Ordinances XX, XXI and XXII as at August 2016

XX. The preparation, hearing and determination of charges by a Tribunal

The procedure for dealing with the preparation, hearing and determination of charges by a Tribunal under Statute VII paragraphs 15–18 shall be as follows:

1. The Officer in charge of the proceedings (being the Secretary to the University or other person appointed for the purpose) shall within seven days of the Vice-Chancellor directing that a charge or charges be preferred under Statute VII paragraph 14(6)(d), provide a written statement to the member of the staff who is the subject of the charge(s)

(a) clearly specifying the charge(s);

(b) giving the member of the academic staff at least twenty-one days' notice to appear before the Tribunal;

(c) informing the member of staff of the name of the presenting officer and details of any persons who will be called as witnesses for the charge(s);

(d) informing the member of staff of the facility to call such witnesses as he or she may think fit and requiring him/her to inform the officer in charge of the proceedings at least seven days in advance of the meeting of the Tribunal of the names of any witnesses he or she wishes to call;

(e) informing the member of staff of the entitlement to be represented and/or accompanied by another person, who may be legally qualified, in connection with and at the hearing of the Tribunal.

2. (a) The member of staff shall, at least seven days in advance of the hearing:

(i) confirm to the officer in charge receipt of the written statement;

(ii) state whether it is his/her intention to attend the hearing; and

(iii) provide details of proposed witnesses and of his/her representation.

(b) All written evidence to be relied upon at the Tribunal Hearing by both sides shall be exchanged not later than seven days prior to the date of the Tribunal.

(c) In exceptional circumstances, the Chair of the Tribunal may sanction compliance outside the seven-day period.

3. (a) A charge shall not be determined without an oral hearing at which the member of staff and his/her representative, if any, are entitled to be present.

(b) Any failure of the member of staff to attend (unless due to unforeseen circumstances or sanctioned by the Chair of the Tribunal) shall not prevent the Tribunal from dealing with the charge.

4. The Chair and other members of the Tribunal shall be appointed in accordance with Statute VII paragraph 16.

5. The hearing of any charge by a Tribunal shall be dealt with as expeditiously as reasonably practicable, subject to which:
(a) Any scheduled hearing of charges by a Tribunal may, at the sole and absolute discretion of the Chair of the Tribunal, be postponed if any of the following become unable to attend: the member of staff, his or her representative, the witnesses, the person presenting the charges or a member of the Tribunal. The Chair of the Tribunal may also at his/her sole discretion permit a postponement for other reasons that he/she deems compelling. Where a hearing is rearranged, at least fourteen days' notice of such rearrangements shall be given in writing to the member of staff concerned.

(b) Either the member of staff (or his/her representative) or the person presenting the charges may seek adjournments, which the Chair of the Tribunal may grant if he/she is satisfied that the reasons are compelling.

6. At any hearing of charges by a Tribunal, the presentation of charges against the member of staff concerned shall be made first and then any representations or evidence presented by or on behalf of the member of staff. Both parties shall be entitled to question witnesses.

(a) The person presenting the charges against a member of staff may call witnesses but only in the presence of the member of staff concerned and his/her representative. The member of staff or his/her representative (but not both) may question these witnesses.

(b) The member of staff or representative may then make representations and/or present evidence and call witnesses in the presence of the person presenting the charges who may question these witnesses.

7. Members of the Tribunal may ask questions of all parties and witnesses.

8. The person presenting the charges followed by the member of staff or his/her representative may each conclude by summarising their respective cases if they so wish.

9. Only members of the Tribunal who have been present throughout the hearing shall take part in the deliberations leading to the Tribunal's decision.

10. The Tribunal may recall the parties only to clarify points of uncertainty on information already given. If recall is necessary, both parties shall appear before the Tribunal even if only one is to be questioned on the point giving rise to uncertainty.

11. The Tribunal shall within fourteen days of the conclusion of the hearing send its decision on any charge(s) referred to it to the Vice-Chancellor and to each party to the proceedings in accordance with Statute VII paragraph 18(1). It shall also draw attention to the appeals procedure in accordance with paragraph 18(2).

12. Without prejudice to its other powers, the Tribunal may determine that the charge or charges against a member of staff should be dismissed for want of prosecution, or should be remitted to the Vice-Chancellor for further consideration, or for the correction of accidental errors.

XXI. The preparation, consolidation, hearing and determination of appeals
Where an appeal is instituted by a member of staff who is dismissed or under notice of dismissal or who is otherwise disciplined, the Chair of the Council shall appoint a person to hear and determine that appeal in accordance with Statute VII paragraph 27. Where the person appointed decides not to sit alone, the Chair of the Council shall appoint two other persons in accordance with paragraph 27(4).

The procedure to be followed in respect of the preparation, consolidation, hearing and determination of appeals made under Statute VII Part V, shall be as follows:
1. Upon instruction from the person appointed by Council, the Secretary to the University or his/her representative shall notify the appellant in writing at least twenty-one days in advance of the hearing of the appeal of:

(a) the date, time and venue for the hearing of the appeal;

(b) his/her entitlement to be represented by another person, who may be legally qualified, in connection with and at any hearing of the appeal;

(c) his/her entitlement, subject to the consent of the person or persons hearing the appeal, to call such witnesses as he or she may think fit, provided that the names of such witnesses are notified to the Secretary to the University at least seven days in advance of the hearing of the appeal.

2. An appeal shall not be determined without an oral hearing at which the appellant and his/her representative, if any, shall be entitled to be present. Any failure of the appellant to attend (unless due to unforeseen circumstances or sanctioned by the person(s) appointed to hear the appeal) shall not prevent the appeal from being considered.

3. All written evidence to be relied upon at the appeal hearing by any party (as defined by Statute VII paragraph 24(4)) shall be exchanged not later than seven days prior to the date of the appeal hearing unless the person(s) appointed to hear the appeal sanction compliance outside the seven-day period.

4. Consent to allow witnesses to be called by the appellant shall not be withheld unless it is impracticable for them to be called or it is reasonable to believe that they cannot give relevant evidence to assist in the furtherance of the proceedings.

5. The appeal hearing shall be dealt with as expeditiously as reasonably practicable, subject to which:

(i) Any scheduled hearing of an appeal may be postponed at the sole and absolute discretion of the person or persons appointed in accordance with Statute VII paragraph 27 if any of the following became unable to attend; the appellant, or his/her representative, the Secretary to the University or his/her representative, any witness or the person or persons hearing the appeal. The person(s) appointed to hear the appeal may also, at their absolute discretion, permit a postponement for other reasons that they deem compelling. Where an appeal is rearranged, at least fourteen days' notice of the new hearing date shall be given in writing to the appellant;

(ii) Either the appellant or his/her representative or the Secretary to the University, or his/her representative, may seek adjournments as they feel appropriate which the person(s) hearing the appeal may grant if satisfied that the reasons are compelling.

6. At any hearing of an appeal, the appellant shall present his/her case and then the case against the appellant shall be presented. Both parties shall be entitled to question any witnesses.

(a) The appellant or his/her representative may, but only with the consent of the person or persons hearing the appeal, call witnesses but only individually in the presence of the Secretary to the University or his/her representative. The Secretary to the University or his/her representative may question these witnesses.
(b) The Secretary to the University or his/her representative may, but only with the consent of the person or persons hearing the appeal, call witnesses individually in the presence of the appellant and his/her representative, one of whom may question these witnesses.

7. The person(s) hearing the appeal may ask questions of all parties and witnesses.

8. The Secretary to the University, or his/her representative, followed by the appellant or his/her representative, may each conclude by summarising their respective cases if they so wish.

9. Where more than one person has been appointed to hear the appeal, only those persons who have been present throughout the hearing shall take part in the deliberations leading to a decision.

10. The person or persons hearing the appeal shall recall the parties only to clarify points of uncertainty on information already given. If recall is necessary, both parties shall appear before the person or persons hearing the appeal even if only one is to be questioned on the point giving rise to uncertainty.

11. The person or persons hearing the appeal, having reached their decision in accordance with the provisions of paragraph 28(3) of Statute VII, shall send notification of such decision to the Vice-Chancellor and to the parties to the appeal in accordance with paragraph 29 of the Statute.

12. The person or persons hearing the appeal may determine that the appeal should be dismissed for want of prosecution or that accidental errors should be corrected.

XXII. The consideration and determination of grievances
Staff grievances can arise from a variety of sources and the purpose of the procedure which follows is to settle or redress individual grievances promptly, fairly and, so far as may be possible, within the Faculty, School or other relevant area, by methods acceptable to all parties. To meet this objective, the University has adopted:

(i) a procedure which will permit a grievance to be resolved informally and without recourse to any subsequent stage;
(ii) a formal procedure to be invoked when informal measures are inappropriate or have failed.

1. This Ordinance sets out the procedure which has been agreed between the University of Leeds and the Leeds Local University and College Union (UCU) to govern the consideration and determination of grievances under Part VI of Statute VII.

2. The grievances to which this agreement applies are ones by members of the academic staff concerning their appointments or employment where those grievances relate to:

(i) matters affecting themselves as individuals; or
(ii) matters affecting their personal dealings or relationships with other staff of the University not being other matters for which express provision is made elsewhere in Statute VII.

3. Where a member of staff has a grievance which involves another member or members of staff he/she should first of all endeavour to resolve the matter by direct approach to the member(s) of staff involved or, if this is not possible, in discussion with an appropriate senior member of staff or, if these remedies have been exhausted, by raising the matter as appropriate with the Dean of Faculty (or his or her nominee) or, in the case of service units,
the equivalent officer (or his or her nominee), or a Pro-Vice-Chancellor (‘the Senior Member’).

4. Where a member of staff requests a personal interview with such Senior Member, the interview should normally be granted within seven days of the request being made.

5. The Senior Member shall seek to resolve the problem personally to the satisfaction of the parties to the dispute. He/she may also by mutual agreement of all parties seek consultation, as a means of resolving the grievance, with other members of staff or with officers of the University (particularly but not exclusively with the Director of Human Resources) or with representatives of the Leeds Local UCU as may be thought appropriate.

6. Where a member of staff has a grievance which involves a matter affecting him/herself as an individual, but not affecting his/her personal dealings or relationship with other staff, he/she should raise the matter with the appropriate Senior Member (as defined under (3) above) who will seek to resolve the problem, with recourse as necessary to consultation with other members of staff, officers of the University or representative of the Leeds Local UCU.

7. If the member of staff is dissatisfied with the result of efforts made under Clauses 3–6 above, or if the grievance directly concerns the Dean of Faculty, or, in the case of service units, the equivalent officer, or a Pro-Vice-Chancellor or if the member of staff believes that he/she has a grievance following determination by the relevant Appeals Committee of an appeal against non-promotion or non-confirmation of appointment, the member of staff may apply in writing to the Vice-Chancellor for redress of the grievance.

8. If it appears to the Vice-Chancellor that the matter has been finally determined under Statute VII Part III (Disciplinary Procedure), Part IV (Removal for incapacity on medical grounds), or Part V (Appeals Procedure), or that the grievance is trivial or invalid he/she may dismiss it summarily or take no action upon it. If it so appears to the Vice-Chancellor, he/she shall inform the parties to the grievance accordingly and shall also inform members of the University's Grievance Committee.

9. If the Vice-Chancellor is satisfied that the subject matter of the grievance could properly be considered with (or form the whole or any part of):

   (a) a complaint under Part III of Statute VII (Disciplinary Procedure);

   (b) a determination under Part IV (Removal for incapacity on medical grounds); or

   (c) an appeal under Part V (Appeals Procedure)

he/she shall defer action upon it until the relevant complaint, determination or appeal has been heard or the time for instituting it has passed and he/she shall notify the member of staff accordingly and shall also inform members of the University's Grievance Committee.

10. If the Vice-Chancellor does not reject the complaint under (8) above or if he/she does not defer action upon it under (9) above, he/she shall decide whether it would be appropriate, having regard to the interests of justice and fairness, for him/her to seek to dispose of it informally. If he/she so decides he/she shall notify the member and proceed accordingly.

In seeking to dispose of the complaint informally, the Vice-Chancellor may, where he or she deems this to be appropriate, seek a report on the matter from a member of the UCU (Leeds Local Association) and a member of the University, both to be nominated by the Joint Committee of the University and the UCU.
11. (a) Where the Vice-Chancellor refers a grievance for consideration by a Grievance Committee under the provisions of Statute VII paragraphs 33-36 the Secretary to the University, or such other officer appointed by the Vice-Chancellor (‘the Appointed Officer’), shall within seven days of such referral make arrangements for a hearing by such a Grievance Committee, giving the members of the Committee clear details of the grievance.

(b) All parties to the grievance shall be given at least twenty-one days' notice of any hearing by the Grievance Committee.

(c) The Appointed Officer shall inform the aggrieved person and those persons against whom the grievance lies of their entitlement to call such witnesses as they may think fit provided that they inform the Appointed Officer at least seven days in advance of the date of the meeting of the Grievance Committee of the names of the witnesses.

(d) The Appointed Officer shall inform the aggrieved person and any persons against whom the grievance lies of their entitlement to be represented at the hearing of the Grievance Committee by a friend or representative (who may be legally qualified).

12. All written evidence to be relied upon at the hearing by both sides shall be exchanged not later than seven days prior to the date of the hearing unless the Chair sanctions compliance outside the seven day period.

13. (a) A grievance referred to the Grievance Committee by the Vice-Chancellor will not be resolved without the aggrieved person and any person against whom the grievance lies having the right to be heard at a hearing by the Grievance Committee.

(b) Any failure of the aggrieved person or of any person against whom the grievance lies to attend (unless due to unforeseen circumstances or sanctioned by the Chair) shall not prevent the Committee from considering the grievance.

14. The Chair of the Grievance Committee shall be appointed by the Chair of Council, and shall normally be drawn from the members of the Council or the Senate. Other members, as required by Statute VII, paragraph 34 shall be appointed by the Chair of Council in accordance with the provisions of that clause.

15. At the meeting of the Grievance Committee, the aggrieved person or his/her representative shall present his/her grievance first and call witnesses in the presence of any persons against whom the grievance lies. Each such person or their respective representatives may question the witnesses.

16. The person(s) against whom the grievance lies (or their representative) may then call witnesses in the presence of the aggrieved person and his/her representative one of whom may question the witnesses.

17. Members of the Grievance Committee may ask questions of all parties and witnesses throughout the proceedings.

18. Either the aggrieved person or the person(s) against whom the grievance lies/or their respective representatives may seek adjournments as they feel appropriate, which the Grievance Committee may grant if satisfied that the reasons are compelling.

19. The aggrieved person (or his/her representative) followed by the person(s) against whom the grievance lies (or their representatives) may conclude by summarising their cases if they so wish.
20. Only members of the Grievance Committee who have been present throughout the hearing shall take part in the deliberations leading to a decision.

21. The Grievance Committee may recall the parties only to clarify points of uncertainty on information already given. If recall is necessary all parties shall appear before the Committee even if only one is concerned with the point giving rise to uncertainty.

22. The Grievance Committee shall inform the Council whether the grievance is or is not well-found and, if it is well-found, the Committee shall make such proposals for the redress of the grievance as it sees fit.