

## **Ordinances (as at 1 August 2018)**

[Made by the Council in accordance with the provisions of clause XI of the Charter.]

### **I. The University Court**

A. The University Court (hereinafter called the Court) shall consist of the following persons:

1. Ex officio members, the Chancellor, the Pro-Chancellor, deputy pro-chancellors, the Vice-Chancellor and the Chair of Court (if not already a member of the Court in another capacity).

2. Five members of the University Council to be chosen in such a manner as may be determined from time to time by the Council.

Ten Life Fellows of the University, to be chosen by the Life Fellows.

Life Fellows of the University who are not members of the Court under the provisions of this clause shall have the following rights:

(i) to receive copies of all papers circulated for consideration at meetings of the Court;  
(ii) to attend meetings of the Court and participate in its discussions, provided that they shall not exercise a vote on any motion before the Court or in any other proceeding of the Court.

3. Three representatives of the Clothworkers' Company of London; one representative of the Trustees of William Akroyd's Foundation; one representative of the Dyers' Company of London.

4. Representatives of public authorities:

One from North Yorkshire County Council

Two from Leeds City Council

One from City of Bradford Metropolitan District Council

One from City of Wakefield Metropolitan District Council.

5. Representatives of the University: Nine from the Faculties

One member to be elected from each of the categories of ancillary, clerical and technical staff under such regulations as may be determined from time to time by the Court.

Five students to be chosen in such manner as may be determined from time to time by the Court.

6. Representatives of other institutions:

Representatives of such affiliated institutions as the Court may determine, and one representative from Leeds Metropolitan University.

7. Representatives of schools:

Five representatives of the headmasters and mistresses (or their deputies) of secondary schools in Yorkshire:

Two representatives from secondary schools in Leeds

One representative from a secondary school in North Yorkshire (including the City of York)

One representative from a secondary school in South Yorkshire

One representative from a secondary school in West Yorkshire.

8. Representatives of other bodies:

One from the Trades Union Congress

One from the Workers' Educational Association (Yorkshire North District).

9. Other members:

Two retired members of the academic or academic-related staff who, within the five-year period preceding their retirement, have held office within the University either as a Pro-Vice-Chancellor or as an Executive Dean, such members to be appointed by the Court.

Not less than ten nor more than forty-five persons elected by co-optation by the Court, of whom at least one-third shall be alumni of the University.

Except as otherwise by the Charter provided, and subject to the Statutes of the University, the Court may determine all matters relating to the nomination, appointment, and election of members of the Court, and their respective periods or terms of office, and all other matters relating to the constitution of the Court.

B. The periods during which members of the Court respectively shall hold office shall be as follows:

The Chancellor, the Pro-Chancellor, deputy pro-chancellors, the Vice-Chancellor and the Chair of Court shall hold office during the time they occupy the positions named respectively.

Members of the University Council shall hold office for such period as the Council may from time to time determine.

Life Fellows shall hold office for a period not exceeding 5 years or for such other period as may be determined by a meeting to which all current Life Fellows shall be invited.

Members mentioned in clauses A3, A4 and A8 above shall hold office for one year from the date of appointment. Of the members mentioned in clause A5, the 8 representatives of the Faculties shall hold office for a period not exceeding two years, provided that if a representative of a Faculty ceases to be a member of the Faculty he or she shall cease to be a member of the Court; the representatives of ancillary, clerical and technical staff shall hold office for a period not exceeding three years; and the representatives of students shall hold office for one year. Members mentioned in clauses A6 and A7 shall hold office for two years. Members appointed either by co-optation or as retired members of the academic or academic-related staff under clause A9 shall hold office for between two and five years but at least two of the co-opted members, to be selected by lot or otherwise as the Court shall determine, shall retire each year.

All retiring members shall be eligible for reappointment or re-election, save that members in clauses A2, A5 and A9 who have completed a total of ten years' continuous service on Court shall not normally be eligible for any further appointment to the Court for a period of three years.

Appointees or representatives need not be members of the bodies appointing.

Any member of the Court may resign such membership at any time by letter addressed to the Secretary of the University.

Any casual vacancy occurring by resignation, incapacity, or death among the appointed or representative or co-opted members shall be filled up as soon as convenient by the person or body which appointed or co-opted the member whose place has become vacant. If such member was a member for a term of years the person appointed to supply his or her place shall be a member of the Court for the remainder of that term.

Fifteen members of the Court shall form a quorum.

## **II. The Senate**

The Senate of the University shall consist of:

(a) The Executive Deans of the Faculties, as determined from time to time by the Council on the recommendation of the Senate

(b) The heads of such units listed by Ordinance as the Council may, on the recommendation of the Senate, from time to time determine

(c) Other *ex officio* members:

The Vice-Chancellor

Deputy Vice-Chancellors

Pro-Vice-Chancellors

Associate Pro-Vice-Chancellors

Three nominees of each Faculty, normally those with responsibility for Learning and Teaching, Research and for International respectively

The Librarian

The Director of the University Careers Centre

The Director of the Lifelong Learning Centre

The Executive Director of the Language Centre

The Director of the International Foundation Year

The Director of Commercial and Campus Support

The Director of the Institute for Teaching Excellence and Innovation

The head of each institution which has been affiliated to the University under the terms of Ordinance XIX and which has been termed an institution accredited by the University in accordance with the Ordinance

(d) Eighty-four members of Faculties elected by the Faculties, in such manner as the Council may, on the recommendation of the Senate, from time to time determine

(e) Not more than ten co-opted members from the Faculties

(f) Nineteen students elected in such manner as the Council may from time to time determine.

Members elected or co-opted under clauses (c) and (e) shall hold office for up to three years.

Members elected under clause (f) shall hold office for one year.

The Senate shall have the following powers:

To make and submit to the Council all Regulations for giving effect to the Statutes and Ordinances of the University relating to courses of study.

To appoint external and internal examiners.

To report to the Council on all Ordinances relating to courses of study.

To report to the Council on Statutes or Ordinances or proposed changes of Statutes or Ordinances.

To report on any matter referred to or delegated to it by the Court or the Council.

To discuss and declare an opinion on any matter whatsoever relating to the University.

To formulate and modify or revise, subject to the control of the Council, schemes for the organization of the Faculties, and to assign their respective subjects; also to report to the Council as to the expediency of the establishment at any time of other Faculties or as to the expediency of the abolition, combination, or sub-division of any Faculties.

To fix, subject to any conditions made by the founders which are accepted by the Council, the times and mode and conditions of competition for fellowships, scholarships and other prizes, and to award the same.

To regulate the admission of students.

To make recommendations to the Council on all matters pertaining to the provision and use of hereditaments, buildings, premises, furniture, equipment, moneys and other means needed for carrying on the work of the University.

To do such other acts and things as the Council shall authorize.

No new degree shall be established or other distinction of honour or merit adopted until the Senate has had an opportunity to report thereon.

### **III. Faculties**

1. Each of the Faculties shall respectively consist of:

(a) the professors, readers, lecturers and academic-related staff appointed thereto;

(b) such other teachers of the University as may be appointed to the Faculty;

provided that all members of staff who are appointed professors, readers, lecturers or to the academic-related grades shall be assigned to membership of the appropriate Faculty at the time of their appointment; and provided also that no person with the exception of the Vice-Chancellor shall be eligible to be a member of more than one Faculty;

(c) such other persons as may be appointed thereto in accordance with precepts established by the Senate.

2. Members of Faculties shall elect to the Court of the University such number of representatives as provided in Ordinance I(A)(5).

Members of Faculties shall be elected to the Council of the University as provided in Statute I(A).

Members of Faculties shall elect members to the Senate as provided in Ordinance II.

3. The Faculties of the University shall be those of Arts, Humanities and Cultures; Education, Social Sciences and Law; Business (Leeds University Business School); Biological Sciences; Environment; Mathematics and Physical Sciences; Engineering; and Medicine and Health.

4. The Vice-Chancellor shall be a member of each of the several Faculties.

5. There shall be an Executive Dean of each Faculty appointed by an appointing committee established under the authority of the Vice-Chancellor in accordance with protocols laid down by the Senate and the Council. Each Executive Dean shall be responsible to the Council (through the Vice-Chancellor) for the leadership and overall management of her or his Faculty with powers and responsibilities as laid down from time to time by the Senate or the Council or both. Each Executive Dean shall hold office during such period as shall be determined by the appointing committee and shall be eligible for re-appointment.

6. Each Faculty shall have a written constitution which shall be subject to the Statutes and Ordinances of the University and shall be subject, together with any amendments thereto, to the approval of the Council on the recommendation of the Senate.

7. Each Faculty shall establish a Faculty Board which may ask questions about, and express an opinion on, any matter concerning the Faculty, and to convey such opinions to the Faculty Management Committee; and the Faculty Management Committee shall take account of any recommendations made by the Faculty Board. The Faculty Board shall meet at least once a semester. A secretary shall be appointed to keep a record of business transacted and recommendations made. The Executive Dean of each Faculty shall be responsible for convening such meetings and for the conduct of business thereat in such manner as may be determined from time to time by the Senate.

8. Each Faculty shall consult with representatives of the students in such manner as it considers appropriate having regard to any directions on this matter that the Council and the Senate may from time to time promulgate.

### **IV. Schools and Institutes**

1. Each of the Schools and Institutes shall respectively consist of the members of staff appointed thereto.

2. Each School or Institute shall have a head or chair appointed by an appointing committee established under the authority of the Vice-Chancellor in accordance with protocols laid down by the Senate and the Council. She or he shall be responsible for managing the school in accordance with the provisions of the Charter and Statutes, the constitution of the school and policies laid down from time to time by the Senate and the Council. She or he shall be responsible to the Council of the University through the Executive Dean of the relevant faculty and the Vice-Chancellor; shall hold office during such period as shall be determined by the appointing committee and shall be eligible for re-appointment.

3. Where a School or Institute has a written constitution such constitution shall be subject to the Statutes and Ordinances of the University and shall be subject, together with any amendments thereto, to the approval of the Council on the recommendation of the Senate.

4. Each of the Schools and Institutes shall hold at least one school meeting each term, to which all staff shall be invited. The head of the School or Institute shall be responsible for convening such meetings and for the conduct of business thereat. The meeting will be consulted about the development of School/Institute strategies and plans.

5. Each School or Institute shall consult with representatives of the students in such manner as it considers appropriate having regard to any directions on this matter that the Council and the Senate may from time to time promulgate.

6. Schools and Institutes shall be designated by Ordinance.

7. The Senate and the Council may by Ordinance designate other academic units as being subject to the provisions of paragraphs 1-6 of this Statute.

## **V. Recognition of courses and examinations of other residential universities and institutions of higher education<sup>1</sup>**

1. Subject to the provisions of the Charter and Statutes the Senate, or any committee of the Senate appointed for that purpose, is hereby empowered to allow members of any university or other approved institution of higher education, after matriculation at the University of Leeds, and presentation of certificates of conduct satisfactory to the Senate or committee, to count periods for which they have been registered at such other university or institution of higher education as equivalent to such periods of registration for a first degree at the University of Leeds as the Senate or committee may determine, provided that no degree of this University shall be conferred on any such person unless he or she shall have pursued an approved course of study in this University extending over at least the equivalent of one year's full-time registration, and shall have passed those examinations (hereinafter referred to as designated examinations), the results of which are designated in the regulations of the individual programme of study for the degree of the University of Leeds as those which determine the classification of the degree concerned.

2. Undergraduates of the University of Leeds who are pursuing an approved course of instruction leading to a first degree of the University may be allowed to count periods for which they have been registered at other universities or approved institutions of higher education during their undergraduate course as equivalent to such periods of registration at the University of Leeds as the Senate, or any committee appointed for that purpose, may from time to time determine, provided that no degree of this University shall be conferred upon any such undergraduate unless he or she shall have pursued an approved course of study in this University extending over at least the equivalent of one year of full-time registration, and shall have passed the designated examinations of the University of Leeds for such degree.

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<sup>1</sup> The provisions of article 1 of this Ordinance are applied only to candidates for a first degree.

3. Undergraduates at other universities or approved institutions of higher education who are permitted to proceed under the provisions of Article 1 or 2 of this Ordinance as members of this University may be allowed to count examinations passed by them at such other universities or institutions of higher education as equivalent to such examinations or portions of examinations other than the designated examination of this University as the Senate, or any committee of the Senate appointed for that purpose, may from time to time determine.

#### **VI. Regulations for procedure**

The Council, Senate and Faculties are hereby empowered to enact Regulations for the conduct of their business and that of their committees, subject to the provisions of the Charter, Statutes and Ordinances.

#### **VII. Fees**

The Council is hereby empowered, after giving the Senate an opportunity of reporting thereon, to appoint such registration, examination, class, laboratory, and other fees to be paid by students and others as the Council may from time to time determine, and to increase, reduce or abolish the same.

#### **VIII. Examiners and Examinations**

1. All examinations held by the University shall be conducted in such manner as the Ordinances shall prescribe, provided that at least one external and independent examiner shall be appointed for each subject or group of subjects forming part of the course of studies required for University degrees, but this proviso shall not apply to examinations for admission or entrance to the University.

2. The Senate is hereby empowered to appoint external examiners on such conditions as to tenure of office, remuneration, and otherwise as the Council may from time to time determine.

3. Subject to the provisions of the Charter, Statutes and Ordinances of the University, the Council is hereby empowered to adopt regulations, or to delegate to the Senate the making of regulations, as to the subjects, times, modes, and standards of the examinations.

#### **IX. First Degrees and Undergraduate Awards**

#### **X. Research Degrees**

#### **XI. Taught Postgraduate Awards**

#### **XII. Higher Doctorates**

#### **XIII. Award of Degrees by Senate**

The Senate is hereby empowered to award degrees and other awards other than 1. ad eundem degrees, 2. degrees conferred on officers of the University, and 3. Honorary degrees; and to revoke degrees and other awards following cases of cheating, plagiarism, fabricated or fraudulent coursework and other forms of academic fraud referred to in accordance with the University's regulations on plagiarism and cheating.

The award of qualifications jointly with other higher education institutions having the power to grant such qualifications shall be to persons who shall have pursued a course of study and shall have passed examinations under conditions laid down in the Statutes and Ordinances or other regulations and in the relevant prescribed programme approved by the Senate.

#### **XIV. Award of degrees by Council**

I. The Council is hereby authorized to grant to any professor of the University, or to any lecturer who is the head of any school, or other body having the function of a school in the

University, a degree not higher than that of Master in the Faculty in which he or she has graduated, or, in the case of a professor or lecturer holding no degree, such degree, not higher than that of Master, as the Council may determine.

2. The Council is authorized, if it thinks fit, to grant to any other officer of the University such degree, not higher than that of Master, as it may determine, but no such degree shall be conferred until a report has been received from the Senate.

3. No medical degree shall be conferred under either of the above provisions 1. and 2. upon a person who does not already possess a registrable medical qualification: and no person, in virtue of a degree conferred under either of these provisions, shall be allowed to proceed to a degree higher than that to which he or she has been admitted.

#### **XV. Prizes**

The Council is hereby empowered, upon report from the Senate, to institute such class and other prizes as it may from time to time determine, and to vary their value and to abolish the same.

#### **XVI. Aegrotat and posthumous awards**

1. Aegrotat and posthumous awards may be made as follows.

##### *Undergraduate*

2. An undergraduate candidate may be offered and awarded an aegrotat degree if:

- a) s/he has been prevented by illness or other sufficient cause from attending the whole or part of an examination for a degree, or from presenting any dissertation or thesis which may be required in connection with such examination, and where circumstances do not permit or support examination at a later date; and
- b) s/he has successfully completed a course of study and assessment up to and including the penultimate semester of the final year and if, in the opinion of both the internal and external examiners, a degree would have been awarded had final examination taken place.

3. The award may be conferred following consideration by the Senate, or the appropriate committee empowered by the Senate, subject to formal report from the internal and external examiners and upon such further evidence - and following the imposition of any conditions - stipulated by the examiners.

4. An aegrotat degree can be conferred *only* at the level of an ordinary degree (without honours or classification).

5. Similar provisions apply for posthumous awards, save that:

- a) conferment of a posthumous degree may be considered only following successful completion of the penultimate year of a programme of study;
- b) conferment may be with honours and classified.

##### *Postgraduate*

6. *Mutatis mutandis*, similar provisions to those set out at paragraphs 2-5 apply to the conferment of aegrotat and posthumous awards upon candidates for taught postgraduate programmes.

7. Postgraduate research degrees may be conferred posthumously in accordance with the procedure established by the Senate or the appropriate committee empowered by the Senate. Aegrotat awards may not be conferred in respect of postgraduate research degrees.

### *General provisions*

8. Aegrotat awards may not be conferred in respect of the degrees in medicine, dental surgery and related disciplines with a clinical element, to degrees in teaching or to any other degree which confers professional qualification or status upon the recipient.
9. A posthumous award may be conferred in any discipline.

### **XVII. Examination of schools and extension lectures**

The Senate is hereby empowered to examine and inspect schools and other educational institutions and to provide lectures and instruction for persons not members of the University under such Regulations as the Council may from time to time adopt. The Senate is empowered to award certificates in connection with lectures and instruction for persons not members of the University.

### **XVIII. Alumni**

The alumni of the University shall be individuals who have been either registered students of the University for a period of one year or more on programmes leading to a degree, diploma or certificate or who have studied at the University on a recognised study abroad programme of one semester or more.

### **XIX. Affiliated Colleges and Institutions**

1. Colleges, institutions and teaching establishments may be admitted to affiliation by the Council upon the recommendation of the Senate and such a college, institution or teaching establishment may, where the Council so determines, be termed a college accredited by the University. The Senate, before recommending the affiliation of any such college, institution or teaching establishment, shall satisfy itself:

- (a) that the college, institution or teaching establishment has attained a satisfactory standard of educational efficiency for the purposes for which affiliation is sought, and is established on a permanent basis;
- (b) that the majority of regular students in such college, institution or teaching establishment have attained the age of seventeen years.

2. Students of affiliated colleges, institutions or teaching establishments who have attained the age of seventeen years and have passed the matriculation examination or are exempt therefrom:

Either (a) may be exempted by the Council from any courses or parts of courses of study in the University provided they have successfully followed a part or the whole of a course of study approved for the purpose by the Senate;  
or (b) may be regarded as fulfilling the requirements of Ordinance IX (First Degree and Undergraduate Awards) or Ordinance XI (Taught Postgraduate Awards) by attending at any such college, institution or teaching establishment a course of study approved by the Senate.

3. The Council shall, after a report from the Senate, determine any privileges to which the students of affiliated colleges, institutions or teaching establishments may be admitted.

4. Any college, institution or teaching establishment desiring to avail itself of the provisions set out under (a) in Article 2 of this Ordinance shall:

- (i) make provision to the satisfaction of the Council for the representation of the University on the body which determines the courses submitted for the approval of the University;
- (ii) submit for the approval of the Senate courses of study whose duration, scope and standard shall be equivalent to the corresponding courses of the University;

and any college, institution or teaching establishment desiring to avail itself of the provisions set out under (b) in Article 2 of this Ordinance shall make provision to the satisfaction of the



Council for representation on the governing body of the college, institution or teaching establishment both of the University and of the academic staff of the college, institution or teaching establishment.

5. The University shall have the right, after due notice to the governing body concerned, to inspect, from time to time, the buildings and resources required for the teaching of courses as provided under Articles 2 and 4 of this Ordinance.

6. The Council, after a report from the Senate and any representations from the college, institution or teaching establishment concerned, may at any time withdraw any privileges which may have been granted under this Ordinance, or disaffiliate the said college, institution or teaching establishment.

7. The benefit of this Ordinance may be restricted to constituent parts of colleges, institutions or teaching establishments.

8. Colleges, institutions and teaching establishments affiliated with the University in accordance with the provisions of this Ordinance are:

(a) Colleges accredited by the University:

York St John University

Leeds Trinity University

(b) Colleges and Institutions offering degree and other programmes validated by the University.

9. The University also recognises a number of institutions as suitable providers of the whole or part of an approved programme of study leading to a University award, or as suitable partners in the provision of programmes leading to joint/dual/multiple awards of the University and other higher education institutions having the power to grant degrees and other qualifications, as set out in the University's Central Register of Collaborative Provision.

## **XX. Grievance Procedure**

### **Part I – Application and scope**

1. This procedure will apply to a grievance brought by a member of staff in relation to matters affecting them personally as an individual. A grievance may also be submitted by a group of individuals. Although the actions or inactions of individuals may be criticised in a grievance, all grievances shall be directed against the University corporately, not against individuals.
2. This procedure will apply where it has not been possible to resolve the grievance locally and/or informally or where the issues raised are sufficiently serious to make local and/or informal resolution inappropriate.

### **Part II – General provisions**

3. Any member of staff who brings or is cited in a grievance considered under this procedure has the right to be accompanied and represented at any meeting under it by a trade union representative or work colleague. The member of staff's chosen companion can act as a witness, take a note of the proceedings, address the meeting and confer with the member of staff but may not answer questions on their behalf.
4. Prior to the commencement of the procedure set out in Part III, or at any time throughout the procedure, the University may refer the matter to its internal mediation service to resolve the issues which form the subject of the grievance and/or institute other arrangements for informal resolution. No grievance shall be regarded as resolved informally or through mediation unless the aggrieved party so agrees.

5. Where the subject matter of a grievance is substantially the same as matters already being handled under disciplinary procedures, the grievance may be considered within or alongside the disciplinary process.
6. Every effort will be made to ensure that grievances are resolved in a timely fashion.

### **Part III – Procedure**

7. In the first instance, a member of staff who considers that they have a grievance should attempt to resolve the matter locally and informally with the advice and support of senior colleagues as appropriate to the case.
8. Where local and informal resolution either is inappropriate or has proved ineffectual, the member of staff will set out their grievance in writing, giving full details and the resolution sought, to the Director of Human Resources. The grievance will be determined by one or two individuals selected by the Director of Human Resources or nominee ('the investigating officer(s)'), who will be a senior member or members of staff with no prior involvement in the matter. The procedure will be effected as expeditiously as possible and in the expectation that all parties will avoid the introduction of preventable delay.
9. The investigating officer(s) will seek information and evidence from the parties concerned, who will be given the opportunity to meet the investigating officer(s). Connected grievances may be subject to the same investigation.
10. The investigating officer(s) will report their findings and any recommendations to the Director of Human Resources. The parties to the grievance will be informed by the Director of Human Resources or nominee, in writing, of the decision in relation to the grievance and any recommendations to the University and of the right of appeal.

### **Part IV – Appeal**

11. The Vice-Chancellor may delegate her or his responsibilities under Part IV to a Deputy Vice-Chancellor.
12. A member of staff will have the right to appeal against any decision under this procedure and must specify the grounds of their appeal. The grounds of appeal must be in writing and must be sent to the Secretary within fifteen working days of the date of the decision for consideration by the Vice-Chancellor.
13. Without prejudice to the generality of the right of appeal, the appeal should normally address one or more of the following possible grounds of appeal: that the original decision was, on the evidence, perverse or unfair; that there has been a procedural defect causing material disadvantage; and that new evidence has become available which could not reasonably have been taken into account originally.
14. If the Vice-Chancellor considers that there are *prima facie* grounds for appeal, a three-person panel will be established to hear the appeal; the membership of the panel will include a lay member of the Council and a member of the Senate.
15. If the Vice-Chancellor considers that there are no *prima facie* grounds for appeal, the appeal may be rejected, and that decision shall be final. No appeal will however be rejected without the appellant being given the opportunity of a hearing.
16. At the meeting the member of staff will be given the opportunity to state their case and raise any factors which they wish to have considered.
17. The panel will forward the outcome of its deliberation to the Director of Human Resources, who will convey the decision to the member of staff concerned in writing.

18. The decision of the appeal panel will be final and cannot be further appealed. It will be communicated with all due expedition.

## **XXI. Conduct Procedure**

### **Part I – Application and scope**

1. This procedure applies in cases of misconduct and gross misconduct by any member of staff covered by Statute.

### **Part II – General provisions**

2. An investigation may be conducted if, having taken into account the scope and nature of the alleged misconduct or gross misconduct, the relevant manager considers that this is necessary. This may require holding an investigatory meeting and collating evidence for use at any hearing. In such instances, the investigating officer will not hear any subsequent disciplinary case or otherwise take any disciplinary decisions.
3. Members of staff who are the subject of a formal meeting, hearing or appeal under this procedure have the right to be accompanied and represented at any such meeting or hearing by a trade union representative or work colleague. The member of staff's chosen companion can act as a witness, take a note of the proceedings, address the meeting/hearing and confer with the member of staff but may not answer questions on their behalf.
4. At any stage in the disciplinary process, if considered appropriate, in light of the suspension principles outlined in the overview statute, the member of staff may be suspended from work on full pay by the Vice-Chancellor, a Deputy Vice-Chancellor or Pro-Vice-Chancellor, or, when one such is not available, other person or persons designated by the Vice-Chancellor (the 'suspending officer'). Suspension is not a disciplinary penalty and is not an indication of culpability. Such suspension will be reviewed periodically by the Vice-Chancellor, a Deputy Vice-Chancellor or Pro-Vice-Chancellor and may be lifted at their discretion. During any period of suspension, the member of staff will be required to cooperate fully with any investigation and to be available for interview during normal office hours, but they will be entitled to access any University premises and to engage in their normal day to day duties only with the prior agreement of the head of school or service in consultation with the suspending officer. The suspending officer may also deny a suspended member of staff access to the University's e-mail or other digital facilities where the suspending officer considers it necessary or appropriate in the context of the case.
5. Where the University considers it appropriate, the contents of an investigation undertaken under another statutory or other equivalent procedure may be used as part of this procedure.
6. In the twelve months following a member of staff being given a disciplinary warning under this procedure, any salary increment falling due may be withheld.

### **Part III – Informal procedure**

7. When a member of staff's conduct is called into question but the line manager does not consider the formal procedure in Part IV to be necessary, the line manager will meet with the member of staff to discuss the issue with them informally. A written record of discussions will be made.

### **Part IV – Formal procedure**

*Stage 1 – Potentially leading to a formal warning*

8. Where the informal process has not led to improved conduct, or where the alleged misconduct is of such seriousness that the informal process is considered to be inappropriate, the University may consider taking formal action under Stage 1 of this procedure.
9. Where misconduct may have occurred, the member of staff will be required to attend a formal disciplinary meeting at which they will be given the opportunity to respond and state their case. At least five working days' notice of the hearing will be given in writing to the member of staff, and any documents to be relied on at the hearing will be given to the member of staff at least three working days before the hearing.
10. At Stage 1, the formal meeting will be conducted by the head of the relevant school or service or their nominee ('the Disciplinary Manager').
11. If, having considered the evidence, the Disciplinary Manager is satisfied that the member of staff has committed misconduct, the Disciplinary Manager will write to the member of staff informing them whether it is appropriate for a formal disciplinary warning to be given. If such warning is given the letter will set out the nature of the misconduct, the change in conduct required, the period during which the warning will remain active (no longer than one year) and the consequences of further misconduct. The letter will also set out the member of staff's right of appeal against the decision.

#### *Stage 2 – Potentially leading to a final warning*

12. If the member of staff does not meet the required standard of conduct set out under Stage 1, commits any further misconduct during the currency of an existing warning, or where the alleged misconduct is such that it is appropriate to dispense with Stage 1, the University may consider whether a formal disciplinary meeting should be convened under Stage 2 of this procedure.
13. If misconduct may have occurred, the member of staff will be required to attend a formal disciplinary meeting at which they will be given the opportunity to respond and state their case. At least five working days' notice of a hearing will be given in writing to the member of staff, and any documents to be relied on at the hearing will be given to the member of staff at least three working days before the hearing.
14. At Stage 2, the Disciplinary Manager will be the Executive Dean of the relevant faculty or service equivalent or nominee. The line manager of the member of staff whose conduct is under examination will not be appointed to act as Disciplinary Manager.
15. If, having considered the evidence, the Disciplinary Manager is satisfied that the member of staff has committed misconduct, the Disciplinary Manager will write to the member of staff informing them whether it is appropriate for a final disciplinary warning to be given and if such warning is given, the nature of the misconduct, the change in conduct required, the period during which the warning will remain active (no longer than two years) and the consequences of further misconduct. The Disciplinary Manager may also consider the removal of any title or office held in addition to the substantive appointment. The letter will also set out the right of appeal against the decision.

#### *Stage 3 – Potentially leading to dismissal*

16. If the member of staff does not meet the required standard of conduct set out in the final disciplinary warning issued under Stage 2 of this procedure, commits further misconduct during the currency of an existing warning, or where allegations of gross or very serious misconduct are raised such that it is considered appropriate to dispense with Stages 1 and 2, the University may take formal action under Stage 3 of this procedure.

17. If there are grounds to indicate that an act of further, or gross, or serious, misconduct may have occurred, the member of staff will be required to attend a formal disciplinary hearing before a three-person panel established by the Secretary or nominee; the membership of the panel shall include one lay member of the Council and a member of the Senate. The letter requiring attendance at the formal disciplinary hearing will include a statement of the alleged misconduct and will warn the member of staff that one consequence of the hearing may be the termination of their employment with or without notice. The member of staff will be given at least fifteen working days' notice of the hearing, and any documents to be relied on at the hearing will be given to the member of staff at least ten working days before the hearing
18. At the hearing the member of staff will be given the opportunity to state their case and raise any factors which they wish to have considered.
19. Where allegations are partly or wholly upheld by a panel, the panel may impose sanctions, including but not limited to:
  - dismissal (without notice in the case of gross misconduct);
  - withholding of any forthcoming increment of salary;
  - demotion to a post of lower grading;
  - redeployment;
  - removal of any title or office held in addition to the substantive appointment.

The panel will forward its decision to the Secretary or nominee, who will make arrangements for its implementation.
20. The decision, the reasons for that decision and any sanction(s) will be set out in writing and the member of staff will be notified of their right of appeal.

## **Part V – Appeals**

21. The member of staff will have the right to appeal against any decision under this procedure and must specify the grounds for their appeal. The appeal must be made in writing and, without prejudice to the generality of the right of appeal, should normally address one or more of the following possible grounds of appeal: that the original decision was, on the evidence, perverse or the penalty unfair; that there has been a procedural defect causing material disadvantage; and that new evidence has become available which could not reasonably have been taken into account originally.
22. An appeal against a warning at Stages 1 or 2 must be sent to the Director of Human Resources within fifteen working days of the member of staff receiving the decision. The Director of Human Resources or nominee will invite an appropriate senior member of staff who has had no prior involvement in the matter to consider the appeal.
23. An appeal against a sanction at Stage 3 must be sent to the Secretary within fifteen working days of the member of staff receiving the decision. The appeal will be considered by a three-person panel consisting of the Vice-Chancellor (or a Deputy Vice-Chancellor), a member of the Senate and either a lay member of the Council or an independent practising lawyer.
24. The decision of the appeal panel will be final and cannot be further appealed. It will be communicated with all due expedition.

## **XXII. Capability Procedure**

### **Part I – Application and scope**

1. This procedure sets out the process to be followed if capability issues arise.
2. For the avoidance of doubt, this procedure does not apply where the probation procedure is in force.

## **Part II – General provisions**

3. Members of staff who are the subject of a formal meeting, hearing or appeal under this procedure have the right to be accompanied and/or represented at such meeting or hearing by a trade union representative or work colleague. The member of staff's chosen companion can act as a witness, take a note of the proceedings, address the meeting/hearing and confer with the member of staff but may not answer questions on their behalf.
4. In any proceedings under this procedure:
  - a. due regard will be taken of any ill health or disability;
  - b. heads of school or service and others with management responsibilities under the procedure will take appropriate professional advice;
  - c. any member of staff whose capability is called into question will be given the opportunity to state their case, to raise any factors they wish to have considered and to present evidence; and
  - d. a member of staff whose capability is called into question may agree to demotion to a post of lower grading or to the removal of any title or office held in addition to their substantive appointment.

## **Part III – Informal procedure**

5. An informal procedure will be used in cases of minor lapses, or lapses which are uncharacteristic, transitory or arising from temporary circumstances or misunderstood expectations, and the line manager does not consider the formal procedure in Part IV to be necessary. In such instances the line manager may meet the member of staff to discuss the issue with them and to issue advice, guidance and support. A written record of informal discussions will be made following such a meeting.

## **Part IV – Formal procedure**

### *Stage 1 – Possible issue of a written caution*

6. Where the member of staff's capability is judged not to meet standards acceptable to the University or where informal action or advice has proved ineffective, the head of school or service shall convene a formal review meeting with the member of staff. The letter inviting the member of staff to the meeting shall set out the issues to be considered, shall give at least five working days' notice of the meeting, and shall include any documents to be relied upon at the meeting.
7. After the meeting, and if deemed appropriate, the head of school or service may issue a written caution to the member of staff that makes clear the improvement that is required, the support that will be made available and the consequences if improvement is not achieved and maintained within the timescale of the caution (which will remain effective for a period not exceeding twelve months).
8. This written caution will be recorded in the form of a letter with a copy to be sent to the member of staff. The letter will also set out the right of appeal against the decision. A copy will be placed on the member of staff's personal file and will be removed six months after the caution expires, subject to achievement and maintenance of the required improvement(s).

### *Stage 2 – Possible issue of a final written caution*

9. If it is considered that the member of staff has not met the required improvements by the conclusion of the Stage 1 review period (or sooner if the capability issues are not improving), or if the capability issues are sufficiently serious such that it is appropriate to move immediately to the next Stage, the member of staff will be invited to a Stage 2

review meeting. The letter inviting the member of staff to the meeting shall set out the issues to be considered, shall give at least five working days' notice of the meeting, and shall include any documents to be relied upon at the meeting. The Stage 2 meeting will be conducted by the head of school or service involved or, if any party so requests, by another head of school or service.

10. At the conclusion of the Stage 2 review meeting, the head of school or service will decide what action, if any, needs to be taken including issuing a final written caution to the member of staff which makes clear the improvement required, the support that will be made available, and the consequences if improvement is not achieved within the timescale of the caution (which will remain effective for a period not exceeding twelve months).
11. This final written caution will be recorded in the form of a letter to be sent to the member of staff. The letter will also set out the right of appeal against the decision. A copy will be placed on the member of staff's personal file and will be removed six months after the caution expires, subject to achievement and maintenance of the required improvement(s).

### *Stage 3 – Potentially leading to dismissal*

12. If the member of staff does not improve as specified in the final written caution issued under the Stage 2 review above, or where serious capability issues arise or gross negligence is alleged, and after such investigation as is appropriate in the circumstances, the member of staff will be invited to a formal hearing at Stage 3 before a three-person panel established by the Secretary or nominee; the membership shall include a lay member of the University Council and a member of the Senate. The member of staff will be advised in writing of the grounds that have led to the hearing being called, including full details of the alleged capability issues, and will be advised that one consequence of the hearing may be the termination of their employment. They will be given at least fifteen working days' notice of the hearing, and any documents to be relied on at the hearing will be made available to them at least ten working days in advance.
13. Where allegations are partly or wholly upheld by the panel, it may impose sanctions including but not limited to:
  - dismissal (without notice in the case of gross negligence);
  - further caution;
  - withholding of any forthcoming increment of salary;
  - demotion to a post of lower grading;
  - removal of any title or office held in addition to the substantive appointment;
  - redeployment.
14. The panel will forward its decision to the Secretary or nominee, who will make arrangements for its implementation.
15. The decision and any sanction(s) will be communicated in writing, with reasons, and the member of staff will be notified of their right of appeal.

### **Part V – Appeals**

16. The member of staff will have the right to appeal against any decision under this procedure and must specify the grounds of their appeal. The appeal must be made in writing and, without prejudice to the generality of the right of appeal, should normally address one or more of the following possible grounds of appeal: that the original decision was, on the evidence, perverse or the penalty/improvement measures unfair; that there has been a procedural defect causing material disadvantage; and that new evidence has become available which could not reasonably have been taken into account originally.

17. An appeal against a warning at Stages 1 or 2 must be sent to the Director of Human Resources within fifteen working days of the member of staff receiving the decision. The Director of Human Resources or nominee will invite an appropriate senior member of staff who has had no prior involvement in the matter to consider the appeal.
18. An appeal against a sanction at Stage 3 must be sent to the Secretary within fifteen working days of the member of staff receiving the decision. The appeal will be considered by a three-person panel consisting of the Vice-Chancellor (or a Deputy Vice-Chancellor), a member of the Senate and either a lay member of the Council or an independent practising lawyer.
19. The decision of the appeal panel will be final and cannot be further appealed. It will be communicated with all due expedition.

### **XXIII. III-Health Procedure**

#### **Part I – Application and scope**

1. Set out below is the procedure to be followed where a member of staff is unable to perform their duties for reasons of long-term ill-health, incapacity or injury.

#### **Part II – General provisions**

2. Before action is taken under this procedure the head of school or service, in consultation with the faculty or service Human Resources Manager and, as appropriate, with the Occupational Health service, must consider whether there are reasonable adjustments which could be made to the requirements of a role or to other aspects of working arrangements that would provide support at work and/or assist a return to work.
3. Members of staff who are the subject of a formal meeting or appeal under this procedure have the right to be accompanied and represented at such meeting or hearing by a trade union representative or work colleague. The member of staff's chosen companion can act as a witness, take a note of the proceedings, address the meeting/hearing and confer with the member of staff but normally may not answer questions on their behalf.
4. In the first instance, absence will be managed in accordance with the University's policies covering absence through illness, which include appropriate review meeting(s).

#### **Part III – Medical advice**

5. In all cases where action under this procedure is under consideration, the Director of Human Resources or nominee will decide whether it is necessary or appropriate for the University to seek to obtain additional medical advice in relation to the member of staff's medical condition. The member of staff is encouraged, in their own interest, to cooperate in this regard. Such advice will ordinarily be sought by the University from the member of staff's general practitioner and/or specialist consultant. In addition, advice may be sought from an occupational health specialist or, in exceptional circumstances, a medical practitioner or consultant appointed by the University, or from any combination thereof. The member of staff may be required to attend medical appointments arranged by the University and may also provide additional medical information - produced by a medical expert - which they feel is relevant. Where an attempt by the University to obtain relevant medical evidence or information has proved unsuccessful, the University may take the decision to apply this procedure nonetheless.

#### **Part IV – Formal procedure**



6. Following appropriate review meeting(s) under the University's policies covering absence through illness, if issues of health or incapacity appear unlikely to be resolved within a reasonable timescale and there are grounds to indicate that a member of staff is incapable of performing their duties for reasons of incapacity caused by ill-health, physical or mental incapacity or injury, they will be invited, in writing, to a formal meeting at which the potential termination of their employment will be considered by a three-person panel to be established by the Secretary or nominee. The membership of the panel shall include one lay member of the Council and a member of the Senate. The member of staff will be advised in writing of the reasons that have led to the meeting being called and will be given at least fifteen working days' notice of the meeting. Copies of any documents to be relied on at the meeting will be given to the member of staff at least ten working days before the meeting.
7. Both in advance of and at the meeting the member of staff will be given the opportunity to state their case, to raise any factors which they wish to have considered and to present evidence.
8. If the member of staff does not attend a meeting despite being given the opportunity to attend on at least two occasions a decision may be taken in their absence, provided that reasonable account has been taken of any constraints on attendance occasioned by the member of staff's ill-health, incapacity or injury, and provided always that the member of staff has been offered reasonable opportunities to make written representations.
9. During its deliberations, the panel may seek advice, and in any case shall ensure that it is guided by expert opinion.
10. The decision following the meeting may include (but will not be limited to) the following outcomes:
  - a. that the member of staff be deployed to a different role; or
  - b. that the member of staff's employment should be terminated; or
  - c. that there are insufficient grounds to dismiss or redeploy the member of staff under this procedure; or
  - d. that the member of staff remains in their current role with reasonable adjustments.

In the case of a. or c. above, the panel may, if it considers it necessary, recommend measures to ensure that the member of staff receives appropriate support.

11. The panel will forward its decision to the Secretary or nominee, who will make arrangements for its implementation.
12. The decision will be notified to the member of staff in writing and the member of staff will be notified of their right of appeal.

#### **Part V – Appeal**

13. The member of staff will have the right to appeal against any decision to terminate their employment under this procedure and must specify the grounds of their appeal. The appeal must be made in writing and, without prejudice to the generality of the right of appeal, should normally address one or more of the following possible grounds of appeal: that the original decision was, on the evidence, perverse or the penalty unfair; that there has been a procedural defect causing material disadvantage; and that new evidence has become available which could not reasonably have been taken into account originally.
14. Any appeal must be sent to the Secretary within fifteen working days of the member of staff receiving the decision. The appeal will be considered by a three-person panel

consisting of the Vice-Chancellor (or a Deputy Vice-Chancellor), a member of the Senate and a lay member of the Council, one of whom may be medically qualified.

15. The decision of the appeal panel will be final and cannot be further appealed. It will be communicated with all due expedition.

## **XXIV. Termination of Non-Substantive Appointment Procedure**

### **Part I – Application and scope**

1. This procedure will apply only to the premature removal of an individual from a non-substantive appointment, which is distinct from the individual's substantive post in the University, and where dismissal from the substantive post is not under consideration. There will be no requirement to follow this procedure where the non-substantive appointment elapses at the end of an agreed term of office.

### **Part II – General provisions**

2. Save as provided otherwise, individuals who are the subject of a formal meeting under this procedure have the right to be accompanied and represented at such meeting or hearing by a trade union representative or work colleague. The chosen companion can act as a witness, take a note of the proceedings, address the meeting/hearing and confer with the individual, but may not answer questions on the individual's behalf.
3. This procedure will be invoked only when it is alleged that the holder of a non-substantive appointment has failed adequately to perform the duties of that appointment, or is in material breach of University policies or values.
4. At any stage in this process, if appropriate, the member of staff may be suspended without loss of remuneration from the non-substantive appointment by the Vice-Chancellor, a Deputy Vice-Chancellor or Pro-Vice-Chancellor, or other person or persons designated by the Vice-Chancellor (the 'suspending officer'). Suspension is not a disciplinary penalty and is not an indication of culpability and will only be used where it is deemed appropriate in the context of the alleged failure or breach. Such suspension will be reviewed periodically by the suspending officer and may be lifted at their discretion.

### **Part III – Procedure**

5. If the premature removal from a non-substantive appointment is contemplated the Secretary or nominee will write to the individual to invite them to a meeting and to inform them:
  - a. of the reasons for the potential termination of the appointment; and
  - b. of their right to attend a meeting to make representations; and
  - c. that they will be given the opportunity to state their case, to raise any factors they wish to have considered and to present evidence; and
  - d. that they may be accompanied and represented by a work colleague or union representative at the meeting.
6. The individual concerned will be given at least ten working days' notice of the meeting, and will be provided with copies of any documentation to be relied on at the meeting at least five working days before the meeting.
7. A Deputy Vice-Chancellor will preside at the meeting and determine the outcome. Following the meeting a written decision with reasons will be sent to the individual by the Secretary or nominee and will include notification of the individual's right to appeal against the decision.

### **Part IV – Appeal**

8. The member of staff will have the right to appeal against any decision to terminate prematurely a non-substantive appointment under this procedure and must specify the grounds of their appeal. The appeal must be made in writing and, without prejudice to the generality of the right of appeal, should normally address one or more of the following possible grounds of appeal: that the original decision was, on the evidence, perverse or the penalty unfair; that there has been a procedural defect causing material disadvantage; and that new evidence has become available which could not reasonably have been taken into account originally.
9. Any appeal must be sent to the Secretary, for consideration by the Vice-Chancellor, within fifteen working days of the individual receiving the decision. The Vice-Chancellor shall determine the appeal and the decision will be final. The decision of the Vice-Chancellor shall be communicated in writing, with reasons and with all due expedition.

## **XXV. Contravention Procedure**

### **Part I – Application and scope**

1. This procedure is intended to apply in circumstances where the reason for dismissal is that the member of staff cannot continue to work in the position which they hold without contravention (either on their part or on that of the University) of a duty or restriction imposed by or under an enactment.
2. Should the nature of a particular situation require an immediate decision, the University would seek to apply as much of this procedure as is possible or appropriate, subject to the circumstances of the case. Where timescales require, the decision would be made by the Director of Human Resources. The right of appeal would remain.

### **Part II – General provisions**

3. Members of staff who are the subject of a formal hearing or appeal hearing under this procedure have the right to be accompanied and represented at such hearing or appeal hearing by a trade union representative or work colleague. The member of staff's chosen companion can act as a witness, take a note of the proceedings, address the hearing and confer with the member of staff but may not answer questions on their behalf.

### **Part III – The procedure**

4. Where evidence arising from an investigation or provided otherwise indicates a circumstance or reason defined in paragraph 1 above, the member of staff will be required to attend a formal hearing before a three-person panel, the membership of which will be established by the Secretary or nominee and shall include one lay member of the Council and a member of the Senate. The member of staff will be advised in writing of the issues that have led to the hearing being called, and shall be given at least fifteen working days' notice of the hearing. Copies of any documents to be relied on at the hearing will be made available to the staff member at least ten working days before the hearing.
5. At the hearing, the member of staff will be given the opportunity to state their case and raise any factors they wish to have considered.
6. The decision may include (but will not be limited to) the following outcomes:
  - a. that the member of staff should be dismissed on grounds described in paragraph 1 above, with or without notice;
  - b. that there are insufficient grounds to dismiss the member of staff under this procedure;

- c. that there are insufficient grounds to dismiss the member of staff under this procedure but that the matters should be considered under an alternative procedure;
  - d. that redeployment might be appropriate.
7. The panel will forward its decision to the Secretary or nominee, who will make arrangements for its implementation. The decision will be notified to the member of staff in writing and the member of staff will be notified of their right of appeal.

#### **Part IV – Appeals**

8. The member of staff will have the right to appeal against any decision to terminate their employment under this procedure and must specify the grounds of their appeal. The appeal must be made in writing and, without prejudice to the generality of the right of appeal, should normally address one or more of the following possible grounds of appeal: that the original decision was, on the evidence, perverse or the penalty unfair; that there has been a procedural defect causing material disadvantage; that new evidence has become available which could not reasonably have been taken into account originally.
9. Any appeal must be sent to the Secretary within fifteen working days of the member of staff receiving the decision. The appeal will be considered by a three-person panel consisting of the Vice-Chancellor (or a Deputy Vice-Chancellor), a member of the Senate and either a lay member of the Council or an independent practising lawyer.
10. The decision of the appeal panel will be final and cannot be further appealed. It will be communicated with all due expedition.

### **XXVI. Redundancy Procedure**

#### **Part I – Application and scope**

1. This procedure sets out the process to be followed to dismiss any member of the academic or academic-related (professional and managerial) staff by reason of redundancy.
2. For the avoidance of doubt, this procedure does not apply where the procedure to support the employment security of staff on fixed funding or fixed term contract applies.

#### **Part II – General provisions**

3. This procedure applies where the Council has decided that it is desirable that there should be a reduction in the academic or academic-related (professional and managerial) staff:
  - a. of the University as a whole; or
  - b. of any specific area of the University;by way of redundancy.

#### **Part III – Procedure**

4. Where the Council has reached a decision under paragraph 3 above it shall appoint a Redundancy Committee to give effect to its decision by a specified date and for that purpose:
  - a. to select and recommend the requisite members of the academic and academic-related (professional and managerial) staff for dismissal by reason of redundancy; and

- b. to report its recommendations to the Council.
5. The Council shall either approve any selection recommendation made or shall remit it to the Redundancy Committee for further consideration in accordance with its further directions.
6. A Redundancy Committee appointed by the Council shall comprise:
  - a. a Chair; and
  - b. two members of the Council, not being persons employed by the University; and
  - c. two members of the Senate.
7. Where the Council has approved a selection recommendation made under paragraph 4 above it may authorise an officer of the University as its delegate to dismiss any member of the academic or academic-related (professional and managerial) staff so selected.
8. Each member of the academic or academic-related (professional and managerial) staff selected shall be given separate notice of the selection approved by the Council, and will include notification of the member of staff's right to appeal against the decision.
9. Each separate notice shall sufficiently identify the circumstances which have satisfied the Council that the intended dismissal is reasonable and in particular shall include:
  - a. a summary of the action taken by the Council;
  - b. an account of the selection processes used by the Redundancy Committee;
  - c. a reference to the rights of the person notified to appeal against the notice and to the time within which any such appeal is to be lodged under Part IV (Appeals) below; and
  - d. a statement as to when the intended dismissal is to take effect.

#### **Part IV – Appeals**

10. The member of staff will have the right to appeal against any decision to terminate their employment under this procedure and must specify the grounds of their appeal. The appeal must be made in writing and, without prejudice to the generality of the right of appeal, should normally address one or more of the following possible grounds of appeal: that the original decision was, on the evidence, perverse or the penalty unfair; that there has been a procedural defect causing material disadvantage; and that new evidence has become available which could not reasonably have been taken into account originally.
11. Any appeal must be sent to the Secretary within fifteen working days of the member of staff receiving the decision. The appeal will be considered by a three-person panel consisting of the Vice-Chancellor (or Deputy Vice-Chancellor), a member of the Senate and either a lay member of the Council or an independent practising lawyer.
12. The decision of the appeal panel will be final and cannot be further appealed. It will be communicated with all due expedition.

### **XXVII. Procedure for the Resolution of Substantial Employment Issues**

#### **Part I – Application and scope**

1. This procedure is intended to facilitate the resolution of substantial employment cases which do not appear to fall within the scope of other procedures included in [cross reference]. The focus of this procedure is to ensure that all attempts are made to identify options for resolution. This may include (but will not be limited to) consideration of options such as mediation, redeployment, relocation and termination by mutual agreement.

2. This procedure shall be applied and construed in every case to ensure that members of staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or any privileges they may have at the University. This procedure will not override any protections afforded to individuals under other legislation, for instance under the Public Interest Disclosure Act and the Equality Act.

## **Part II – General provisions**

3. Members of staff who are invited to a meeting or hearing under this procedure have the right to be accompanied and represented by a trade union representative, legal representative or work colleague. The member of staff's chosen companion can act as a witness, take a note of the proceedings, address the meeting or hearing and confer with the member of staff but may not answer questions on their behalf.

## **Part III – Preliminary stages**

4. Where evidence arising from an initial investigation or arising otherwise indicates that there might be a substantial employment issue not covered by other procedures:-

Stage 1 – an academic member of the University Executive Group will review the evidence and will agree to the matter progressing further under this procedure only if satisfied that proceeding does not breach the principle of academic freedom (as detailed in paragraph 2 above);

Stage 2 – the Director of Human Resources will review the evidence and will agree to the matter progressing under this procedure only if satisfied that proceeding does not breach protections afforded to individuals under other legislation (as detailed in paragraph 2 above);

Stage 3 – the member of staff will have the opportunity to request a meeting if they believe that it is inappropriate to consider the matter under this procedure. The member of staff and their representative or colleague will attend a meeting with a member of the University Executive Group and the Director of Human Resources (or Deputy Director of Human Resources) to explain their rationale. If it is considered by the University to be more appropriate for the matter to be dealt with under another procedure included in [cross reference], progress under this procedure will be terminated and the member of staff and their representative will be advised in writing within five working days of the alternative course of action to be followed;

Stage 4 – If it is deemed appropriate at stage 3 for the matter to progress under this procedure, the member of staff may request that other forms of resolution not previously explored are considered. For example, where there is a conflict of interest or a relationship breakdown, consideration should be given to resolutions including mediation, redeployment, relocation and termination by mutual agreement.

5. Where alternative approaches to resolution are deemed inappropriate, or where previous attempts at resolution have failed, the case will proceed in line with Part IV below.

## **Part IV – The procedure**

6. Where a resolution to a substantial employment issue cannot be found, the member of staff concerned may be required to attend a formal hearing before a three-person panel, the membership of which will be established by the Secretary or nominee and shall include one lay member of the Council and a member of the Senate. The member of staff will be advised in writing of the issues that have led to the hearing being called, and shall be given at least fifteen working days' notice of the hearing.

Copies of any documents to be relied on at the hearing will be made available to the staff member at least ten working days before the hearing.

7. At the hearing, the member of staff will be given the opportunity to state their case and raise any factors they wish to have considered.
8. The outcome may include (but will not be limited to) the following:
  - a. that no action is deemed necessary;
  - b. that a resolution under paragraph 1 above is appropriate;
  - c. that the member of staff may resign;
  - d. that the member of staff's employment may be terminated by mutual agreement;
  - e. that the member of staff's employment may be terminated by the employer, with or without notice.
9. The panel will forward its decision to the Secretary or nominee, who will make arrangements for its implementation. The decision will be notified to the member of staff in writing and the member of staff will be notified of their right of appeal.

### **Part V – Appeals**

10. The member of staff will have the right to appeal against any decision to end their employment under this procedure and must specify the grounds of their appeal. The appeal must be made in writing and, without prejudice to the generality of the right of appeal, should normally address one or more of the following possible grounds of appeal: that the original decision was, on the evidence, perverse or the penalty unfair; that there has been a procedural defect causing material disadvantage; that new evidence has become available which could not reasonably have been taken into account originally.
11. Any appeal must be sent to the Secretary within fifteen working days of the member of staff receiving the decision. The appeal will be considered by a three-person panel consisting of an independent practising lawyer as Chair, a member of the Senate and a lay member of the Council.
12. The decision of the appeal panel will be final and cannot be further appealed. It will be communicated with all due expedition.

### **XXVIII. Schools**

Schools, and other units having the function of schools, shall be as follows:

English  
History  
Languages, Cultures and Societies  
Philosophy, Religion and History of Science  
Media and Communication  
Fine Art, History of Art and Cultural Studies  
Music  
Performance and Cultural Industries  
Design  
Leeds University Business School  
Education  
Politics and International Studies  
Sociology and Social Policy  
Law  
Biology  
Biomedical Sciences  
Molecular and Cellular Biology  
Earth and Environment

Geography  
Institute for Transport Studies  
Chemistry  
Food Science and Nutrition  
Physics and Astronomy  
Mathematics  
Civil Engineering  
Computing  
Electronic and Electrical Engineering  
Mechanical Engineering  
Chemical and Process Engineering  
Psychology  
Dentistry  
Healthcare  
Medicine