

## **ORDINANCE: 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 IV – 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.