

Gazette Supplement



Third consultation on possible revision to Statute XII

The Personnel Committee is consulting all divisional boards, the Continuing Education Board, Academic Services and University Collections¹, all colleges and the Conference of Colleges, the Joint Consultative Committee with the Oxford UCU, individual members of Congregation, all University staff and the Oxford University Student Union on possible revisions to Statute XII.

Following two previous consultations and a Discussion in Congregation on this topic, this consultation brings together the various changes under consideration to provide specimen draft legislation - a proposed revised Statute and new underpinning Regulations and procedures. These drafts have been developed with particular attention to the concerns and suggestions that emerged from the second consultation. That consultation addressed matters of principle but made only outline proposals: the present consultation presents principle and detail. Comments received in this consultation will be used to refine the draft legislation, and it is anticipated that a formal proposal for legislative change will be submitted to Congregation by the end of the academic year.

Responses should be sent to Ms Sarah Thonemann (sarah.thonemann@admin.ox.ac.uk) by **5pm on Tuesday, 2 February 2016**.

Background

The current Statute XII can be seen online at www.admin.ox.ac.uk/statutes/353-051.shtml. It covers all staff employed by the University in grade 6 and above, and there is no plan to change that. The Statute sets out the processes that are to be followed when redundancies are required or if it is alleged

there is 'good cause' (relating, for instance, to misconduct, lack of capability, or physical or mental incapacity) why a member of staff ought not to be kept in post (the Statute, like employment law, uses one term, 'dismissal', to cover termination of employment in all of these circumstances). The Statute also provides for disciplinary action short of dismissal, for appeals, and for considering grievances raised by individuals. Colleges make provision in their own statutes to deal with these matters in the context of college employment.

The possible revision of the Statute was raised in an open consultation in Trinity term 2014, and pursued through a Discussion in Congregation in Michaelmas term 2014 and a second consultation in Hilary term 2015. The two consultation papers and the paper for the Discussion can be seen at www.ox.ac.uk/staff/consultations/statute-xii; and the same site has links to the responses to the consultations and to a transcript of the Discussion. There has been further discussion also with representatives of the union (the UCU) and with some individual respondents to the consultations. The proposals in the present consultation draw on the wide range of views that have been expressed.

The guiding principles of the Statute are to ensure freedom of expression, to enable the University to fulfil its roles in education and research efficiently and economically, and to apply the principles of justice and fairness. The Statute provides elaborate procedures for dealing with employment cases whilst guarding academic freedom. However, since the majority of cases do not involve academic freedom, the Personnel Committee has argued that simpler procedures would in most instances be more proportionate and allow for fair process whilst avoiding undue delay. No particular support is lent to the principles

of justice and fairness by a Statute that relies on procedures which are unnecessarily elaborate and slow, especially if they create a significant disincentive to using the Statute in all but the most egregious cases. In a similar vein, the Statute does not support its principles of efficiency and economy by bringing to bear over-elaborate procedures in every case where redundancies may be required.

In proposing a reform of Statute XII, the Personnel Committee has sought to strike a better balance within the Statute, making it better fit for purpose whilst observing the principles of justice and fairness and, in particular, guarding academic freedom. The committee is also proposing a shift in the emphasis of the grievance procedures towards achieving settlement wherever possible through informal, local procedures. In addition, there are a number of clarificatory changes, and the redrafting has sought also to remove certain terminology that seemed more appropriate to a court of law.

Views are now sought on the committee's draft proposals.

Overview of the changes proposed in the draft revised Statute and Regulations

This section gives a concise overview of the proposed changes, in particular those aimed at addressing responses to the second consultation, and further details are presented in the following section, 'Consultation on the substantive changes affecting each Part of the Statute'.

Dismissal for good cause

The draft legislation embodies a twin-track approach for considering complaints possibly constituting 'good cause' for dismissal. This approach, with particular

¹These bodies are asked to consult their constituent units (departments, faculties etc) before responding.

reference to disciplinary cases, was first put forward in October 2014 for consideration at the Discussion in Congregation, and it was further developed in the second consultation to apply also to complaints involving capability.

The route for considering a complaint will depend on the nature and circumstances of the complaint. To ensure the protection of academic freedom, any case in which academic freedom might be at issue will be referred to the Visitation Board (VB); other cases will be referred to a new panel, now referred to as the Staff Employment Review Panel (SERP). As proposed in the second consultation, the SERP will be comprised of three members of staff, but they are now to be selected by lot from a pool of employees elected by Congregation ('the Pool': see Annex E). This method of selection is newly proposed to address concerns at the plan in the second consultation for the Registrar to choose a Panel with appropriate expertise. Now, with a randomly selected Panel, any need for particular expertise will be covered by access to specialist advice. Medical advice, if needed, will be available either to the VB or to the SERP.

The relevant detail on procedures for dismissal for good cause is contained in the draft revised Statute at Annex A (see Parts C, D and H of the Statute) and in Annexes B and E.

Freedoms protected by the Statute

A new Statement of Freedoms has been inserted in Section A of the Statute (Part A). In this, the general right to freedom of expression has been made more explicit to address the view expressed in the Discussion that all staff must be free to express their views on the University.

Academic freedom, to be protected by the referral of appropriate complaints to the VB, is attributed to the group of staff including all employees required to undertake academic teaching and/or research *either* by their written contracts *or* by established and agreed practice. The intention is explicitly to address the view that librarians or curators, for instance, should be included when they have academic duties.

Redundancy

This paper also develops the proposal described in the second consultation to change the redundancy process (Part B) for administrative and professional staff. The draft legislation provides for a Redundancy Panel to be set up to consider potential redundancies among this staff group without automatic recourse to

Congregation as a whole. The Redundancy Panel is specified as having three members selected by lot from the Pool elected by Congregation.

New safeguards have now been introduced to address concerns raised about this proposal in the Discussion in Congregation and in responses to the second consultation (see the Statute Part B at Annex A, and Annexes D and E, and see also the detailed account below of substantive changes affecting Part B).

Appeals against dismissal

As proposed in the second consultation, appeals against a decision by the SERP to dismiss a member of staff will be heard by the 'University Appeal Panel', which is now specified as three members with no prior involvement in the case and selected by lot from the Pool. This appeal process is similar to that used in comparable circumstances for support staff in grades 1-5.

It is proposed that the role of the Appeal Court in the context of Statute XII should be to hear appeals only against recommendations for dismissal made by the Visitation Board, with appeals from other bodies, such as the SERP, the Redundancy Panel and the EJRA Committee, being heard by the new University Appeal Panel. The other non-employment functions of the Appeal Court will remain unchanged.

Consultation on the substantive changes affecting each Part of the Statute

This consultation is supported by a number of annexes:

Annexe A: proposed revised Statute XII;

Annexe B: draft new Regulations for the Staff Employment Review Panel (the 'SERP', referred to as the Staff Disciplinary Panel or 'SDP' in earlier rounds of consultation) and University Appeal Panel (UAP);

Annexe C: proposed revised Regulations for Appeals to the Appeal Court;

Annexe D: proposed redundancy panel procedure, to form the basis of new Regulations;

Annexe E: proposals for constituting Panels convened under Parts B, D and H of Statute XII, to form the basis of new Regulations; and

Annexe F: summary flowchart for the hearing of cases potentially involving dismissal.

Underlying principles of the proposals for change

The thinking behind these proposals was described in detail in the second consultation in the *Gazette* of 18 February 2015², and respondents are encouraged to read that document (www.ox.ac.uk/staff/consultations/statute-xii). Work to develop these proposals has been guided by a number of principles:

- the paramount importance laid upon the protection of academic freedom which has been clear throughout the consultation process;
- all staff should benefit from fair and balanced procedures. In addition, clear feedback has been given that the staff groups who make up Congregation - academic, research, administrative and professional staff - should, as far as possible, enjoy the same protections where they are relevant and be subject to the same procedures;
- Congregation should retain oversight of processes affecting the employment of its members, observing the principle of judgment by one's peers; and
- the complexity and bureaucracy of the procedures under the Statute should be reduced where possible.

The intention, following present practice, has been to use the Statute to prescribe matters of fundamental importance and to put other detail into Council Regulations. Any proposed change to a Council Regulation has to be set out in the *Gazette* and is open to challenge by Congregation.

Part A (Construction, application and interpretation)

A new Statement of Freedoms has been inserted at **section 4**, setting out the freedoms enjoyed by all staff under the Statute, and describing academic freedom for those undertaking academic teaching and/or research. This Statement has been revised since the second consultation in particular to clarify the set of staff for whom academic freedom applies. Subsequent Parts are to be read in the context of the Statement. The Statement takes as its starting point the relevant clause of the UNESCO *Recommendation concerning the Status of Higher-Education Teaching Personnel*, but the clause has been adapted to fit the University's particular culture and practice.

²Supplement (1) to *Gazette* No 5086, Vol 145

As proposed previously, and in the interests of clarity, it has been made explicit (**section 8**) that the Statute does not cover dismissals as a result of termination:

- of a fixed-term contract by reason of the expiry of such term on its agreed date of expiry;
- during or at the end of probation (academic-related staff); or
- at the end of an initial period of office (academic staff) for capability reasons.

In addition, the revised Statute is now clearer that it applies only to an individual's substantive employment with the University, not to any offices held in addition to that employment (section 8).

Views are sought on the proposed amendments to Part A, and in particular on the revised draft Statement of Freedoms.

Part B (Redundancy)

The current process for redundancies relies on a redundancy panel which can be appointed by Council only after consultation with Congregation. The Personnel Committee remains of the view that this process is too cumbersome to allow the University to respond to changing needs and to safeguard its efficient operation by restructuring administrative units when required. It is also concerned that under the current arrangements it would be impossible to conduct a meaningful consultation with Congregation in the case of small-scale redundancies without breaching the confidentiality of the staff involved.

The proposed new process, **for use when administrative and professional staff employed at grade 6 or above³ are at risk of redundancy**, uses a redundancy panel chosen by lot from a pool of members of Congregation who have been elected by Congregation ('the Pool': see Annexe E). The proposed new process has the following steps:

- the Head of Departmental or Faculty Board decides that redundancies may be required;
- the department/faculty follows the redundancy procedure through the initial stages: ie it develops the rationale, identifies the staff whose posts are at risk, seeks support from Personnel Services, warns staff at risk, consults the unions,

and seeks alternatives to redundancy including alternative employment or voluntary severance;

- if no alternative can be found, the department, faculty, institution or body must apply to the divisional board or equivalent for permission to pursue the possibility of compulsory redundancies, in which case a Redundancy Panel will be set up consisting of three people selected by lot from the Pool, and this Panel may be attended by a UCU observer if requested by the UCU;
- the Redundancy Panel scrutinises the proposals in accordance with the draft Regulations at Annexe D; and
- the Redundancy Panel may authorise dismissals for redundancy, in which case the Head of the Department or Faculty Board Chairman may dismiss those persons with the appropriate notice.

This approach to redundancy was proposed in October 2014 for discussion in Congregation. It had always been intended that the Redundancy Panel, if it were to be established, would be formed of members of Congregation, and that it would report regularly to Congregation on its activities. Nevertheless, some members of the University have expressed concern that this proposal would reduce the role and powers of Congregation within redundancy processes affecting the administrative and professional staff group. As a result, a number of adaptations have been developed, further to specify safeguards ensuring the continuing sovereignty of Congregation.

- An announcement that a redundancy case has been referred to the Redundancy Panel shall be placed in the *Gazette* at least 14 days before the Panel meets to allow 20 members of Congregation to submit a resolution concerning it, should they wish to do so (**Annexe D, draft Redundancy Panel procedure**);
- The Redundancy Panel will refer to Council for submission to Congregation any case it decides should be considered by Congregation (**section 14(4)**). No limit has been placed on the circumstances in which this can be done, in order to avoid fettering the discretion of the Panel;
- An announcement that a decision has been reached by the Redundancy Panel shall be published in the first available *Gazette* (**Annexe D, draft Redundancy Panel procedure**); and
- The Director of HR will provide the Personnel Committee with an annual summary of the activity of the Redundancy Panel, and the

Committee will publish that summary to Congregation (**Annexe D, draft Redundancy Panel procedure**).

The two proposed *Gazette* notices (and the annual report) would improve transparency of process, and the first notice would in particular ensure that Congregation retains the ability to scrutinise any redundancy proposal it wishes. However, care must be taken to ensure that individuals' confidentiality is sufficiently respected. When one or only a small number of individuals are affected, the announcement could refer to the posts in terms sufficiently general (for instance, by type of post, grade and division) to reduce the risk that individual post-holders might be identifiable whilst still providing Congregation with an indication of the nature and scope of the redundancies under consideration.

As explained in the second consultation, this new proposed redundancy process has been developed with the intent that it should apply to redundancies only amongst administrative and professional staff. It is the view of the Personnel Committee that, circumscribed by the safeguards outlined above, this process would provide a more proportionate means of ensuring that the University can respond to changing needs in a timely and efficient manner, whilst protecting the primacy of Congregation and ensuring a fair and rigorous assessment of the case for redundancy. This process is recommended to Congregation.

Views are sought on the proposed new redundancy process for administrative and professional staff.

In the course of developing these proposals, it was noted that the introduction of a new process for redundancies in a particular staff group inevitably leads to differential treatment between staff groups, so undermining the principle of consistent treatment of staff. Given the extensive safeguards already surrounding use of the proposed Redundancy Panel, consideration was given to providing for cases involving any staff, including academics and researchers, to be referred directly to the Panel. In that case, additional safeguards would have been required, such as specifying that any perceived threat to academic freedom would constitute a reason for which the Redundancy Panel should refer a case through Council for consideration by Congregation. This unified approach to redundancy would offer benefits in terms of equity and practicality, in particular where the circumstances giving

³A separate process, outside Statute XII, applies to all staff in grades 1-5.

rise to a need for redundancies applied to both administrative staff and academics or researchers. However, it was felt that this idea constituted too radical a departure from the ideas previously put to Congregation. Nonetheless, it is open to respondents to express views on whether they consider such a unified approach ought to be explored further.

Part C (Visitorial Board)

The majority of proposed changes in this section were included in the previous rounds of consultation.

In accordance with the previous proposals, the size of the Visitorial Board (VB) is reduced to two members from four, plus the Chair (**section 16**). This will reduce the potential for delays in scheduling Visitorial Board hearings, and the resulting stress for all concerned. It will also render the hearings themselves less intimidating. The members are, as now, selected by lot from a Panel of 12 elected by Congregation.

The flowchart at Annex E presents the proposed new 'twin-track' process for determining cases which have the potential to lead to dismissal: if there is a reasonable prospect that the case involves an issue of academic freedom (**section 4**), then the case will be heard by the VB (**section 19**).

A new proposal is that, given that the VB will deal solely with cases involving academic freedom, membership of the VB will be confined to University employees who are members of Congregation and who are required to engage in academic teaching and/or research either by their written contract of employment or by established and agreed practice (**section 18**).

Views are sought on these provisions relating to the Visitorial Board.

Part D (Discipline and Dismissal)

The proposed approach to dealing with serious complaints where there may be good cause for dismissal has been refined since the last round of consultation, but not substantively changed.

If it appears to the Vice-Chancellor that there is no reasonable prospect that the case will involve an issue of academic freedom (see **section 4**) - or if this is appealed and neither of the two members of the Review Panel disagrees with that view - the case will be heard by the Staff Employment Review Panel (the SERP, **section 26 and Annex E**). In the second consultation, the SERP was called the 'Staff Disciplinary Panel', but it has been renamed because it will deal with

issues of competence and capability which are distinct from disciplinary matters.

The SERP will comprise three members of Congregation selected by lot from the Pool (**section 35**). The first member drawn will act as Chair. Every Panel will contain both male and female members. Members drawn who have had prior involvement or have a conflict of interest in the case will be replaced (**Annexe E**).

The outline processes for managing performance, conduct and medical capability issues informally and for issuing formal warnings for poor performance, misconduct or attendance/medical capability will be drafted in consultation with UCU and will form part of the Regulations underpinning the statute.

This revised procedure is recommended as constituting a fair and more proportionate means of considering cases that do not involve academic freedom, allowing for more timely resolution of issues and minimising stress for all those involved. Views are sought on the 'twin-track' approach to determining serious disciplinary cases and in particular upon the refinements to this proposal outlined above.

Part E

This Part of the Statute previously contained provisions for the Medical Board. In accordance with previous rounds of consultation, it is proposed that the provision for a separate Medical Board be removed from the Statute. This change recognises the Medical Board as being redundant because the Visitorial Board was always able to address medical issues. Furthermore, given that medical and other issues involving competence and disciplinary issues are often intertwined, the Medical Board has never been useful as a separate procedure.

Where a case for dismissal, at the VB or SERP, relies on physical or mental incapacity or reference to health or any other physical or mental quality, then the VB or SERP (as may be the case) may be provided with expert medical advice.

Part E has, for now, been left intentionally blank for ease of cross-reference between the new draft Statute and the existing Statutes.

Part F (Grievance process)

As previously proposed, the revised Statute makes clear that informal means of resolution should be exhausted prior to

a formal grievance process being invoked (**sections 41, 43(1) and (4), and 44(4)**) and that the possibility of informal resolution should be considered at each stage of the process.

Part G (Removal of VC from office)

This Part remains unchanged, except that reference to the Medical Board has been replaced with a sub-section specifying that the tribunal will have access to medical advice if required.

The proposed amendments to Parts E, F and G have been subject to consultation in previous rounds and are thought to be relatively uncontroversial, but members of the University are invited to submit comments upon them as they wish.

Part H (Appeals)

Under the proposed revised Statute, the Appeal Court, consisting as at present of a judge (or a retired judge or a barrister of a specified level of seniority) sitting alone, will hear employment-related appeals only against recommendations for dismissal made by the Visitorial Board (**section 52**). Its other non-employment-related functions, including determining appeals against decisions of the Vice-Chancellor under Statute XVII, remain unchanged.

As in the second consultation document, appeals against a decision to dismiss by a Redundancy Panel or the SERP will be heard by the University Appeal Panel⁴ (the UAP, **section 52**). It is also proposed that the UAP would hear appeals against decisions of the EJRA Committee, which considers applications to work beyond the EJRA.

The composition and procedures for the Appeal Panel will be set out in Regulations (see **Annexes B and E** for outline proposals).

Views are sought on these proposed arrangements for Appeals.

Proposed revised and new Regulations

ANNEXE B: NEW REGULATIONS FOR THE STAFF EMPLOYMENT REVIEW PANEL AND UNIVERSITY APPEAL PANEL

These Panels will comprise three members who will be selected by lot from the Pool, following procedures set out in separate Regulations (see **Annexe E**). These draft Regulations set out the powers and procedures for the two panels.

⁴If this proposal is adopted, a minor change to the legislation for the Appeal Court in Statute XI will be required.

An appeal against a recommendation by the VB or a decision by the SERP to impose a sanction short of dismissal (eg an oral or written warning) will be heard by a Pro-Vice-Chancellor.

ANNEXE C: REVISED REGULATIONS FOR THE APPEAL COURT

Changes have been made to reflect the revised remit of the Court arising through the proposed introduction of the University Appeal Panel under Part H of the Statute (**Annexe C: sections 2.1, 3.1 and 7.2**).

ANNEXE D: NEW PROPOSED REDUNDANCY PANEL PROCEDURE

This document outlines the process the Redundancy Panel will follow in considering cases referred to it and is intended to form the basis of new Regulations. It includes the requirement to publish the details of cases in the *Gazette* at least 14 days before the Panel meets to make a decision. It also reiterates the power of the Panel to refuse to consider a case and refer it to Council, which must then refer the case to Congregation if it wishes to pursue it.

ANNEXE E: PROPOSALS FOR CONSTITUTING PANELS CONVENED UNDER STATUTE XII PARTS B, D AND H (THE REDUNDANCY PANEL, THE SERP AND THE UAP)

The Pool, which will provide membership for the SERP, the Redundancy Panel and the Appeal Panel, will contain 18 people with three members representing each of the six major parts of the University, the four academic divisions, ASUC and UAS. Elections will be in accordance with Statute IV. Members will serve for a term of four years and may serve for two terms. Training will be provided for Panel members.

Members will be selected to serve on panels by lot, with at least one person of each sex on each panel, and care will be taken to ensure that panel members have no prior involvement in a case and no conflict of interests.

Views are sought on the content of the proposed new Regulations concerning the SERP, the UAP, the process for the Redundancy Panel, and the Pool and on the proposed revisions to the Regulations for the Appeal Court.

ANNEXE F: SUMMARY FLOWCHART FOR THE CONDUCT OF CASES POTENTIALLY INVOLVING DISMISSAL

This has been updated since the second consultation to take account of terminology and numbering used in the present revised proposals; otherwise it is unchanged.

Responses

The Personnel Committee now invites comments from the bodies and individuals addressed in this paper on the proposals set out above. Responses should be sent electronically to sarah.thonemann@admin.ox.ac.uk no later than **5pm on Tuesday, 2 February 2016**. Enquiries should be sent to the same address.

As previously, a summary of responses will be published on the Statute XII consultation website (www.ox.ac.uk/staff/consultations/statute-xii). That summary will be accompanied by the text of the responses, attributed to their authors unless they make it clear when responding that they wish to remain anonymous or that their response should be kept private.

Annexe A

Part A: Construction, Application and Interpretation

1. This statute and any regulation made under this statute shall be construed in every case to give effect to the following guiding principles, that is to say:

- (1) to ensure that members of the academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges, and as further provided for in section 4 below;
- (2) to enable the University to provide education, promote learning, and engage in research efficiently and economically; and
- (3) to apply the principles of justice and fairness.

2. No provision in this statute shall enable any member of the academic staff to be dismissed unless the reason for the dismissal may in the circumstances (including the size and administrative resources of the University) reasonably be treated as a sufficient reason for dismissal.

3. (1) This statute shall apply:

- (a) to professors, readers and associate professors or lecturers;
- (b) to any employee of the University who is a member of the Universities Superannuation Scheme or who would be a member if he or she had not been exempted under the provisions of Statute XIV; and
- (c) to the Vice-Chancellor to the extent and in the manner set out in Part G.

(2) In this statute any reference to 'a member of the academic staff' is a reference to a person to whom this statute applies.

4. Statement of Freedoms

(1) All members of the academic staff shall have the freedoms set out in section 1(1), including the freedom to express their opinion about the University and freedom from institutional censorship, and in addition shall be free to participate in professional bodies or representative bodies of their choosing in accordance with the law and the University's recognition agreements with trade unions in force from time to time.

- (2) In this statute, 'academic freedom' means the particular freedoms pertaining to research and teaching in the University and to which Parts C and D accord protection through the Visitorial Board, namely that all employees of the University who are required to engage in academic teaching and/or research either by their written contracts of employment or by established and agreed practice shall, in accordance with the UNESCO 1997 *Recommendation concerning academic freedom* have the particular freedoms, without fear of any professional or personal reprisal or disadvantage, to:
- (i) carry out research on subjects of their choosing, and publish and disseminate the results of that research as they wish and in whatever form they wish;
 - (ii) conduct teaching in a manner that they consider appropriate according to the standards and norms of the relevant department or faculty;
 - (iii) engage in public discourse according to standards of professionalism reasonably expected of the holder of an academic post in the University.
- (3) The University requires that, in all circumstances, members of staff will exercise their right to academic freedom only within the law, in accordance with their contracts of employment, and with due regard to agreements with research funding bodies.
- (4) All members of the University must observe University policy concerning behaviour at work and the conduct of their duties.
5. In this statute 'dismiss' and 'dismissal' mean dismissal of a member of the academic staff from their employment under a contract with the University and shall be construed in accordance with Part X of the Employment Rights Act 1996 as amended or re-enacted from time to time, save that this statute shall not apply to the termination of a contract of employment by a member of academic staff in circumstances in which he or she claims to be entitled to terminate the contract by reason of the University's conduct.
6. (1) For the purposes of this statute 'good cause' in relation to the dismissal of a member of the academic staff under Part D, being in any case a reason which is related to conduct or to capability or qualifications for performing work

of the kind which the member of the academic staff concerned was appointed or employed to do, means:

- (a) conviction for an offence which is such as to render the person convicted unfit for the performance of the duties of the employment as a member of the academic staff; or
- (b) conduct of an immoral, scandalous or disgraceful nature incompatible with the duties of the employment; or
- (c) conduct constituting failure or persistent refusal or neglect or inability to perform the duties or comply with the conditions of employment; or
- (d) physical or mental incapacity.

(2) In this section:

- (a) 'capability', in relation to such a member, means capability assessed by reference to skill, aptitude, health or any other physical or mental quality; and
- (b) 'qualifications', in relation to such a member, means any degree, diploma or other academic, technical or professional qualification relevant to the position held by that member.

7. For the purposes of this statute dismissal shall be taken to be a dismissal by reason of redundancy under Part B if it is attributable wholly or mainly to:

- (1) the fact that the University has ceased, or intends to cease, to carry on the activity for the purposes of which the person concerned was appointed or employed by the University, or has ceased, or intends to cease, to carry on that activity in the place in which the person concerned worked; or
- (2) the fact that the requirements of that activity for members of the academic staff to carry out work of a particular kind, or to carry out work of a particular kind in that place, have ceased or diminished or are expected to cease or diminish.

8. (1) Parts B and D shall not apply to a dismissal by reason of the termination of:

- (a) a fixed-term contract of employment upon and by reason of the expiry of such term on its agreed date of expiry;
- (b) a contract of employment during or at the end of a probationary period or, in the case of academic staff, at the end of an Initial Period of Office by reason of capability; and

(c) an office except where that office represents the sole contract of substantive employment with the University.

(2) The procedure for considering and deciding upon dismissal in the circumstances described in sub-section (1) shall be as provided for by the University's personnel procedures as published from time to time.

9. (1) In any case of conflict, the provisions of this statute shall prevail over those of any other of the statutes and over those of the regulations, and the provisions of any regulation made under this statute shall prevail over those of any other regulation.

(2) Nothing in any appointment made, or contract entered into, shall be construed as overriding or excluding any provision made by this statute concerning the dismissal of a member of the academic staff by reason of redundancy or for good cause.

(3) In any case where an officer of the University or any other person is designated to perform any duties or exercise any powers under this statute, and that officer or other person is involved in the matter in question, an alternate may be appointed to act in his or her place under procedures prescribed by regulations made under this statute.

(4) Nothing in any other of the statutes or in any regulation made under them shall authorise or require any officer of the University to sit as a member of any committee, tribunal or body appointed under this statute or to be present when any such committee, tribunal or body is meeting to arrive at its decision or for the purpose of discussing any point of procedure.

(5) This statute shall be without prejudice to any power given by the statutes of any college to the governing body of that college to deprive a member of the academic staff who is a fellow of the college of his or her fellowship or of any part of the emoluments which he or she is entitled to receive as fellow for any cause (including redundancy) for which any other fellow of the college would be liable to be so deprived.

(6) In this statute references to lettered Parts and to numbered sections and sub-sections are references to Parts, sections and sub-sections so lettered or numbered in this statute.

Part B: Redundancy

10. This Part enables a Redundancy Panel, to be constituted in accordance with regulations governing the membership of panels convened under Parts B, D and H of this Statute, to dismiss any member of the academic staff by reason of redundancy.

11. (1) Nothing in this Part shall prejudice, alter or affect any rights, powers or duties of the University or apply in relation to a person unless:

(a) his or her appointment is made, or his or her contract of employment is entered into, on or after 20 November 1987; or

(b) he or she is promoted on or after that date.

(2) For the purposes of this section in relation to a person, a reference to an appointment made or a contract entered into on or after 20 November 1987 or to promotion on or after that date shall be construed in accordance with sub-sections (3) to (6) of section 204 of the Education Reform Act 1988.

12. (1) This Part applies only where a decision has been taken that it is desirable that there should be a reduction in the members of the academic staff

(a) of the University as a whole; or

(b) of any division, faculty, school, department or other similar area of the University by way of redundancy.

(2) Where the proposed redundancies involve employees of the University who are required to engage in academic teaching and/or research either by their written contracts of employment or by established and agreed practice, but except in those instances involving employees on open-ended contracts where the need for redundancy arises through the withdrawal of external funding, the appointment of a Redundancy Panel under section 13 shall require a prior decision of Congregation.

13. A decision under section 12 shall be referred to a Redundancy Panel appointed by the Registrar in accordance with regulations as set out in section 10, to consider proposals for such reductions as may be referred to it from time to time.

14. (1) Where a divisional board or equivalent University authority for a department, institution or body proposes a reduction in the academic staff in a department, institution or body, the proposal shall first be dealt with under the University's

personnel procedures as published from time to time, up to and including consideration of alternatives to compulsory redundancy.

(2) Where, following consideration under section 14(1), it is not considered possible to achieve the proposed reduction in the members of the academic staff without dismissal(s) of such staff, the divisional board or equivalent University authority shall refer a formal proposal for dismissal of members of the academic staff to the Director of Human Resources, in accordance with regulations for the procedure to be followed by a Redundancy Panel.

(3) The Director of Human Resources shall refer a proposal under section 14(2) to the Registrar who, having sought and obtained the agreement of Congregation where that is required under section 12(2), shall appoint a Redundancy Panel according to the provisions of section 10 to consider such proposal in accordance with regulations for the procedure to be followed by a Redundancy Panel.

(4) In cases where a prior decision of Congregation under section 12(2) is not required, if a Redundancy Panel appointed to consider a particular redundancy proposal forms a majority view that for any reason it would be inappropriate to proceed without the approval of Congregation, the Panel should advise Council to that effect and await such approval before proceeding further.

(5) A Redundancy Panel appointed under section 14(3) or (4) shall:

(a) scrutinise the proposals in accordance with regulations for the procedure to be followed by a Redundancy Panel;

(b) select and recommend the requisite members of the academic staff (if any) for dismissal by reason of redundancy; and

(c) report its recommendations to the relevant Divisional Board or equivalent university authority.

(6) A Redundancy Panel shall comprise three members of Congregation elected under regulations governing membership of panels convened under Parts B, D and H of this statute.

15. (1) Where the Redundancy Panel has selected and recommended the dismissal of a member of academic staff under section 14(5)(b), it may authorise

an officer of the University as its delegate to dismiss any member of the academic staff so selected.

(2) Each member of the academic staff selected shall be given separate notice of the selection approved by the Redundancy Panel.

(3) Each separate notice shall sufficiently identify the circumstances which have satisfied the Redundancy Panel that the intended dismissal is reasonable and in particular shall include:

(a) a summary of the action taken by the Redundancy Panel, and Congregation if applicable, under this Part;

(b) an account of the selection processes used by the Redundancy Panel;

(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 H; and

(d) a statement as to when the intended dismissal is to take effect.

Part C: Visitation Board

16. The Visitation Board shall consist of a chair and two members.

17. (1) The High Steward shall appoint the chair who shall serve for two years and may be reappointed.

(2) The chair shall be a person who is not a member of Congregation and is a barrister or solicitor of at least five years' standing or a person who has judicial experience.

(3) If the chair is for any reason unable to act on any occasion the High Steward or (in his or her absence) the Vice-Chancellor shall appoint a deputy chair to act in the place of the chair for that occasion.

(4) Any deputy chair must possess the same qualifications as those set out in sub-section (2) above.

(5) If a vacancy arises through the chair dying or resigning or becoming a member of Congregation before the completion of his or her period of office the person next appointed shall hold office for the remainder of the period of office of the person replaced.

18. The two other members of the board shall be selected from a panel of twelve persons who shall be members of Congregation required to engage in

academic teaching and/or research either by their written contracts of employment or by established and agreed practice and who shall be elected by Congregation under arrangements which shall be prescribed from time to time by Council by regulation.

19. The board shall consider:

(1) any reference made by the Vice-Chancellor:

(a) under Part D concerning any person specified in section 3(1)(a) or 3(1)(b); and

(b) where the Vice-Chancellor or a Review Panel has decided that there is a reasonable prospect that determination of the reference will or may involve an issue of academic freedom as provided for under Part D; and

(2) any other matter which falls within its jurisdiction as prescribed by statute or regulation from time to time.

20. (1) Sections 31 and 32 of Part D shall apply to the procedure of the board following a reference made by the Vice-Chancellor under that Part.

(2) The procedure in respect of other matters shall be as prescribed in the relevant statute or regulation.

Part D: Discipline and Dismissal

21. For members of the academic staff to whom this Part applies:

(1) Minor faults shall be dealt with informally.

(2) Capability or performance issues shall be dealt with in the first instance in accordance with the University's personnel procedures as published from time to time.

(3) Where the matter is more serious but falls short of constituting possible good cause for dismissal, the following procedure shall be used:

(a) A member of academic staff shall be entitled to be accompanied by a colleague in the University or a trade union representative at any meeting that could result in a formal warning being given or confirmed (including on appeal), or some other disciplinary action being taken, when the member has made a reasonable request to be accompanied at such a meeting.

Stage 1 - Oral Warning

(b) If conduct or performance does not meet acceptable standards the member of the academic staff will normally be given a formal oral warning by the head of department (which for the purposes of this statute means the head of the relevant department or other institution of the University or, in the absence of such an entity, the chair of the relevant divisional board or similar University body). The member will be advised of the reason for the warning, that it is the first stage of the disciplinary procedure, and of the right of appeal under this section. A brief note of the oral warning will be kept but it will be spent after twelve months, subject to satisfactory conduct and performance.

Stage 2 - Written Warning

(c) If the misconduct or unsatisfactory performance is serious, or if further misconduct occurs or unsatisfactory performance continues, a written warning will be given to the member of the academic staff by the head of department. This will give details of the complaint, the improvement required, and the time scale. It will warn that a complaint may be made to the Registrar alleging good cause for dismissal if there is no satisfactory improvement and will advise of the right of appeal under this section. A copy of this written warning will be kept by the head of department, but it will be disregarded for disciplinary purposes after two years subject to satisfactory conduct and performance.

Stage 3 - Appeals

(d) A member of the academic staff who wishes to appeal against a disciplinary warning shall inform the Registrar within two weeks. A Pro-Vice-Chancellor shall hear all such appeals and his or her decision shall be final.

22. (1) If there has been no satisfactory improvement following a written warning given under Stage 2 of the procedure in section 21, or in any case where it is alleged that the conduct, capability or performance of a member of the academic staff may constitute good cause for dismissal, the head of department or other appropriate person may refer a complaint to the Registrar.

(2) Where the good cause for dismissal referred to in sub-section (1) is physical or mental incapacity, this section and the subsequent sections of this Part shall be read as if the word 'complaint' were replaced with the word 'application'.

23. Any complaint which is referred to the Registrar under section 22(1) shall:

(a) include a description of the conduct, capability or performance which is relied upon and an explanation of why it is alleged to constitute good cause for dismissal; and

(b) specify whether or not the head of department considers that the determination of the complaint will or may involve an issue of academic freedom and set out the basis for this view.

24. The Registrar shall refer any complaint made under section 22(1) and in accordance with section 23 to the Vice-Chancellor.

25. (1) To enable the Vice-Chancellor to deal fairly with any complaint referred to him or her under this Part, such investigations or inquiries (if any) shall be instituted as appear to the Vice-Chancellor to be necessary.

(2) If it appears to the Vice-Chancellor that a complaint referred to him or her under this Part relates to conduct or performance which does not meet acceptable standards but for which no written warning has been given under section 21(3)(c) or which relates to a particular alleged infringement of statutes or regulations for which a standard penalty is normally imposed in the University or within the division, faculty, school, department or other relevant area, or is trivial or invalid, he or she may dismiss it summarily, or decide not to proceed further under this Part.

(3) If the Vice-Chancellor does not dispose of a complaint under sub-section (2), he or she shall treat the complaint as disclosing a sufficient reason for proceeding further under this Part and, if he or she sees fit, the Vice-Chancellor may suspend the member on full pay pending a final decision, such power of suspension being exercisable either at this stage or at any time prior to the final decision.

26. Where the Vice-Chancellor proceeds further under this Part:

(1) If it appears to the Vice-Chancellor that there is a reasonable prospect that the determination of the complaint will

or may involve an issue of academic freedom, he or she shall write to the member of the academic staff proposing that the complaint be determined by the Visitatorial Board, unless the member of the academic staff concerned decides to have the complaint determined by a Staff Employment Review Panel (to be constituted in accordance with section 35).

(2) If it appears to the Vice-Chancellor that there is no reasonable prospect that the determination of the complaint will or may involve an issue of academic freedom, he or she shall write to the member of the academic staff proposing that the complaint be determined by a Staff Employment Review Panel, and notifying the member of the right to appeal such a proposal to a Review Panel (to be constituted in accordance with section 28).

27. When the Vice-Chancellor sends a written proposal under section 26 he or she shall also send a copy of the complaint, and invite the member of the academic staff concerned to comment in writing within fourteen days on the:

- (a) matters raised in the complaint; and
- (b) proposal for determination of the complaint, including whether or not the member considers there to be a reasonable prospect that the determination of the complaint will or may involve an issue of academic freedom.

28. (1) The Vice-Chancellor shall refer any appeal by a member of the academic staff against a proposal that a complaint be determined by the Staff Employment Review Panel to the Registrar who shall appoint a Review Panel for that purpose.

(2) A Review Panel shall be comprised of two elected members of Council who are required to engage in academic teaching and/or research either by their written contracts of employment or by established and agreed practice, and who are selected by lot.

(3) The procedure to be followed by the Review Panel shall be as described in regulations made under this section and shall provide that the member of academic staff shall have the right to make representations at an oral hearing and to be accompanied by a colleague or trade union representative.

(4) As soon as reasonably practicable after the oral hearing, the Review Panel shall decide whether or not

there is a reasonable prospect that the determination of the complaint will or may involve an issue of academic freedom and shall send its decision in writing to the Vice-Chancellor and to the member of academic staff concerned. In the event that the Review Panel cannot reach a unanimous decision, it shall uphold the appeal.

(5) The decision of the Review Panel shall be final.

29. (1) Following receipt of the member's comments (if any) under section 27 and any decision of the Review Panel under section 28, the Vice-Chancellor shall consider the matter in the light of all the material then available and may:

- (a) dismiss the complaint; or
- (b) refer it for consideration under section 21; or
- (c) deal with it informally, if it appears to the Vice-Chancellor appropriate to do so and if the member of the academic staff agrees in writing that the matter should be dealt with by the Vice-Chancellor in that way; or
- (d) refer the complaint for determination by the Visitatorial Board or a Staff Employment Review Panel in accordance with sections 26–28, to determine in each case whether the conduct, capability or performance of the member of the academic staff concerned constitutes good cause for dismissal or otherwise constitutes a serious complaint relating to the member's appointment or employment.

(2) If no comment is received within 28 days, the Vice-Chancellor may proceed under sub-section (1) as if the member concerned had denied the substance and validity of the complaint in its entirety.

Visitatorial Board

30. The Visitatorial Board shall determine any complaint referred to it by the Vice-Chancellor under section 29(1)(d) where:

- (a) the Vice-Chancellor had proposed under section 26(1) that the Visitatorial Board should hear the complaint, and the member of academic staff concerned did not decide that the complaint be determined by a Staff Employment Review Panel; or
- (b) a Review Panel acting under section 28(4) has upheld an appeal against referral to a Staff Employment Review Panel.

31. Where a complaint has been referred to the Visitatorial Board for determination, under this Part, the Registrar or other suitable person appointed by the Vice-Chancellor shall:

- (a) set out in writing the case for dismissal which shall: (i) specify any allegation(s) or circumstance(s) relied upon in relation to the conduct, capability or performance of the member of the academic staff concerned; (ii) explain the basis on which they are said to constitute good cause for dismissal or otherwise constitutes a serious complaint relating to the member's appointment or employment; and (iii) include any documents relied on in support of the case for dismissal;
- (b) send a copy of the case for dismissal to the board and to the member of the academic staff concerned; and
- (c) make any necessary administrative arrangements for the attendance of witnesses, the production of documents, and generally for the proper presentation before the board of the case for dismissal.

32. The Visitatorial Board shall be constituted in accordance with Part C of this statute; provided that no member of the board who has been involved in or associated with the making of the complaint or any part of it, or who has been involved in any preliminary hearing or investigation, shall take part in the hearing of the complaint.

33. The procedure to be followed in respect of the preparation, hearing and determination of a case for dismissal by the Visitatorial Board under this Part shall be as described in regulations made under this section in such a way as to ensure:

- (a) that the member of the academic staff concerned is entitled to be represented by another person, whether such person is legally qualified or not, in connection with and at any hearing by the board;
- (b) that a case for dismissal shall not be determined without an oral hearing at which the member of the academic staff concerned and any person appointed to represent that person are entitled to be present;
- (c) that witnesses may be called, both on behalf of the member of academic staff concerned and by the person presenting the case for dismissal, and may be questioned concerning any relevant evidence;
- (d) where the case for dismissal relies on physical or mental incapacity or lack of capability assessed by reference to

health or any other physical or mental quality, or in any other case deemed appropriate by the board, that the board may be provided with expert medical advice and that the member concerned may be required to undergo medical examination at the University's expense; and

(e) that full and sufficient provision is made:

- (i) for postponements, adjournments, dismissal of the case if it is not pursued, and remission of the case for dismissal to the Vice-Chancellor for further consideration and for the correction of accidental errors; and
- (ii) for the case for dismissal to be heard and determined by the board as soon as is reasonably practicable.

34. (1) The Visitation Board shall send its decision on any case for dismissal referred to it (together with a statement of its findings of fact and the reasons for its decision, and its recommendations, if any, as to the appropriate sanction) to the Vice-Chancellor, the member of academic staff concerned, and the person presenting the case for dismissal.

(2) When sending its decision in accordance with sub-section (1), the Board shall provide written notification to the member of staff concerned of the applicable time limit for an appeal and of the right to appeal:

- (a) where the Board recommends dismissal, to the Appeal Court under Part H; or
- (b) where the Board recommends a lesser sanction than dismissal, to a Pro-Vice-Chancellor.

Staff Employment Review Panel

35. Where a complaint is referred to a Staff Employment Review Panel by the Vice-Chancellor under section 29(1)(d), the Registrar shall appoint three members of Congregation in accordance with regulations governing the membership of panels convened under Parts B, D and H of this statute, to comprise a Staff Employment Review Panel for that purpose under a procedure to be described in regulations made under this section.

36. The preparation, hearing and determination of a case for dismissal by a Staff Employment Review Panel and an appeal to a University Appeal Panel against a decision of a Staff Employment Review Panel shall be described in regulations made under this section in such a way as to ensure:

(a) that the member of the academic staff concerned is entitled to be accompanied or represented by a colleague in the University or trade union representative;

(b) that a case for dismissal and an appeal shall not be determined without an oral hearing at which the member of the academic staff concerned and any person whom the member reasonably requests to accompany or represent him or her are entitled to be present;

(c) that at a hearing before the Staff Employment Review Panel witnesses may be called, both on behalf of the member of academic staff concerned and by the person presenting the case for dismissal, and may be questioned concerning any relevant evidence;

(d) where the case for dismissal relies on physical or mental incapacity or lack of capability assessed by reference to health or any other physical or mental quality, or in any other case deemed appropriate by a Staff Employment Review Panel or University Appeal Panel, that the panel may be provided with expert medical advice and that the member concerned may be required to undergo medical examination at the University's expense; and

(e) that full and sufficient provision is made:

- (i) for postponements, adjournments, dismissal of the case if it is not pursued, and remission of the case for dismissal from a Staff Employment Review Panel to the Vice-Chancellor for further consideration and for the correction of accidental errors; and
- (ii) for the case for dismissal and an appeal to be heard and determined by a panel as soon as is reasonably practicable.

37. A Staff Employment Review Panel shall send its decision on any case for dismissal referred to it (together with a statement of its findings of fact and the reasons for its decision, and its recommendations, if any, as to the appropriate sanction) to the Vice-Chancellor, the member of academic staff concerned and the person presenting the case for dismissal.

38. The Staff Employment Review Panel shall provide written notification to the member of staff concerned of the applicable time limit for an appeal and of the right to appeal:

- (a) where the Staff Employment Review Panel recommends dismissal, to a

University Appeal Panel under Part H; and

(b) where the Staff Employment Review Panel recommends a lesser sanction than dismissal, to a Pro-Vice-Chancellor.

Actions following hearings

39. (1) (a) Where any case for dismissal is upheld and the Visitation Board or Staff Employment Review Panel finds good cause and recommends dismissal, but in no other case, the appropriate officer shall decide whether or not to dismiss the person concerned.

(b) If the appropriate officer decides to accept the recommendation, he or she may dismiss that person forthwith or with such notice as may be provided for under the contract of employment.

(2) In any case where a complaint referred under section 29(1)(d) is upheld, other than a case where the appropriate officer has decided under sub-section (1) to dismiss the person concerned, the action available to the appropriate officer (not comprising a greater sanction than that recommended by the Board or Panel) may be:

- (a) to discuss the issues raised with the person concerned; or
- (b) to advise the person concerned about his or her future conduct; or
- (c) to warn the person concerned; or
- (d) to suspend the person concerned with or without pay for such period as the appropriate officer shall think fair and reasonable but not exceeding three months after the Board's or Panel's decision; or
- (e) to take such further or other action under the contract of employment or terms of appointment of the person concerned as appears fair and reasonable in all the circumstances of the case; or
- (f) any combination of any of the above.

40. (1) The Vice-Chancellor shall be the appropriate officer to exercise the powers conferred by section 39, but he or she may appoint a delegate to exercise those powers, and any reference to the appropriate officer includes a reference to any such delegate.

(2) Any action taken by the appropriate officer shall be confirmed in writing.

Part E:

This Part is left intentionally blank.

Part F: Grievance Procedures

41. The aim of this Part is to settle or redress individual grievances promptly, fairly and, so far as possible, informally and within the division, faculty, school, department or other relevant area by methods acceptable to all parties.

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

(1) to matters affecting themselves as individuals; or

(2) to matters affecting their personal dealings or relationships with other staff of the University, not being matters for which express provision is made elsewhere in this statute.

43. (1) A member of the academic staff should raise any concerns relating to the matters described in section 42 with his or her manager for informal resolution in the first instance. If the member's concern involves his or her manager directly, he or she may raise the matter with the head of department (as defined in section 21(3)) for informal resolution.

(2) If other remedies within the division, faculty, school, department or other relevant area have been exhausted, the member of the academic staff may raise the matter with the head of department.

(3) If the member of the academic staff is dissatisfied with the result of an approach under sub-section (1) or if the grievance directly concerns the head of department, the member may raise the matter with the head of the division.

(4) Where a grievance has been raised with a head of department or division under sub-section (3), he or she shall consider the possibility of resolving the grievance informally and make such arrangements as he or she considers appropriate for that purpose.

(5) Where a grievance has not been resolved under sub-section (4), the head of department or division shall consider the grievance and decide whether it is well-found.

(6) The procedure for the consideration and determination of a grievance under sub-section (5) shall be as described in regulations made under this section in such a way as to ensure:

(a) that the grievance shall not be determined without a meeting which the aggrieved person shall be entitled to attend and to be accompanied by a colleague in the University or a trade union representative; and

(b) that the grievance shall be determined as soon as is reasonably practicable.

(7) The head of department or division shall send his or her decision on whether the grievance is or is not well-found, and if it is well-found any proposals for the redress of the grievance, to the aggrieved person, and notify him or her of the right to appeal the decision under section 44.

44. (1) If the member of the academic staff is dissatisfied with the decision in respect of the grievance, he or she may apply in writing to the Vice-Chancellor for an appeal.

(2) An appeal under sub-section (1) shall be sent within fourteen days of the date on which the decision under section 43(7) was sent to the member of the academic staff.

(a) If it appears to the Vice-Chancellor that the matter has been finally determined under Part D or H, or that the grievance is trivial or invalid, he or she may dismiss it summarily or take no action upon it.

(b) If it so appears to the Vice-Chancellor, he or she shall inform the member accordingly.

(3) 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 D or

(b) an appeal under Part H,

he or she shall defer action upon it under this Part until the relevant complaint, determination or appeal has been heard or the time for instituting it has passed, and he or she shall notify the member accordingly.

(4) If the Vice-Chancellor does not reject the grievance appeal under sub-section (2), and if he or she does not defer action upon it under sub-section (3), the Vice-Chancellor shall consider the possibility of resolving the grievance appeal informally and shall make such arrangements as he or she considers appropriate for that purpose.

45. If the grievance has not been disposed of informally under section 44(4), the Vice-

Chancellor shall refer the matter to the Grievance Committee for consideration.

46. There shall be a Grievance Committee appointed by Council, which shall comprise:

(1) a chair; and

(2) two members of Congregation, at least one of whom shall be a member of staff who is required to engage in academic teaching and/or research either by his or her written contract of employment or by established and agreed practice.

47. The procedure in connection with the consideration and determination of grievances shall be determined in regulations in such a way as to ensure that the aggrieved person, and any person against whom the grievance lies, shall have the right to be heard at a hearing and to be accompanied by a colleague in the University or a trade union representative.

48. The committee shall inform Council whether the grievance is or is not well-found, and if it is well-found the committee shall make such proposals to Council for the redress of the grievance as it sees fit, and Council shall take such action as it deems fit.

Part G: Removal of the Vice-Chancellor from Office

49. The Chancellor may be requested to remove the Vice-Chancellor from office for good cause in accordance with the procedure described in this Part:

(1) A complaint seeking the removal from office of the Vice-Chancellor for good cause may be made by not less than eight members of Council to the Chancellor.

(2) If it appears to the Chancellor, on the available material, that the complaint raises a *prima facie* case and that this could, if proved, constitute good cause for removal from office, he or she shall require Council to appoint a tribunal to hear and determine the matter.

(3) If it appears to the Chancellor that a complaint made under sub-section (1) does not raise a *prima facie* case or is trivial or invalid, he or she may recommend to Council that no further action be taken upon it.

(4) When Council has appointed a tribunal under sub-section (2), the Chancellor shall instruct the Registrar to appoint a solicitor or other suitable person to formulate a case for dismissal and to present, or arrange for the presentation of, that case before the tribunal; and it shall be the duty of the person formulating the case for dismissal:

(a) to forward the case for dismissal to the tribunal and to the Vice-Chancellor, together with the other documents specified in that case; and

(b) to make any necessary administrative arrangements for the summoning of witnesses, the production of documents, and generally for the proper presentation before the tribunal of the case against the Vice-Chancellor.

(5) A tribunal appointed by Council shall comprise:

(a) a person not employed by the University holding, or having held, judicial office or being a barrister or solicitor of at least ten years' standing, who shall act as chair; and

(b) two members of Congregation who shall be selected by Council, and at least one of whom shall be a member of the academic staff.

(6) The tribunal shall have access to legal advice as required.

(7) Where the good cause for dismissal referred to in this section is physical or mental incapacity, this Part shall be read as if the word 'complaint' were replaced with the word 'application'. In such a case, the tribunal may be provided with expert medical advice and the Vice-Chancellor may be required to undergo medical examination at the University's expense.

(8) A case for dismissal referred to the tribunal shall be dealt with in accordance with the procedure prescribed in section 33, provided:

(a) that the Chancellor shall perform any duty, and exercise any power, there assigned to the Vice-Chancellor; and

(b) that the only recommendation that the tribunal may make is whether or not the Vice-Chancellor should be removed from office.

(9) The tribunal shall send its reasoned decision on any case for dismissal referred to it, together with a statement of its findings of fact regarding that case and its recommendation on the question of removal from office, to the Chancellor and to the Vice-Chancellor, drawing attention to the period of time within which any appeal under Part H should be made.

(10) (a) Where a case for dismissal has been upheld by the tribunal and not dismissed on appeal, the Chancellor shall decide whether or not to remove the Vice-Chancellor from office.

(b) If the Chancellor decides to accept the recommendation for removal, he or she may remove the Vice-Chancellor from office forthwith.

50. Where a complaint is to be referred to a tribunal under section 49, the Chancellor may suspend the Vice-Chancellor from his or her duties and may exclude the Vice-Chancellor from the precincts of the University or any part of those precincts without loss of salary.

Part H: Appeals

51. This Part establishes procedures for hearing and determining appeals by members of the academic staff who are dismissed or under notice of dismissal or who are otherwise disciplined.

52. (1) This Part applies:

(a) to any appeal against a decision of a Redundancy Panel (or of a delegate of that body) to dismiss in the exercise of its powers under Part B;

(b) to any appeal arising in any proceedings, or out of any decision reached, under Part D other than appeals against lesser sanction than dismissal under section 21(3)(d), 34(2)(b), or 38(b);

(c) to any appeal against dismissal otherwise than in pursuance of Part B, D or G;

(d) to any appeal against a disciplinary decision otherwise than in pursuance of Part D; and

(e) to any appeal against a decision reached by a tribunal under Part G;

and 'appeal' and 'appellant' shall be construed accordingly.

(2) An appeal against any decision to which this Part applies shall be heard by a University Appeal Panel, constituted in accordance with regulations governing the membership of panels convened under Parts B, D and H of this statute, and conducted in accordance with procedures contained in regulations for the Staff Employment Review Disciplinary Panel and University Appeal Panel, save that:

(a) any appeal against a decision of the Visitation Board under section 34 to

recommend dismissal shall be heard by the Appeal Court; and

(b) any appeal against a decision reached by a tribunal under Part G shall be heard by the Appeal Court.

(3) No appeal shall lie against any finding of fact of the Visitation Board under section 34(1) or of the Staff Employment Review Panel under section 37 save where, with the consent of the person or persons hearing the appeal, new evidence is called on behalf of the appellant at that hearing.

(4) No appeal shall lie against a decision of Congregation under section 12(2) or 14(4).

THE APPEAL COURT

53. (1) The parties to an appeal to the Appeal Court under this Part shall be the appellant, the Registrar, or a solicitor or other suitable person appointed by the Vice-Chancellor, and any other person added as a party at the direction of the Appeal Court.

(2) A member of the academic staff shall institute an appeal to the Appeal Court under this Part by serving on the Registrar, within the time allowed under section 54, notice in writing setting out the grounds of the appeal.

54. (1) A notice of appeal to the Appeal Court under this Part shall be served within 28 days of the date on which the document recording the decision appealed from was sent to the appellant or such longer period, if any, as the Appeal Court may determine under sub-section (3).

(2) The Registrar shall bring any notice of appeal received under section 54(1) (and the date when it was served) to the attention of Council and shall inform the appellant that he or she has done so.

(3) Where the notice of appeal was served on the Registrar outside the 28-day period the Appeal Court shall not permit the appeal to proceed unless it considers that justice and fairness so require in the circumstances of the case.

55. (1) Where an appeal to the Appeal Court is instituted under this Part, it shall be heard and determined by the Appeal Court constituted under Statute XI.

(2) The provisions of section 27 of Statute XI (appointment and functions of assessors) shall apply to appeals made to the Appeal Court under this Part.

56. (1) The procedure to be followed in respect of the preparation, consolidation, hearing and determination of appeals to the Appeal Court under this Part shall be that set out in regulations made under this section and shall ensure:

(a) that an appellant is entitled to be represented by another person, whether such person is legally qualified or not, in connection with and at any hearing of the appeal;

(b) that an appeal shall not be determined without an oral hearing at which the appellant and any person appointed to represent the appellant are entitled to be present and, with the consent of the person or persons hearing the appeal, to call witnesses;

(c) that full and sufficient provision is made for postponements, adjournments, dismissal of the appeal if it is not pursued, and for the correction of accidental errors; and

(d) that any appeal shall be heard and determined as soon as is reasonably practicable.

(2) The Appeal Court may allow or dismiss an appeal in whole or in part and, in particular, may:

(a) remit an appeal arising under Part D for rehearing or reconsideration by the Visitation Board as the Appeal Court may direct; or

(b) remit an appeal by the Vice-Chancellor arising under Part G for rehearing or reconsideration by the same or by a differently constituted tribunal to be appointed under that Part; or

(c) substitute any lesser alternative sanction that would under Part D have been open to the appropriate officer following a finding by the Visitation Board on the original case for dismissal.

57. The Appeal Court shall send a reasoned decision, including any decision reached in exercise of its powers under section 56(2)

(a), (b) or (c), on any appeal together with a statement of any findings of fact different from those of the Visitation Board under Part D, or of the tribunal appointed under Part G, as the case may be, to the Vice-Chancellor (or, where the Vice-Chancellor is a party to the appeal, to the Chancellor) and to the parties to the appeal.

Annexe B

Regulations for the Staff Employment Review Panel and University Appeal Panel

STAFF EMPLOYMENT REVIEW PANEL

1. In these regulations, references to sections are to sections of Statute XII unless otherwise indicated.

2. (1) Where the Vice-Chancellor refers a complaint under section 29(1)(d), the Registrar shall appoint three members of Congregation to a Staff Employment Review Panel ('the panel') constituted in accordance with regulations governing the membership of panels convened under Parts B, D and H of Statute XII.

(2) The panel shall be provided with advice and assistance, including legal and/or medical advice as required, by Personnel Services and appropriate records of its decision-making shall be kept.

(3) Personnel Services shall designate a secretary to coordinate all arrangements necessary for the hearing.

3. The Registrar shall appoint a suitable person to present the case for dismissal before the panel ('the presenter').

4. No case for dismissal shall be determined without an oral hearing at which the member of academic staff who is the subject of the case for dismissal ('the member of staff') is entitled to be present, and to be accompanied and represented by a colleague employed by the University or trade union representative.

5. In good time to allow the member of staff to produce his or her case in response in advance of the hearing, the designated secretary shall send the member of staff the written case for dismissal, which shall include:

(a) details of the allegation(s) or circumstance(s) relied upon in relation to the conduct, capability or performance of the member of staff concerned;

(b) an explanation of the basis on which these are said to constitute good cause for dismissal;

(c) any documents or other evidence, including witness statements, relied upon in support of the case for dismissal; and

(d) confirmation that the Vice-Chancellor or a Review Panel has determined that there is no reasonable prospect that the case for dismissal will or may involve an issue of academic freedom as defined in section 4(2).

6. In good time to allow for consideration by the panel and the presenter before the hearing, the member of staff shall send to the secretary his or her written response which shall contain an explanation of his or her response to the case for dismissal, copies of any documents on which he or she wishes to rely, a list of his or her witnesses, and copies of their statements of evidence.

7. (1) Where the case for dismissal, or the member of staff's case in response, involves any issue of physical or mental incapacity or capability, Personnel Services shall arrange for the panel to be provided with access to expert medical advice in relation to such incapacity or capability or to any steps which may be taken in mitigation of the same.

(2) Where Personnel Services have arranged for the panel to be provided with access to expert medical advice, the member of staff shall make himself or herself available for examination by such medical expert as may be appointed for this purpose and at the University's expense.

8. Subject to the provisions of Statute XII and these regulations, the panel shall have general power to manage its own proceedings, including to:

(a) postpone or adjourn a hearing, if it considers that there are reasonable grounds to do so;

(b) set time limits on the evidence given or representations made, consistent with providing a fair opportunity for each party to present its case at the hearing;

(c) determine the order of proceedings at the hearing, consistent with each party being given a fair opportunity to give evidence, call witnesses, question any person who gives evidence and make representations;

(d) permit the introduction of new evidence at the hearing, where there is good reason to do so, and, if so, to adjourn the hearing if the panel considers this is necessary to enable the other party to consider the proposed evidence or further evidence in response; and

(e) ensure that each step in the proceedings is taken as promptly as is reasonably practicable.

9. The member of staff and the presenter shall have the right to call witnesses and to ask questions of any witnesses called in support of the case for dismissal or the case in response respectively.

10. The panel may dismiss a case for undue delay.

11. The panel may remit any case to the Vice-Chancellor for further consideration, in particular, if an issue arises in the course of proceedings which in the panel's view requires the consideration of academic freedom.

12. The chair may, by an appropriate certificate in writing, correct any accidental errors in documents recording the decisions of the panel.

13. The panel shall hear representations on the appropriate sanction, if any, and any evidence or representations in mitigation, before deciding whether the complaint should be upheld and, if so, what sanction if any should be imposed.

14. The panel shall produce its decision in writing, together with a statement of its findings of fact, the reasons for its decision and its recommendations, if any, as to the appropriate sanction, as soon as is reasonably practicable after the hearing and send it to the Vice-Chancellor, member of staff, the presenter, and Personnel Services. The panel shall try to come to a unanimous decision. However, a decision can be reached by a majority.

15. (1) Where any case for dismissal has been upheld and the panel has recommended dismissal, the Vice-Chancellor may dismiss forthwith or upon such terms as he or she considers fit.

(2) If the Vice-Chancellor decides not to dismiss, the actions he or she may take are as set out in section 39(2).

(3) Any warning given under section 39(2)(c) shall be recorded in writing and shall remain live for two years.

16. (1) By its decision under regulation 15 above, the panel shall notify the member of staff of his or her right of appeal under section 38 and shall enclose a copy of these regulations with its decision.

(2) If a member of staff wishes to appeal a panel's decision under section 38, he or she shall send written grounds of appeal to the Registrar within 14 days of receipt of the panel's decision.

(3) The Registrar shall refer any appeal under section 38(b) to a Pro-Vice-Chancellor.

(4) The Registrar shall bring any appeal under section 38(a) to the attention of the Vice-Chancellor who shall refer the appeal for determination to a University Appeal Panel constituted and acting in accordance with Regulations 17-26 below.

UNIVERSITY APPEAL PANEL

17. (1) A University Appeal Panel ('the appeal panel') shall be comprised of three members of Congregation appointed by the Registrar in accordance with regulations governing the membership of panels convened under Parts B, D and H of Statute XII.

(2) The appeal panel shall be provided with advice and assistance, including legal and/or medical advice as required, by Personnel Services and appropriate records of its decision-making shall be kept.

(3) Personnel Services shall designate a secretary to coordinate all arrangements necessary for the determination of the appeal.

18. (1) The appeal panel shall hear and determine an appeal from any decision as provided for by section 52 of Statute XII.

(2) There shall be no right of appeal from a finding of fact made by a Staff Employment Review Panel or by a Redundancy Panel under Part B of Statute XII except that, where the appeal panel is satisfied that it is necessary in the interests of fairness, the appeal panel may consider new evidence from the member of staff which was not before the original panel and/or may conduct such further inquiries or investigations as it considers necessary.

(3) Subject to regulation 18(2) above, the appeal panel shall consider the grounds of appeal raised by the member of staff and conduct an appeal by way of review rather than re-hearing.

19. No appeal shall be determined without an oral hearing at which the member of staff is entitled to be present, and to be accompanied and represented by a colleague employed by the University or trade union representative.

20. Subject to the provisions of Statute XII and these regulations, the appeal panel shall have general power to manage its own proceedings, including to:

(a) postpone or adjourn an appeal hearing, if it considers that there are reasonable grounds to do so;

(b) set time limits on the evidence given (if any) or representations made, consistent with providing a fair opportunity for each party to present its case at the appeal hearing;

(c) where the appeal panel is satisfied that it is necessary to do so, obtain expert medical evidence, or further or up-to-date expert medical evidence, in the circumstances set out in regulation 7(1) above and where the member of staff has attended for medical examination as set out in regulation 7(2) above.

(d) determine the order of proceedings at the appeal hearing, consistent with each party being given a fair opportunity to state their case on the appeal; and

(e) ensure that each step in the proceedings is taken as promptly as is reasonable practicable.

21. The appeal panel may remit any case to the Vice-Chancellor for further consideration, in particular, if an issue arises in the course of proceedings which in the panel's view requires the consideration of academic freedom.

22. The appeal panel may, by an appropriate certificate in writing, correct any accidental errors in documents recording its decisions.

23. Where the appeal concerns a decision to dismiss without notice, the member of staff shall be suspended without pay pending determination of the appeal.

24. (1) The appeal panel shall decide whether to confirm or revoke the decision of the original panel, or to impose a different sanction. The appeal panel shall try to come to a unanimous decision. However, a decision can be reached by a majority.

(2) If the appeal panel on an appeal from a decision of a Staff Employment Review Panel decides to revoke the decision to dismiss and impose a different sanction, it may recommend one of the steps set out in section 39(2).

(3) Any warning given under section 39(2)(c) shall be recorded in writing and shall remain live for two years.

25. The appeal panel shall produce its decision in writing as soon as is reasonably practicable after the appeal hearing and send it to the Vice-Chancellor, member of staff, the presenter, and Personnel Services.

26. The appeal panel's decision shall be final.

Annexe C**Council Regulations 5 of 2006:
Regulations for Appeals to the Appeal
Court**

Made by Council on 1 June 2006. Amended on 11 June 2009 (date of effect 1 October 2009) and 12 May 2011 (date of effect 1 October 2011)

PART 1: INTRODUCTION

1.1. These regulations apply to the conduct of all appeals to the Appeal Court as mentioned in section 18(1) of Statute XI.

1.2. In these regulations the Appeal Court is called 'the Court'.

1.3. The Registrar or a person appointed by him or her shall act as Secretary to the Court.

1.4. (1) The Court shall be constituted in accordance with section 17 of Statute XI.

(2) The High Steward shall invite each member of the Appeal Court in rotation to hear and determine an application for permission to appeal and any subsequent appeal sitting alone.

(3) The application and any subsequent appeal shall be heard by the first member of the Court who is able to accept the High Steward's invitation.

1.5. (1) If a member of the Court retires or dies or becomes incapable of acting during his or her term of office, the High Steward shall fill the vacancy arising by appointing another person who qualifies for membership under section 17 of Statute XI.

(2) The person appointed shall hold office for the remainder of the term of appointment of the person whom he or she is replacing, and may be reappointed.

1.6. It shall be the duty of the Court to hear and determine all applications and appeals coming before it as expeditiously as is reasonably possible, having regard to the circumstances of each case and the requirements of justice and fairness.

1.7. Where an application or appeal is required under any statute or regulation to be made to the Court within a specified period, the Court may at its discretion on the written application of the proposed applicant or appellant extend that period for such time and on such terms as it considers to be fair and reasonable.

1.8. Any written application under regulation 1.7 above must be sent to the Secretary, give the reason for the application and explain the delay.

1.9. On receipt of the application the Secretary shall forthwith send a copy of it to all other parties to the proceedings, and the Court shall not make a decision on it until those parties have been given a reasonable opportunity to reply to it and any reply has been considered.

1.10. Notices of appeal served under Part H of Statute XII or section 5 of Statute XVII, shall be sent by the Registrar forthwith to the member of court appointed by the High Steward under regulation 1.4 above and (if he or she is not the Registrar) its Secretary, with a request to the Court to consider whether it wishes the High Steward to appoint assessors under section 19 of Statute XI.

1.11. If the Court decides to act through one of its members sitting alone that member shall have all the powers to act which are vested in the Court by the statutes and these regulations, and references in these regulations to the Court shall include where the context admits references to that member.

1.12. If during the course of proceedings before both members of the Court one member retires, dies, or becomes incapable of acting or for any reason has to cease to act, the proceedings shall continue before the remaining member of the Court as if he or she had been appointed to sit alone, and regulation 1.11 above shall apply to that member.

1.13. If the Court wishes assessors to be appointed, its Secretary shall forthwith convey that request to the High Steward.

1.14. If the Court at any time states that it does not wish assessors to be appointed, it may nevertheless at any later stage in the proceedings request the High Steward to make an appointment.

1.15. The Court may at any time discharge assessors appointed by the High Steward and at its discretion request different assessors to be appointed.

PART 2: PARTIES TO APPEALS AND REPRESENTATION

2.1. The parties to an appeal against a decision of the Visitation Board or any other appeal under Part H of Statute XII or against a decision of the Vice-Chancellor under section 5 of Statute XVII shall be:

- (1) the appellant; and
- (2) the University acting through the Registrar or a solicitor or another suitable person appointed by the Vice-Chancellor.

2.2. The Court may add any other person as a party to an appeal, either on the application of any person or if the Court itself thinks that it should do so.

2.3. Any party to any appeal shall be entitled to be represented by another person, who need not be legally qualified, at the hearing or at any other stage of the appeal.

2.4. A party who intends to be represented by another person shall as soon as possible inform the Secretary of the name, address and telephone number of the person appointed.

PART 3: POWERS OF THE COURT

3.1. (1) The powers of the Court in respect of appeals made against decisions of the Visitation Board and other appeals arising under Part H of Statute XII are specified in section 4052 of that statute.

(2) In these appeals the Court may make any of the orders mentioned in section 44(3)56(2) of that statute.

3.2. The powers of the Court in respect of appeals against decisions of the Vice-Chancellor made under section 5 of Statute XVII are specified in section 6 of that statute and section 18(3) of Statute XI.

PART 4: PREPARATION FOR HEARING OF APPEALS

4.1. The Court may itself or on the application of any party at any time give directions or make orders for the conduct of appeals as it considers appropriate, and it shall have power, on the application of the appellant, to suspend or vary in whole or in part the operation of the order, decision or recommendation which is the subject of the appeal pending the determination of the appeal.

4.2. When a hearing has been arranged, the Secretary of the Court shall send to each party, at least 14 clear days before the date appointed for the hearing, notice of the date, time and place of the hearing, and information on the right of representation by another person, on attendance, on the right to produce documents, and on the calling of evidence (where permitted by the statutes and these regulations).

4.3. The Court shall appoint a date, time and place in Oxford for the hearing of the appeal, but shall have power, if it judges this to be advisable, to adjourn a proposed hearing at any time before it has begun and substitute alternative arrangements for the hearing.

4.4. (1) If any party wishes the Court to hear evidence or new evidence on the hearing of the appeal he or she must apply to the

Court in writing for permission to call that evidence.

(2) Any application must be accompanied by a written and signed statement of the witness whom it is proposed to call or (if that is not available) the best particulars of the evidence which the witness will give and an explanation for the absence of a written and signed statement.

4.5. Notice of any application made under regulation 4.1 or regulation 4.4 above shall be sent by the Secretary to all other parties, and the Court shall not give a ruling on it until those parties have been given a reasonable opportunity to reply to it and any reply has been considered.

4.6. The documents for the hearing shall consist of:

- (1) the notice of appeal (or application for permission to appeal);
- (2) the written decision which is the subject of the appeal and the reasons for that decision;
- (3) the record of the proceedings below;
- (4) the written statements of all persons who were called as witnesses;
- (5) all other documents submitted to the tribunal or person whose decision is the subject of the appeal;
- (6) any further documents, witness statements or submissions requested or permitted by the Court to be considered on the appeal.

4.7. It shall be the duty of the Secretary:

- (1) to prepare the bundle of the documents for the hearing for the use of the Court, consecutively page-numbered;
- (2) to prepare an index of those documents, with the page-numbering, and to send a copy of that index to all parties to the appeal; and
- (3) to supply any party who does not have a copy of any document with a copy of it.

PART 5: HEARING OF APPEALS

5.1. An appeal shall not be determined without an oral hearing at which the appellant and his or her representative, if any, are entitled to be present.

5.2. All appeals shall be heard in private, unless the Appeal Court determines otherwise. Appellants shall be invited to make observations which the Panel shall

take into account before proceeding with a public hearing.

5.3. If it considers it appropriate to do so the Court may hear appeals by two or more appellants at the same hearing. Appellants shall be invited to make observations which the Panel shall take into account before proceeding.

5.4. The Court may proceed with a hearing in the absence of any of the persons entitled to be present, except where, in the case of the appellant, it is of the opinion that his or her absence was due to circumstances beyond his or her control.

5.5. The Court may exclude any person from a hearing if in the opinion of the Court such exclusion is necessary for the maintenance of order.

5.6. (1) Subject to the provisions of the Statutes and these regulations the Court shall determine its own procedure.

(2) The Court may set time limits for each stage of the proceedings to ensure that any appeal shall be heard and determined as expeditiously as is reasonably practicable consonant with the principles of justice and fairness.

5.7. Each party to a hearing shall be entitled to make a statement and to address the Court and (where permitted) to call witnesses in the sequence which the Court directs.

5.8. The Court may adjourn a hearing from time to time, if it is fair and just to do so, on such terms as it thinks fit.

5.9. The Secretary shall be present throughout the hearing and shall keep a sufficient record of the proceedings.

PART 6: DISRUPTION OF COURT PROCEEDINGS

6.1. If during the course of proceedings before the Court the conduct of any member of the University, whether as a party, as a witness, or otherwise, is disorderly or is otherwise in breach of section 2 or section 3 of Statute XI, the Court shall direct the Secretary forthwith to record the conduct complained of, with full particulars.

6.2. If the member whose conduct is complained of is a student member, the Secretary shall send the record to the Proctors who shall prepare a notice giving details of the alleged breach or breaches to be issued in the Student Disciplinary Panel and sent by the Secretary of that Panel to the student.

6.3. The procedure for considering the matter shall be the procedure set out in

Part 3 of these regulations so far as applicable and, if the Student Disciplinary Panel finds the complaint proved, it shall have the powers referred to in section 39(2) of Statute XI.

6.4. If the member whose conduct is complained of is not a student member, the Secretary shall refer the complaint to the Registrar who shall investigate it under Statute XII or otherwise as he or she thinks fit.

PART 7: DECISION

7.1. The Court shall record its decision in writing and give reasons for its decision.

7.2. Decisions on appeals ~~against decisions of the Visitation Board and other appeals arising~~ under Part H of Statute XII shall be stated and communicated in accordance with the provisions of section 45~~57~~ of that statute.

7.3. Decisions on appeals against decisions of the Vice-Chancellor under section 5 of Statute XVII shall be sent to the appellant, the Vice-Chancellor and the person who represented the Vice-Chancellor at the hearing of the appeal.

7.4. The Court may by an appropriate certificate in writing correct any accidental errors in documents recording the decision of the Court.

7.5. The Court shall have no power to award costs.

Annexe D**Draft Redundancy Panel procedure**

NB: It is anticipated that these proposals will form the basis of new Regulations.

The Redundancy Panel ('the Panel') shall consider cases referred to it according to Statute XII sections 12 and 13 only after the University's personnel procedures applicable to potential redundancies in academic and academic-related staff on permanent, self-financing and open-ended contracts, and to early termination of academic and academic-related fixed-term contracts, have been followed up to and including full consideration of alternatives to compulsory redundancy.

The Panel shall be comprised of three members drawn from a pool elected from and by Congregation in accordance with regulations governing the membership of panels convened under Parts B, D and H of Statute XII.

If a majority of the Panel considers that a particular redundancy proposal raises issues that should first be considered by Congregation, then the Panel may refuse to consider the case until such time as Congregation has given approval to proceed. This will apply particularly but not exclusively in cases where academic freedom may be at issue. The Panel should then refer the matter to Council which must seek approval from Congregation if it wishes to pursue the redundancy proposals.

The University and College Union (UCU) will be invited to provide a representative to attend the Panel meeting as an observer for the purpose of reporting to the joint consultative committee only, and on the basis that proceedings before the Panel shall remain confidential until notification of the decision reached by the Panel is communicated to the affected members of staff.

The Panel shall meet as and when required.

The Panel can only consider cases that meet the following definition of redundancy based on the Employment Rights Act 1996, s139 as amended or re-enacted from time to time.

A dismissal is by reason of redundancy if the dismissal is attributable wholly or mainly to:

- (a) the fact that his employer has ceased, or intends to cease,
 - (i) to carry on the activity for the purposes of which the employee was employed by it, or

- (ii) to carry on that activity in the place where the employee was so employed, or

- (b) the fact that the requirements of the University

- (i) for employees to carry out work of a particular kind, or

- (ii) for employees to carry out work of a particular kind in the place where the employee was employed by the employer,

have ceased or diminished or are expected to cease or diminish.

A notice shall be placed in the *Gazette* setting out the nature of the proposed redundancies not less than 14 days before the Panel is being convened to consider a redundancy case. This notice is to be drafted so as to be informative whilst protecting the identities of those who may be involved.

The procedure to be adopted by the Panel will be as follows.

- (a) The Panel will consider only formal proposals for redundancy forwarded by Divisional Boards or other appropriate authorities.

- (b) The formal proposals should be submitted in the first instance to the Director of Human Resources, who will forward a copy to the UCU joint secretary.

- (c) The Panel will be convened and supported by Personnel Services.

- (d) All proposals submitted to the Panel must contain the following information:

- an explanation of why redundancy is proposed; this may, for example, include evidence showing that the source of funding for a particular activity is due to diminish or cease and that there is no alternative source of funding to support the continuation of that activity;
- details of the areas of activity affected and the numbers and descriptions of posts in those areas ('the redundancy pool'), including job title, grade, hours of work, job description, reporting structure, departmental organisational chart; also current source of funding and a copy of any relevant research contract(s);
- details of the selection criteria used and selection activities undertaken where it is not proposed that all the staff in the pool are redundant, including CV and scoring against selection criteria;

- information on measures taken to try to avoid compulsory redundancy (eg efforts to seek redeployment and/or to achieve the necessary reductions in staffing through voluntary redundancy), including copies of correspondence, notes of meetings etc;
- an equality impact assessment reporting whether staff groups who share a protected characteristic within the meaning of the Equality Act 2010 will be adversely affected and details of any actions that were taken or considered to mitigate these effects;
- information on consultation with affected individual(s) and employee representatives, including copies of correspondence, notes of meetings etc.

(e) Where the proposal is to dismiss as redundant 20 or more employees at one establishment within a period of 90 days or less, the Panel will invite the appropriate representatives to participate in consultation about the proposed compulsory redundancies, including consultation about ways of avoiding compulsory redundancies, reducing the numbers of compulsory redundancies, and mitigating the consequences of compulsory redundancies. Such consultation shall be undertaken with a view to reaching agreement with the appropriate representatives.

(f) The Panel will consider any written or oral representations from individual(s) directly affected by the proposals. Individuals potentially affected under the redundancy proposals shall be informed of the date of the Panel meeting at least two weeks before the Panel meet. They will be invited to submit any representations that they may wish to make to the Panel to a named person, which must be received one week in advance of the Panel meeting. They will also be invited to meet with the Panel, if they wish to do so, and may be accompanied by a colleague or a trade union representative.

(g) The Head of Department or his or her delegated nominee will provide information to the Panel and will attend the panel meeting to answer any questions in respect of the redundancy proposals.

(h) The Panel will carefully scrutinise each case referred to it and will consider whether:

- the proposal is based on objectively verifiable grounds which are covered by the University's definition of redundancy;
- the pool has been appropriately defined;
- the selection criteria and selection activities were objectively justifiable and appropriate to the circumstances;
- all appropriate options have been pursued to avoid compulsory redundancy, in particular efforts to seek redeployment where this is desired by the affected individual(s), and/or to achieve the necessary reductions in staffing through voluntary redundancy;
- there has been appropriate consultation at departmental and/or divisional level with the affected individual(s) and with their representatives, with a view to avoiding compulsory redundancy, reducing the number of compulsory redundancies, and mitigating the consequences of compulsory redundancies;
- all relevant requirements under current employment legislation, including the obligation to avoid unlawful discrimination and to inform and consult appropriate representatives where required, have been met.

If, in the opinion of the majority of the Panel, one or more of these conditions are not satisfied, the Panel will return the proposal to the originating division or appropriate authority for further consideration.

(i) Appropriate records of the Panel meeting will be kept.

(j) The Panel will provide a brief report of its considerations and recommendations to the relevant Head of Department and Head of Division. The Panel may authorise the relevant Head of Department to issue a notice of redundancy, which will include a brief summary of the Panel's considerations in relation to the affected post-holder, their notice period, details of redundancy payments and their opportunity to appeal.

(k) After all notices of redundancy have been issued to individuals, and the deadline for any appeals has passed, a notice of the decision reached by the

Redundancy Panel shall be placed in the *Gazette*.

(l) Appeals against redundancy dismissal will be heard by the University's Appeal Panel for academic and academic-related staff.

(m) An anonymised summary of the activity of Redundancy Panels shall be provided annually by the Director of HR to the Personnel Committee, and the Committee will publish that report to Congregation.

Annexe E

Proposals for constituting Panels convened under Statute XII Parts B, D and H

NB: It is anticipated that these proposals will form the basis of new Regulations.

ELECTION OF MEMBERS TO THE POOL FROM WHICH PANELS ARE TO BE DRAWN

These procedures do not apply to a Review Panel constituted under section 28 of Statute XII.

Elections for membership of the pool from which members are drawn for Panels convened under Parts B, D and H of Statute XII ('the Pool') shall be conducted amongst members of Congregation as provided for by Statute IV and regulations made thereunder. There will be a minimum of eighteen persons in the elected pool, with a minimum of three panel members representing each of the six divisions.

Members of the Pool elected by Congregation shall:

- (a) be elected from members of Congregation to whom Statute XII applies by members of Congregation under the provisions of regulations for elections made under Statute IV;
- (b) hold office for four years;
- (c) be capable of re-election once.

Those who fill a casual vacancy in the Pool and hold office for less than four years shall subsequently be eligible to complete two full terms of office.

All members of the pool will be required to attend appropriate training before serving on a Panel.

FORMATION OF A PANEL

Members are appointed to serve on Panels on a case-by-case basis.

When a case is referred to a Panel, the Registrar (or a person appointed by the Registrar to act on his or her behalf) shall select by lot three members to serve on the Panel from amongst all such members of the Pool who are eligible to serve. Circumstances that would render a person ineligible to serve would include those where the person had a prior involvement in the case or a conflict of interest. If any person so selected considers they should have been considered ineligible, they should declare it at the earliest opportunity and step down. An alternate may be selected by lot and appointed to act in his or her place.

The first person selected by lot shall serve as Chair of the Panel.

Should the selection by lot of the three members of a Panel result in all three of those members being persons of the same sex, then, where the eligible members of the remaining pool include a person or persons of the other sex, a further selection (by lot, if applicable) shall be made from amongst those persons and the person so chosen shall replace the third selected member of the Panel.

If any of the three members of the Panel so selected for the consideration of a case is unable to serve, a further person shall be selected by the same procedure to replace the member who is unable to serve.

The selected Panel members shall serve on the Panel for the duration of its consideration of that case whether or not their period of office as a member of the Pool has expired in the interim.

No person who has served on a Panel previously constituted to consider a case shall be eligible to serve on any further Panel constituted to consider that case.

Annexe F

Summary of process to determine how cases potentially leading to dismissal will be heard

