committee, has the power for good reason to suspend the activity of the panel, to stop the proceedings against the member of staff, or to require the proceedings or any stage of the proceedings to be concluded by a given date.

4. General

Trade union representatives

When formal proceedings are contemplated against an accredited representative of a trade union recognised by the University, the Human Resources Director will inform the Branch Chair, Secretary or full-time official of the Union of the circumstances before the hearing.

Academic freedom

Where members of staff are involved in teaching or research, whether or not they are covered by Statute 32, the University will safeguard their freedom within the law to question and test received wisdom and to put forward new ideas and controversial or unpopular opinions, without suffering any detriment.

Clinical academic staff

Action may be taken under this procedure against a member of the clinical academic staff, whether on a substantive or an honorary contract, who is required to engage in clinical work or activities, and for that purpose to be registered with the General Medical or Dental Council or similar body

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and/or to have an honorary or substantive contract or status with an NHS trust or similar body, in respect of issues arising in connection with his or her NHS work or activities, as if the work or activities were performed in and for the University.

5. Appeals

All appeals must be made in writing to the University Secretary within twenty working days of the date when the letter confirming the decision appealed against was sent. The appeal letter shall set out clearly the general grounds on which the appeal is based. A member of staff shall not normally be permitted to raise grounds at the appeal hearing if these were not raised in the original written appeal submission. An appeal may be made under this procedure after a member of staff has left the University following dismissal, however appeal proceedings may be suspended pending the outcome of an employment tribunal application.

Appeals shall take the form of a review. There shall be no entitlement to a rehearing of the case and witnesses may be called only with the appeal committee's permission. Grounds for appeal include (1) new evidence which could not reasonably have been presented at the hearing at which the original decision was taken (2) that the original hearing was not conducted fairly or (3) that the original decision was unreasonable in the light of the findings of fact. The committee shall overturn the original decision if it considers it just to do so.

Council shall appoint a committee of three to consider the appeal, none of whom shall have had any prior involvement in the case. The committee shall include a lay member of Council as Chair, and, in the case of members of staff to whom Statute 32 applies, a member of the academic staff appointed by Senate. In addition in the case of members of staff to whom Statute 32 applies, the member of staff may request that an independent person from outside the University with relevant experience should sit as a fourth member of the committee. Where the appeal is made by a member of the clinical academic staff, who is required to engage in clinical work or activities and for that purpose to be registered with the General Medical or Dental Council or similar body and/or to have an honorary or substantive contract or status with a National Health Service trust or similar body, then the committee may include, in addition to its other members, an appropriate representative of the National Health

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Service, appointed by the Chief Executive of the Avon, Gloucestershire and Wiltshire Strategic Area Health Authority or successor body.

The University Secretary shall act as secretary to the appeal committee. The procedure shall be determined by the committee (Guidelines on procedure shall be issued from time to time). The member of staff may present the appeal in person, attend hearings and be represented by an adviser, friend, trade union or other representative. The University may be represented by a member of staff or lawyer. The committee may adjourn hearings, set time limits for stages of the proceedings, correct accidental errors and dismiss an appeal if there are undue delays in taking the matter forward. Every effort will be made to deal with the matter expeditiously. The committee shall give a reasoned decision in writing, which shall be sent to the member of staff and to Council.

Any dismissal under this procedure shall remain in force pending the outcome of an appeal. If the decision to dismiss is overturned, continuity of employment shall be restored.

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Ordinance 31

Ill health procedure for members of staff

1. Introduction

The University wishes to treat sympathetically and sensitively those members of staff with serious or long-term illness. This procedure is only designed to deal with situations where a member of staff may be unable to perform his or her job satisfactorily, owing to persistent or serious ongoing or underlying physical or mental health problems, for example in the case of:

- a) long term sickness absence;
- b) frequent intermittent sickness absence, which is found to be attributable to an underlying medical condition;
- c) sustained difficulty in fulfilling the required standards of a role due to an underlying medical condition, although the member of staff is not absent from work.

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Frequent intermittent sickness absence not attributable to an underlying medical condition may be more appropriately dealt with under the University's capability and performance procedure.

2. Procedural issues

2.1 University Postholders and Appropriate Managers

For staff reporting within the academic school/faculty structure, references to Appropriate Manager shall usually be construed as referring to either the Head of School or School/Faculty Manager, but may in appropriate cases refer to a head of department or head of discipline. In support process areas, references to Appropriate Manager shall usually refer to either the Divisional Head, or in larger areas, other postholders within the line management structure as appropriate.

In this procedure, unless the context indicates otherwise, references to University postholders and Appropriate Managers shall be construed to refer either to the postholder or the Appropriate Manager or to an appropriate member of staff nominated by him or her to act with full authority on his or her behalf.

2.2 Confidentiality

Throughout any proceedings taken under this procedure, the University shall seek to ensure that a high standard of confidentiality is maintained, before and after the hearing as well as in relation to the hearing itself. Care shall be taken not to undermine the position of the member of staff concerned in relation to his or her colleagues. Investigations shall be undertaken with discretion. Where necessary to ensure confidentiality, administrative support shall be provided by Human Resources. Wherever practicable, hearings shall be held away from the member of staff's normal place of work. However none of this shall preclude information about the outcome being given to any person where this is appropriate, and the University shall disclose information:

- a) to those who need to know in order to discharge their responsibilities;
- b) where disclosure is necessary in the interests of health and safety at work or the welfare of other staff, students or the public;
- c) where disclosure is required by law.

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2.3 Attendance at hearings

A member of staff who is subject to proceedings under this ordinance has the right to attend hearings and to be represented by an adviser, friend, trade union or other representative. If the member of staff is for good reason unable to attend a formal hearing, the hearing shall be adjourned to a suitable alternative date within a reasonable time. However if there are reasonable grounds to believe that the member of staff is refusing or failing to attend a hearing without good cause, the member of staff will be informed that a further hearing is being arranged. On that further occasion the University may proceed in the absence of the member of staff, unless satisfied that there are good grounds for his or her non-attendance. Any submission concerning non-attendance made by the member of staff in writing, or by his or her representative in person or in writing, shall be considered before any decision is taken to hear the matter in his or her absence. If the hearing proceeds in the member of staff's absence, any submission made about the capability and performance by the member of staff in writing, or by his or her representative in person or in writing, shall be considered at the hearing.

3. Investigation

3.1 Early discussion

Support provided in the early days of an illness may assist a member of staff to return to work or to full duties. Where the member of staff is absent from work through ill-health, both the Appropriate Manager and the member of staff have a duty to maintain contact with one another. Appropriate action will depend on the nature of the illness and the circumstances of the case. Normally after the member of staff has been absent from work for six weeks, the Appropriate Manager, together with a human resources manager, will review the case and determine what action should be taken. This may include a request to visit the member of staff at home for a meeting. The purpose of the meeting is to gain a clearer understanding of the situation and establish whether the member of staff needs help, support or assistance from the University. The meeting will also provide the member of staff with an opportunity to discuss any concerns or questions he or she may have.

The member of staff may be accompanied at the meeting by an adviser, friend, trade union or other representative. Following the meeting, a decision shall be made to review the situation at a later date, seek further

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medical advice, or obtain advice from the University's Occupational Health Service.

3.2 Suspension

The University may have reasonable grounds to believe that continuation at work by a member of staff will pose a risk to the health and safety of the member of staff or others. In these circumstances, the Vice-Chancellor may suspend the member of staff on full pay, requiring him or her to stay away from work pending medical advice. The decision to suspend the member of staff shall be confirmed in writing by the Human Resources Director.

Written reasons for the decision shall be recorded and made available to the member of staff. A member of staff who is suspended is prohibited from entering University premises and from participating in University activities. Partial suspension may be employed, allowing the member of staff to engage in some only of his or her normal duties. The suspension shall not be classified as sick leave, and the member of staff shall not be required to produce medical certificates during the period of suspension.

Wherever possible, when suspension of a member of staff is being considered, the member of staff will be interviewed and invited to make representations before any suspension order is made. He or she will be entitled to be accompanied at any such interview by an adviser, friend, trade union or other representative. A member of staff who has been suspended may make representations to the Vice-Chancellor concerning the suspension as soon as is reasonably practicable. The representations may be made in person or in writing, as the member of staff chooses, and may be put forward by the member of staff or his or her adviser, friend, trade union or other representative. A decision to suspend a member of staff shall be subject to review at the request of the member of staff after four weeks. Such a review shall not involve a hearing, but the member of staff, either personally or through an adviser, friend, trade union or other representative, shall be entitled to make written representations.

The review shall be conducted by the Vice-Chancellor. In addition to the initial review, the Vice-Chancellor shall review the suspension on receipt of evidence of altered circumstances which affect the original decision. Where the Vice-Chancellor appoints a nominee, the same person may deal with the original suspension and any subsequent representations.

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3.3 Medical advice

Where there are concerns about the health of a member of staff, the University may ask for consent to obtain a written report from the member of staff's general practitioner or consultant, or to refer the member of staff to the University's Occupational Health Adviser. This shall be arranged by Human Resources. The purpose is to obtain medical evidence and advice on issues such as:

- a) the nature and extent of the health problems;
- b) timescales for recovery;
- c) whether there are contributory factors of which the University should be aware, whether or not work-related;
- d) advice as to how the University might help towards an early return to work or to adequate performance;
- e) whether there are likely to be any longer term effects that might require work adjustments;
- f) whether there is anything the University should do to help prevent a future recurrence of illness;
- g) whether ill health retirement might be considered.

On receipt of the medical report or reports, the human resources manager shall discuss with the member of staff and his or her Appropriate Manager the advice received. The human resources manager shall also discuss any adjustments which might be made to the member of staff's job, taking account of the requirements of disability legislation. If a member of staff remains absent from work, he or she shall still need to maintain contact with his or her Appropriate Manager and continue to provide medical certificates.

4. Return to work

4.1 Adjustments

In many cases a member of staff will recover sufficiently to be able to return to full contractual duties. However in some circumstances temporary or permanent adjustments may be made to facilitate his or her return. These may include:

- a) changes to working practices or patterns;
- b) a restriction on duties or changes in the way in which work is carried out;

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- c) provision of equipment;
- d) changes in working hours.

4.2 Phased return to work

Sometimes a phased return to work may be indicated, particularly where the member of staff has been absent for a considerable period of time. Such arrangements shall normally only be put in place on medical advice and where the arrangements have been discussed and agreed beforehand between the member of staff and Appropriate Manager. A reduction in hours is not a permanent right, and shall be subject to ongoing negotiation with the Appropriate Manager. In such circumstances, the member of staff shall receive the normal full rate of pay for a maximum period of two months. If the arrangement needs to be extended beyond two months, the member of staff's contractual hours of work and salary shall be adjusted accordingly, save that the member of staff's salary shall not be reduced below that which he or she would have received had he or she remained away from work.

4.3 Redeployment

Where medical evidence indicates that it is unlikely that the member of staff will be able to return to his or her current role within a reasonable period of time, it may be possible to consider re-deployment to an alternative role (under the University's *Guidance for Managers for the Consideration for the Redeployment of Staff*).

5. Termination of employment

5.1 Ill-health early retirement

Where the member of staff is a member of a pension scheme and has indicated a wish to pursue ill health retirement, Human Resources shall arrange for an application to be made to the scheme.

5.2 Consideration of dismissal

Where adjustments, re-deployment or ill-health early retirement are not viable options, the Human Resources Director shall write to the member of staff to the effect that his or her employment may be terminated on the grounds of incapability through ill health. This will be considered only as a last resort. The absence of medical diagnosis does not prevent dismissal. Under the Access to Medical Reports Act 1988 (as amended), members of staff have the right not to disclose their medical reports. In such cases, the member of staff shall be advised that in the absence of medical evidence,

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his or her further employment shall be assessed on the information available.

5.3 Termination by mutual agreement

Where the Appropriate Manager and human resources manager consider that the circumstances may justify termination of the contract on the grounds of ill health, this shall be discussed with the member of staff.

Where there is mutual agreement that termination of the contract is the most appropriate solution, the Human Resources Director shall write to the member of staff confirming this. Where a member of staff's employment is terminated, this shall be with contractual or statutory notice, whichever is greater, during which time the member of staff shall receive full pay.

5.4 Referral to a panel

Where the member of staff does not agree that the circumstances justify termination of his or her contract on the grounds of ill health, then the matter shall be referred to a panel.

6. Panel

6.1 Membership of the panel

In the case of a member of staff to whom Statute 32 applies, the Vice-Chancellor shall appoint to the panel three members with no prior involvement in the case, including a lay member of Council in the chair, and a member of the academic staff appointed by Senate. At least one member of the panel shall be medically qualified. Where the case concerns a member of the clinical academic staff, who is required to engage in clinical work or activities and for that purpose to be registered with the General Medical or Dental Council or similar body and/or to have an honorary or substantive contract or status with a National Health Service trust or similar body, then the panel may include, in addition to its other members, an appropriate representative of the National Health Service, appointed by the Chief Executive of the Avon, Gloucestershire and Wiltshire Strategic Area Health Authority or successor body. In the case of a member of staff to whom Statute 32 does not apply, the dean or head of division shall appoint to the panel three members who have no prior involvement in the case, at least one of whom shall be from outside the school or division, nominating one of them as Chair. At least one member of the panel shall be medically qualified.

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6.2 Procedure

The Human Resources Director shall act as secretary to the panel, to give advice and to assist the panel, and shall arrange for a note of the proceedings to be taken. The panel may seek independent legal advice. The University shall normally be represented by the relevant human resources manager and Appropriate Manager. At least seven working days before the hearing the Human Resources Director shall circulate the relevant documentation to the panel, the member of staff and the Appropriate Manager, including representations from the member of staff, witness statements and medical evidence. Subject to the provisions of this ordinance, and to representations made by the member of staff, the order of proceedings at the hearing shall be at the discretion of the panel (Human Resources will issue guidelines on procedure from time to time).

The panel shall rely only on written or oral evidence presented at the hearing. Normally evidence shall be given by witnesses appearing in person, who may be called by the University, the member of staff or the panel. All such witnesses may be questioned by the University representative, the member of staff or his or her representative, and members of the panel. The panel may accept a written statement in evidence where the member of staff agrees that the author of the statement need not attend, or where it is impracticable for him or her to attend, or where in the opinion of the panel it is for some other reason in the interests of justice to do so.

The panel may ask for additional enquiries to be undertaken, further medical evidence to be obtained, and may call for additional persons to attend. The individual will be invited to produce further medical evidence should they so wish. While every effort will be made to ensure that the member of staff is not rushed in the presentation of his or her case, the panel may impose reasonable time limits on oral addresses and submissions. The panel shall refuse to admit evidence that is, in its opinion, irrelevant to the issues raised. The panel shall have power to adjourn a hearing to another date. The panel shall ensure that the proceedings are dealt with expeditiously. It may set time limits for each stage of the proceedings, and may specify dates by which any stage of the proceedings must be completed. The panel shall decide whether or not to terminate the employment of the member of staff. Normally a unanimous verdict will be expected, but if, exceptionally, the members of the panel cannot agree, the verdict of the panel shall be that of the majority of its members. In making

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its decision it shall take into account factors which may include all or any of the following:

- a) the length and frequency of absences to date;
- b) the likelihood of an improvement in the member of staff's health and subsequent ability within a reasonable period of time to return to work or satisfactorily to carry out contractual duties;
- c) the nature of the member of staff's job and the likely impact of the illness on that role;
- d) the effect of past and likely future absences on the organisation and other colleagues;
- e) the University's ability to provide continuing cover for the member of staff's absence;
- f) whether there are any reasonable adjustments that could be made to facilitate a return to work or to full contracted duties;
- g) the availability of suitable alternative work;
- h) efforts already made to rehabilitate or make adjustments.

If the panel decides not to terminate the member of staff's employment, in the light of any medical advice it may make recommendations for consideration by the Appropriate Manager and Human Resources for reasonable adjustments to working arrangements. Alternatively, where the medical advice suggests that the member of staff's return to work is likely to be imminent, it may postpone a decision for a period not exceeding three months.

The panel shall give a reasoned decision in writing, which shall be sent to the member of staff. Where a member of staff's employment is terminated, this shall be with contractual or statutory notice, whichever is greater, and the notice period shall attract full pay. The Human Resources Director shall notify the member of staff of the decision within seven working days. The Vice-Chancellor, having consulted the Chair of the Personnel and Health and Safety Committee, has the power for good reason to suspend the activity of the panel, to stop the proceedings against the member of staff, or to require the proceedings or any stage of the proceedings to be concluded by a given date.

7 Appeal to Council

All appeals must be made in writing to the University Secretary within twenty working days of the date when the letter confirming the decision

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appealed against was sent. The appeal letter shall set out clearly the general grounds on which the appeal is based. A member of staff shall not normally be permitted to raise grounds at the appeal hearing if these were not raised in the original written appeal submission. An appeal may be made under this procedure after a member of staff has left the University following dismissal, however appeal proceedings may be suspended pending the outcome of an employment tribunal application. Appeals shall take the form of a review. There shall be no entitlement to a rehearing of the case and witnesses may be called only with the appeal Committee's permission. Grounds for appeal include (1) new evidence which could not reasonably have been presented at the hearing at which the original decision was taken, (2) that the original hearing was not conducted fairly, or (3) that the original decision was unreasonable in the light of the findings of fact. The committee shall overturn the original decision if it considers it just to do so.

Council shall appoint a committee of three to consider the appeal, none of whom shall have had any prior involvement in the case. The committee shall include a lay member of Council as Chair, and, in the case of members of staff to whom Statute 32 applies, a member of the academic staff appointed by Senate. At least one member of the panel shall be medically qualified. In the case of members of staff to whom Statute 32 does not apply, the committee will include a member of the support staff appointed by Council. Where the appeal is made by a member of the clinical academic staff, who is required to engage in clinical work or activities and for that purpose to be registered with the General Medical or Dental Council or similar body and/or to have an honorary or substantive contract or status with a National Health Service trust or similar body, then the committee may include, in addition to its other members, an appropriate medically qualified representative of the National Health Service, appointed by the Chief Executive of the Avon, Gloucestershire and Wiltshire Strategic Area Health Authority or successor body.

The University Secretary shall act as secretary to the appeal committee. The procedure shall be determined by the committee (Guidelines on procedure shall be issued from time to time). The member of staff may present the appeal in person, attend hearings and be represented by an adviser, friend, trade union or other representative. The University may be represented by a member of staff or lawyer. The committee may adjourn hearings, set time limits for stages of the proceedings, correct accidental

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errors and dismiss an appeal if there are undue delays in taking the matter forward. Every effort will be made to deal with the matter expeditiously. The committee shall have power to reach a final decision on the matter, or it may decide to remit the matter for further consideration by the original panel. In either case, the committee shall give a reasoned decision in writing, which shall be sent to the member of staff and to Council. Any dismissal under this procedure shall remain in force pending the outcome of an appeal. If the decision to dismiss is overturned, continuity of employment shall be restored.

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Ordinance 32 (This Ordinance is currently being revised. It will be updated during the 2012/13 academic session)

Staff Grievance Procedure

1. General

In this procedure, the term “complaint” is used for a matter of concern brought forward by a member of staff, and "grievance" for a complaint that is raised under section 6, below.

The aim of the procedure is to settle or redress individual complaints or grievances promptly and fairly, by methods acceptable to all the parties involved. The procedure applies to complaints and grievances brought by members of staff concerning their employment, which relate to themselves as individuals or their personal dealings or relationships with other staff of the University. However the procedure does not apply to complaints, grievances or appeals where other procedures are already in place, for example those brought in relation to conduct, redundancy, dismissal for reasons of capability or ill-health, or academic promotion. Nor may this procedure be used to deal with disputes between the University and the trade unions, or to negotiate changes in collective terms and conditions of employment. Members of staff should also be aware of the University’s separate Public Interest Disclosure Policy, set out in the Staff Handbook.

Consideration of a complaint or grievance under this procedure may be deferred, if other relevant proceedings concerning the individual are pending or in progress. Members of staff may request that common grievances be dealt with together. If members of staff bring grievances jointly with students, the procedure used shall be the staff grievance procedure.

In this procedure, unless the context indicates otherwise, references to University postholders and heads of department shall be construed to refer either to the postholder or head of department, or to an appropriate member of staff nominated by him or her to act with full authority on his or her behalf. References to heads of department include heads of support departments.

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2. Dignity at work

The University has policies on dignity at work and study, and equal opportunities. The University will not tolerate harassment, bullying or victimisation in the workplace and will take steps to protect staff and students. Leaflets giving information and guidance are available from departments and Human Resources.

3. Those against whom a grievance lies

Anyone against whom a grievance is brought has the right to attend a hearing under this procedure, to put his or her case, and to be accompanied by an adviser, friend, trade union or other representative. There is no obligation on such persons to attend, but if they give no good reason, inferences may be drawn from their absence.

4. Confidentiality

If information relating to a complaint or grievance is to be kept confidential, the member of staff should make this clear to the person to whom the complaint or grievance is brought. In exceptional circumstances it may be difficult for confidentiality to be respected, for instance where a possible criminal offence has been disclosed. Members of staff should also understand that in some circumstances their demand for confidentiality may make it difficult for the University to deal with the matters raised. If confidentiality is a problem, members of staff are advised to discuss this with their human resources manager or with the Staff Mediation Officer.

5. Informal resolution and mediation

Unless there are good reasons not to do so, initially a member of staff bringing forward a complaint should attempt to deal with the matter on an informal basis within the department or through the Staff Mediation Officer.

Before using the grievance procedure set out below, or, with the consent of all parties to the grievance, at any stage in the procedure, a member of staff may bring a complaint or grievance to the Staff Mediation Officer. Where mediation is appropriate, the Staff Mediation Officer will refer the case to one of the University's staff mediators, who are members of staff experienced in dealing with staff problems and trained in mediation.

The mediator's task is to attempt to help the member of staff and others involved together to find a resolution to the problem. After referral by the Staff Mediation Officer, the mediator will contact the other persons involved

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and attempt to help all those involved to resolve their difficulties or disagreements. The mediator will act promptly. The process is confidential (subject to some rare exceptions, for example where a matter is disclosed relating to health and safety which may be putting members of staff at risk). Further information about the process can be obtained from the Staff Mediation Officer.

If the matter is resolved, the mediator may put any agreement between the parties in writing for their benefit. If the matter remains unresolved, the mediator will refer the matter back to the Staff Mediation Officer, who will notify the parties of any other avenues that might be explored.

The Staff Mediation Officer and mediators will encourage good practice in the University and will present an annual report to the University Planning and Resources Committee, Personnel and Health and Safety Committee, Senate and Council.

6. Grievance procedure

6.1 Stage 1

Where informal approaches have failed or are inappropriate, the member of staff may write to the head of department, setting out the nature of the grievance, the allegations on which it is based and the remedy sought. If the grievance concerns the head of department, the member of staff may write to the dean of faculty or Registrar, as appropriate. If the grievance concerns the dean, the Registrar or a Pro Vice-Chancellor, the member of staff should write to the Vice-Chancellor. If the grievance concerns the Vice-Chancellor, the member of staff should write to the Chair of Council through the University Secretary.

On receipt of the letter setting out the grievance, the relevant postholder shall consider whether it deals with matters which should be investigated by the University under other procedures.

Where the relevant postholder decides that this should happen, the appropriate steps will be set in train and no further action will be taken on the grievance until that investigation has been completed. Where the relevant postholder decides that no such issues arise, or where the member of staff is not satisfied with the outcome of such an investigation, a meeting will be arranged to hear the grievance. This will be attended by a human resources manager. Both the member of staff raising the grievance

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and any person against whom the grievance lies may be present at the meeting and may be accompanied by an adviser, friend, trade union or other representative. Witnesses may attend and give evidence. The written statement of grievance and any written evidence adduced shall be circulated to all parties at least seven working days before the meeting, and the postholder shall allow proper time for consideration and response. The postholder shall ensure that the matter is dealt with promptly, and that a note is taken of the meeting. The postholder shall attempt to resolve the grievance and shall inform the member of staff and any person against whom the grievance lies in writing of the outcome within seven working days.

6.2 Stage 2

If the grievance has not been resolved under Stage 1, the member of staff may bring the grievance to a committee of Council under Stage 2. Council shall appoint a committee of at least three to consider the grievance, none of whom shall have had any prior involvement in the case. The committee shall include a lay member of Council in the chair, and, in the case of members of staff to whom Statute 32 applies, a member of the academic staff appointed by Senate. Where the grievance is brought by a member of the clinical academic staff, who is required to engage in clinical work or activities and for that purpose to be registered with the General Medical or Dental Council or similar body and/or to have an honorary or substantive contract or status with a National Health Service trust or similar body, then the committee may include, in addition to its other members, an appropriate medically qualified representative of the National Health Service, appointed by the Chief Executive of the Avon, Gloucestershire and Wiltshire Strategic Area Health Authority or any successor body.

The grievance must be brought to the University Secretary within twenty working days of receipt of any letter giving the outcome of consideration of the grievance under Stage 1. The member of staff must set out clearly in writing the nature of the grievance, the allegations on which it is based and the remedy sought.

The University Secretary shall act as secretary to the Committee, to give advice and assist the Committee. The person bringing the grievance and any person against whom the grievance lies may be present at all hearings, and may be represented by an adviser, friend, trade union or other

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representative. The University may be represented by a member of staff or other representative.

The Secretary, on behalf of the Committee, shall normally call for written witness statements and documents in support of the grievance, and for a written response to the grievance, written witness statements and documents from the other parties involved. Copies of all relevant material submitted shall be made available at least seven working days before any hearing to the Committee, the person bringing the grievance, any person against whom the grievance lies and the University representative.

If the Committee finds that the written evidence presented by the person bringing the grievance discloses no prima facie case, it shall dismiss the grievance without a hearing. If the Committee finds that there is a prima facie case, it shall conduct a hearing. Subject to the provisions of this ordinance, the order of proceedings at a hearing shall be at the discretion of the Committee (Guidelines on procedure will be issued from time to time). The Committee may adjourn the hearing to another date, as it thinks fit. The Committee shall ensure that the proceedings are dealt with expeditiously. It may impose time limits on addresses and submissions, and may specify dates by which any stage of the proceedings must be completed.

The evidence presented at the hearing shall normally be oral evidence, given by witnesses appearing in person. These witnesses may be called by the person bringing the grievance, any person against whom the grievance lies, the University or the Committee. All such witnesses may be questioned by the person bringing the grievance, and/or their representative, any person against whom the grievance lies, the University representative and the Committee. The Committee may accept a written statement in evidence where it is impracticable for the witness to attend, or where in the opinion of the Committee it is for some other reason in the interests of justice to do so. If the Committee accepts a written statement in evidence, it shall give reasons for doing so. The Committee may ask for additional enquiries to be undertaken, and may call for additional witnesses to attend. The Committee shall refuse to admit evidence that is, in its opinion, irrelevant to the issues raised.

The Committee shall take such action to resolve the grievance as it thinks fit and shall give a reasoned written report to Council. A copy of the written

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report shall be sent to the member of staff bringing the grievance and/or their representative and to anyone against whom the grievance lies.

7. After employment

A former member of staff may bring a grievance after his or her employment has ceased. Where it is not reasonably practicable to apply the ordinary procedure above, or by agreement between the former member of staff and the University, a modified procedure shall apply. Under the modified procedure, the former member of staff shall set down in writing the nature of the alleged grievance and send it to the Human Resources Director. The University will consider the grievance and respond in writing.

Summary of Grievance Procedure

Stage	Action	Outcome
Mediation	Grievance taken to the Staff Mediation Officer	Resolution by Staff Mediation Officer or mediators, or back to the procedure
Informal resolution	Informal discussion in department	Resolution or to postholder
Stage 1 Application to postholder	Meeting with postholder, attended by human resources manager	Resolution or to grievance committee
Stage 2 Grievance committee	Hearing of committee	Resolution

1 January 2006

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Ordinance 33

Removal from an additional post

1. Introduction

This ordinance applies only to remunerated posts in the University which are undertaken in addition to a member of staff's substantive post. Such posts are referred to in this ordinance as "additional posts". Save where a member of staff is appointed to one of these posts as his or her substantive post, additional posts shall be those of pro vice-chancellor, dean, head of school, research director, education director, graduate dean, undergraduate dean and head of primary unit. If a member of staff is appointed to one of these posts as his or her substantive post, the usual conduct, performance and ill-health procedures shall apply. This ordinance shall be used where it is considered that the member of staff may remain employed in his or her substantive post, but he or she may be unsuitable to continue in the additional post. Reasons for removing a member of staff from an additional post are:

- a) inadequate performance in the post;
- b) lack of capability to fulfill the duties of the post by reason of ill-health;
- c) misconduct in the post, contrary to the University's Rules of Conduct for Members of Staff.

2. Procedural issues

University postholders

For each additional post there shall be designated a line manager. In the case of a pro vice-chancellor this shall be the Vice-Chancellor, for a dean it shall be the appropriate pro vice-chancellor, for a head of school, research director, education director, graduate dean or undergraduate dean it shall be the dean of the relevant faculty and for the head of a primary unit it shall be the head of school. In this procedure, unless the context indicates otherwise, references to the line manager shall be construed to refer either to the line manager or to an appropriate member of staff nominated by him or her to act with full authority on his or her behalf.

Confidentiality

Throughout any proceedings taken under this procedure, the University shall seek to ensure that a high standard of confidentiality is maintained,

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before and after the hearing as well as in relation to the hearing itself. Care shall be taken not to undermine the position of the member of staff concerned in relation to his or her colleagues. Investigations shall be undertaken with discretion. Where necessary to ensure confidentiality, administrative support shall be provided by Human Resources. Wherever practicable, hearings shall be held away from the member of staff's normal place of work. None of this shall preclude information about the outcome being given to any person where this is appropriate.

Attendance at hearings

A member of staff who is subject to proceedings under this ordinance has the right to attend hearings and to be represented by an adviser, friend, trade union or other representative. If the member of staff is for good reason unable to attend a formal hearing, the hearing shall be adjourned to a suitable alternative date within a reasonable time. However if there are reasonable grounds to believe that the member of staff is refusing or failing to attend a hearing without good cause, the member of staff will be informed that a further hearing is being arranged. On that further occasion the University may proceed in the absence of the member of staff, unless satisfied that there are good grounds for his or her non-attendance. Any submission concerning non-attendance made by the member of staff in writing, or by his or her representative in person or in writing, shall be considered before any decision is taken to hear the matter in his or her absence. If the hearing proceeds in the member of staff's absence, any submission made about the substantial issues under consideration by the member of staff in writing, or by his or her representative in person or in writing, shall be considered at the hearing.

3. Informal action

When the conduct or performance of a member of staff in an additional post is causing concern, the normal management and staff review processes having failed to secure the required improvement, the line manager's first step will usually be to discuss the problem with the member of staff informally under this procedure. Such discussions shall identify the problem and consider its causes and possible solutions. The line manager shall ensure that the member of staff is aware of the standards expected and shall consider whether any further support or action might be appropriate. Where issues of discrimination are raised, consideration shall be given to providing relevant supportive mentoring, for example by offering a female member of staff an appropriate female mentor.

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Where there is continuing concern after such informal discussion, the line manager shall make a brief note of the discussion and confirm the main points in writing to the member of staff, including future expectations, timescales within which improvement is expected, and the potential consequences of a failure to improve.

4. Formal action

Stage 1

Where informal discussions have not led to an improvement, or where, exceptionally, conduct or performance is such that informal discussion is inappropriate, the line manager, after consultation with a human resources manager, may consider taking formal action under Stage 1 of this procedure. Before any decision is taken to proceed with formal action under Stage 1, the line manager shall where appropriate gather such further information as may be required, with advice from a human resources manager. The line manager shall inform the member of staff that an investigation is taking place and shall normally interview the member of staff. Written statements may be obtained.

If the line manager decides that it is appropriate to consider giving the member of staff a warning, the line manager shall arrange a hearing. The line manager shall inform the member of staff in writing at least seven working days in advance that there is to be a hearing. The letter shall include:

- a statement of the grounds that have led to a warning being contemplated, including full details of the inadequate performance or conduct;
- supporting information and evidence;
- the date, time and location of the hearing;
- the fact that the hearing is taking place under Stage 1 of this procedure;
- the right of the member of staff to attend and to be accompanied by an adviser, friend, trade union or other representative;
- a copy of this procedure.

At the hearing the line manager shall interview the member of staff, who shall be given the opportunity to respond. A human resources manager shall normally attend the hearing. The line manager may, for good reason, request another member of staff to attend the hearing. Individuals may

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attend to give relevant evidence. The line manager shall ensure that a note is taken of the hearing. The note shall normally be taken by a human resources manager. If, having considered the evidence, the line manager is satisfied that a warning is appropriate, he or she shall inform the member of staff that a letter shall be sent within seven working days, giving a warning under the procedure, and that the warning will be in force for a period of one year from the date of the letter, after which it will be spent. The line manager shall enclose a copy of the note of hearing, and shall set out in the letter:

- the basis for the finding;
- the improvement expected;
- the time during which this improvement must be achieved;
- any training or support which may be available;
- the consequences of a failure to improve;
- the member of staff's right to appeal.

The member of staff shall be shown any report on his or her conduct prepared during the period in which the warning is current. If, having considered the evidence, the line manager is satisfied that a warning is not appropriate, he or she shall so inform the member of staff and shall confirm this by letter within seven working days.

Stage 2

If the member of staff does not meet the required improvements set out under Stage 1, or where serious misconduct or inadequate performance is alleged, the line manager, after consultation with the Human Resources Director, may refer the matter in writing to the Vice-Chancellor, or in the case of a pro vice-chancellor, to the Chair of Council. The Vice-Chancellor or Chair of Council shall take one of the following steps:

- a) take no further action;
- b) instigate an enquiry into the allegations made, to be conducted by a senior member of staff with no prior involvement in the matter, to be referred back to the Vice-Chancellor or Chair of Council for further action under a) or c); or
- c) establish a panel to consider the allegations and determine whether the member of staff should remain in the additional post.

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If a panel is established, it shall comprise two senior members of staff or emeritus professors appointed by Council who have had no prior involvement in the case, and a lay member of Council. The Human Resources Director shall act as secretary to the panel, to give advice and to assist the panel, and shall arrange for a note of the proceedings to be taken. The panel may seek independent legal advice.

The Human Resources Director shall appoint a member of the University staff or a lawyer to present the case against the member of staff. The Human Resources Director shall ask the case presenter to set out the case in writing and this shall be sent to the member of staff at least seven working days before the hearing. Copies of any written witness statements shall be sent to the member of staff at least seven working days before the hearing.

Subject to the provisions of this ordinance and to representations made by the member of staff, the order of proceedings at the hearing shall be at the discretion of the panel (Human Resources will issue guidelines from time to time). The panel shall rely only on written or oral evidence presented at the hearing. Normally evidence shall be given in person, by individuals who may be called by the case presenter, the member of staff or the panel. All such persons may be questioned by the case presenter, the member of staff or his or her representative, and members of the panel. The panel may accept a written statement in evidence where the member of staff agrees that the author of the statement need not attend, or where it is impracticable for him or her to attend, or where in the opinion of the panel it is for some other reason in the interests of justice to do so. The panel may ask for additional enquiries to be undertaken, and may call for additional persons to attend.

While every effort will be made to ensure that the member of staff is not rushed in the presentation of his or her case, the panel may impose reasonable time limits on oral addresses and submissions. The panel shall refuse to admit evidence that is, in its opinion, irrelevant to the issues raised.

The panel shall have power to adjourn a hearing to another date. The panel shall ensure that the proceedings are dealt with expeditiously. It may set time limits for each stage of the proceedings, and may dismiss the case if there are undue delays by the University in taking the matter forward. The

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panel shall find against a member of staff only if, on the evidence before it, it is satisfied that the case is proved. Normally a unanimous verdict will be expected, but if, exceptionally, the members of the panel cannot agree, the verdict of the panel shall be that of the majority of its members. The panel shall give a reasoned decision in writing, which shall be sent to the member of staff and to the Vice-Chancellor, and in the case of a pro vice-chancellor, to the Chair of Council. The panel may recommend to the Vice-Chancellor that:

- no further action should be taken;
- a warning should be given;
- the member of staff be removed from the additional post, immediately or at a future date, and from the date of removal the additional salary associated with the post should no longer be paid;
- The Vice-Chancellor, having consulted the Chair of the Personnel and Health and Safety Committee, has the power for good reason to suspend the activity of the panel, to stop the proceedings against the member of staff, or to require the proceedings or any stage of the proceedings to be concluded by a given date.

5. Warnings

A warning that is spent shall normally be disregarded for future purposes. After a warning is spent, any notes and correspondence relating to the warning shall be destroyed, except for one copy which shall be held on the central personnel file, clearly marked as spent. However where a pattern emerges whereby the conduct or performance of a member of staff is satisfactory throughout the period during which a warning is current only to lapse very soon thereafter, the warning may be borne in mind in deciding future action.

6. Appeals

All appeals must be made in writing to the University Secretary within twenty working days of the date when the letter confirming the decision appealed against was sent. The appeal letter shall set out clearly the general grounds on which the appeal is based. A member of staff shall not normally be permitted to raise grounds at the appeal hearing if these were not raised in the original written appeal submission.

Appeals against warnings

Appeals against warnings shall be heard as follows: in the case of an appeal by a pro vice-chancellor, by a lay member of Council; in the case of

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an appeal by a dean, by the Vice-Chancellor; and in other cases by a pro vice-chancellor. The decision shall be final.

The person hearing the appeal shall be advised by the Human Resources Director. The member of staff may present his or her case in person or in writing, and may be represented by an adviser, friend, trade union or other representative. There shall be no entitlement to a rehearing of the case. Grounds for appeal include (1) new evidence which could not reasonably have been presented at the hearing at which the original decision was taken, (2) that the original hearing was not conducted fairly, or (3) that the original decision was unreasonable in the light of the findings of fact. In the first case, the person hearing the appeal may remit the matter back for reconsideration. In the second and third cases, the person hearing the appeal shall overturn the original decision if he or she considers it just to do so.

Appeals against removal from an additional post

Appeals against removal from an additional post shall take the form of a review. There shall be no entitlement to a rehearing of the case and witnesses may be called only with the appeal Committee's permission. Grounds for appeal include (1) new evidence which could not reasonably have been presented at the hearing at which the original decision was taken, (2) that the original hearing was not conducted fairly, or (3) that the original decision was unreasonable in the light of the findings of fact. The committee shall overturn the original decision if it considers it just to do so.

Council shall appoint a committee of three to consider the appeal, none of whom will have had any prior involvement in the case. The committee shall include a lay member of Council as Chair and a member of the academic staff appointed by Senate.

The University Secretary shall act as secretary to the appeal committee. The procedure shall be determined by the committee (Guidelines on procedure shall be issued from time to time). The member of staff may present the appeal in person, attend hearings and be represented by an adviser, friend, trade union or other representative. The University may be represented by a member of staff or lawyer. The committee may adjourn hearings, set time limits for stages of the proceedings, correct accidental errors and dismiss an appeal if there are undue delays in taking the matter forward. Every effort will be made to deal with the matter expeditiously. The

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committee shall give a reasoned decision in writing, which shall be sent to the member of staff and to Council.

2 July 2010

Ordinance 34

Procedure for dealing with a clinical academic contract where the honorary NHS contract has been compromised

1. Introduction

This procedure applies to a member of the clinical academic staff who is required to engage in clinical work or activities, and for that purpose to be registered with the General Medical Council, Dental Council or similar body, and/or to have an honorary or substantive contract or status with a National Health Service Trust or similar body. Where such registration, contract or status is terminated, withdrawn, revoked or suspended, this procedure shall apply for the purpose of determining whether the contract of employment between the University and the member of staff should either be terminated or suspended with or without pay. Suspension shall be without pay where the registration, contract or status has been suspended as a substantive disciplinary measure.

2. Procedural issues

Action before appeals

Nothing in this procedure shall prevent the University taking action before the hearing of any appeal by the member of staff against the termination, withdrawal, revocation or suspension of the registration, contract or status.

Nominees

In this procedure, unless the context indicates otherwise, references to the Vice-Chancellor shall be construed to refer either to the Vice-Chancellor or to an appropriate member of staff nominated by him or her to act with full authority on his or her behalf.

Confidentiality

Throughout any proceedings taken under this procedure, the University shall seek to ensure that a high standard of confidentiality is maintained,

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before and after the hearing as well as in relation to the hearing itself. Care shall be taken not to undermine the position of the member of staff concerned in relation to his or her colleagues. Investigations shall be undertaken with discretion. Where necessary to ensure confidentiality, administrative support shall be provided by Human Resources. Wherever practicable, hearings shall be held away from the member of staff's normal place of work. None of this shall preclude information about the outcome being given to any person where this is appropriate.

Attendance at hearings

A member of staff who is subject to proceedings under this ordinance has the right to attend hearings and to be represented by an adviser, friend, trade union or other representative. If the member of staff is for good reason unable to attend a formal hearing, the hearing shall be adjourned to a suitable alternative date within a reasonable time. However if there are reasonable grounds to believe that the member of staff is refusing or failing to attend a hearing without good cause, the member of staff will be informed that a further hearing is being arranged. On that further occasion the University may proceed in the absence of the member of staff, unless satisfied that there are good grounds for his or her non-attendance. Any submission concerning non-attendance made by the member of staff in writing, or by his or her representative in person or in writing, shall be considered before any decision is taken to hear the matter in his or her absence. If the hearing proceeds in the member of staff's absence, any submission made about the misconduct by the member of staff in writing, or by his or her representative in person or in writing, shall be considered at the hearing.

3. Enquiries

Before taking formal action under this procedure the Vice-Chancellor may make, or cause to be made, such enquiries as he or she considers appropriate. These enquiries may include considering what duties, if any, the member of staff could perform in the absence of the registration, contract or status, and whether there are any requirements for such duties to be performed. If the Vice-Chancellor considers it appropriate to make such enquiries, the member of staff shall be advised in writing that his or her employment position is being considered under this procedure and that enquiries are being made. He or she shall be invited to comment in writing. After completion of the enquiries, the member of staff shall be advised of

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the outcome of the enquiries and of the action being contemplated under the procedure below.

4. Formal action

After enquiries have been made, or in a case where the Vice-Chancellor decides to proceed without making such enquiries, the Vice-Chancellor shall write to the member of staff. The Vice-Chancellor shall advise that:

- a) no action will be taken under this procedure;
- b) the University is contemplating suspending the member of staff with or without pay; or
- c) the University is contemplating terminating the contract of employment between the member of staff and the University.

If the Vice-Chancellor decides that it is appropriate to consider suspension or dismissal, he or she shall arrange a hearing. The Vice-Chancellor shall inform the member of staff in writing at least seven working days in advance that there is to be a hearing. The letter shall include:

- the reasons for the proposed action;
- supporting information and evidence;
- information about any alternative employment that might be available to the member of clinical academic staff if dismissal were to proceed;
- the date, time and location of the hearing;
- the fact that the hearing is taking place under this procedure;
- the right of the member of staff to attend and to be accompanied by an adviser, friend, trade union or other representative; and
- a copy of this procedure.

At the hearing, the Vice-Chancellor shall explain to the member of staff why he or she is considering dismissing or suspending the member of staff. The Vice-Chancellor shall interview the member of staff, who shall be given the opportunity to respond. The Vice-Chancellor may request a human resources manager or another member of staff to attend the hearing. Witnesses may attend to give relevant evidence. The Vice-Chancellor shall ensure that a note is taken of the hearing.

In a case where the registration, contract or status has been terminated, withdrawn or revoked, the Vice-Chancellor may, after the hearing, decide to dismiss the member of staff; or to dismiss the member of staff but offer

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alternative employment; or not to dismiss the member of staff. In a case where the registration, contract or status has been suspended, the Vice-Chancellor may decide to:-

- suspend the member of staff from his or her University duties with or without pay, for the period of suspension under the registration, contract or status;
- or to suspend, with or without pay, for some lesser period;
- or not to suspend the member of staff. The Vice-Chancellor shall write to the member of staff accordingly, giving reasons.

At any stage in this procedure the Vice-Chancellor may adjourn the hearing to a date to be agreed with the member of staff, to allow for such further investigation, evidence or consideration as the Vice-Chancellor shall consider appropriate. Further evidence may include a medical report on the member of staff's health and fitness for performing his or her duties.

5. Appeals

All appeals must be made in writing to the University Secretary within twenty working days of the date when the letter confirming the decision appealed against was sent. The appeal letter shall set out clearly the general grounds on which the appeal is based. A member of staff shall not normally be permitted to raise grounds at the appeal hearing if these were not raised in the original written appeal submission. An appeal may be made under this procedure after a member of staff has left the University following dismissal, however appeal proceedings may be suspended pending the outcome of an employment tribunal application.

Appeals against suspension

Appeals against suspension will be heard by a pro vice-chancellor with no prior involvement in the case, whose decision shall be final. The pro vice-chancellor will be advised by the Human Resources Director. The member of staff may present his or her case in person or in writing, and may be represented by an adviser, friend, trade union or other representative. There shall be no entitlement to a rehearing of the case. The pro vice-chancellor may overturn the suspension if he or she considers it just to do so. In particular he or she may do so in the light of new evidence, or where it is considered that the original hearing was not conducted fairly, or where the decision was unreasonable in the light of the findings of fact.

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Appeals against dismissal

Appeals against dismissal shall take the form of a review. There shall be no entitlement to a rehearing of the case and witnesses may be called only with the appeal committee's permission. Grounds for appeal include (1) new evidence which could not reasonably have been presented at the hearing at which the original decision was taken (2) that the original hearing was not conducted fairly or (3) that the original decision was unreasonable in the light of the findings of fact. The committee shall overturn the original decision if it considers it just to do so.

Council will appoint a committee of three to consider the appeal, none of whom shall have had any prior involvement in the case. The committee shall include a lay member of Council as Chair, and a member of the academic staff appointed by Senate. The committee may include, in addition to its other members, an appropriate medically qualified representative of the National Health Service, appointed by the Chief Executive of the Avon, Gloucestershire and Wiltshire Strategic Area Health Authority or successor body.

The University Secretary shall act as secretary to the appeal committee. The procedure shall be determined by the committee (Guidelines on procedure shall be issued from time to time). The member of staff may present the appeal in person, attend hearings and be represented by an adviser, friend, trade union or other representative. The University may be represented by a member of staff or lawyer. The committee may adjourn hearings, set time limits for stages of the proceedings, correct accidental errors and dismiss an appeal if there are undue delays in taking the matter forward. Every effort will be made to deal with the matter expeditiously. The committee shall give a reasoned decision in writing, which shall be sent to the member of staff and to Council.

Any dismissal under this procedure shall remain in force pending the outcome of an appeal. If the decision to dismiss is overturned, continuity of employment shall be restored.

1 January 2006

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Ordinance 35

Ordinance 35, which related to termination of employment of members of staff on grounds of retirement. was repealed on 1 August 2011, following abolition of the default retirement age.