UNIVERSITY OF BRISTOL

THE CHARTER, ACTS, STATUTES, ORDINANCES AND REGULATIONS OF THE UNIVERSITY OF BRISTOL

2018-19
Ordinance 1

Definitions

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

University bodies and standing orders
A University body is a body constituted by the Charter, statutes or ordinances of the University. A standing order is an order made by The Board of Trustees, Court, Senate, Alumni Association or any other University body, for the purpose of governing its procedure or the procedure of its committees.

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

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

Notice
Unless specified otherwise, any notice required by statutes, ordinances or regulations shall be deemed to have been served:
(a) when delivered by hand to the relevant address; or
(b) 48 hours after being sent by pre-paid first class post to that address; or
(c) where the recipient has given his or her consent to be served by email, one hour after being dispatched by email.
Ordinance 2

The Academic Year

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

Ordinance 3 Board of Trustees

Procedure

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

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

Questions from members of The Board of Trustees
Members of the Board of Trustees may submit to the Secretary written questions addressed to the Vice-Chancellor or other University officers, to be placed on the agenda of a Board of Trustees meeting. Unless urgent, such questions should be sent in time to allow circulation with the other papers, seven days before the meeting.

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

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

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

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

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

These provisions do not normally apply to an interest which arises only because a member is an employee or student at the University. For example, a staff member of the Board of Trustees would not be excluded from discussion of conditions of employment or pay increases relating to all members of the University’s staff, nor would students be excluded from discussion of tuition fees or rent increases in University student accommodation.

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

Voting
Voting on any issue will be by a show of hands. The Chair may vote, and in the event of a tied vote has the right to exercise a casting vote.
Elections
Elections for the Chair and Vice-Chair and for committee membership will be by show of hands unless a paper ballot is requested by a Board of Trustees member.

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

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

The Chair of the Board of Trustees and members of the University’s staff are not eligible to be appointed as members of the Audit Committee.

The Vice-Chancellor is not eligible to be appointed as a member of the Remuneration Committee.

Custom and precedent
Where no written rules are laid down, custom and precedent will apply to the conduct of the Board of Trustees’s business.

Ordinance 3a

Nominations Committee of Court Procedure

Chair and Vice-Chair
The Chair will be a Pro Chancellor. The Chair of the Board of Trustees will normally be the Vice-Chair.

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

In the event that an issue arises which is so urgent that a decision is required before the next meeting of the Committee, and the Chair considers that it is not appropriate or practicable to deal with the matter by correspondence, the Chair may decide that issue on the Committee’s behalf. The Chair will report any such decision to the Committee at its next meeting.
Notice of Business
The agenda and papers for business at a Nominations Committee of Court meeting will, whenever possible, be sent to members seven days in advance of the meeting.

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

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

Election of Members
Election of members of the Nominations Committee of Court shall be by ballot, using the single transferable vote method. Ballot papers may be circulated, completed and returned either by post or electronically.

(i) Election of three lay members of the Board of Trustees – Class III
All lay members of the Board of Trustees, with the exception of the Chair of the Board of Trustees and the Chair of the Alumni Association (who are ex officio members of the Nominations Committee of Court) are eligible to stand for election to the Nominations Committee of Court.

If, at any time, the Alumni Association’s representative on the Board of Trustees is not the Chair of the Alumni Association, he/she will be eligible to stand for election alongside the other lay members of the Board of Trustees.

At the appropriate Board of Trustees meeting, those lay members of the Board of Trustees who wish to be considered for election to the Committee will be asked to put their names forward. Should there be more candidates than there are vacancies, there will be a ballot.

(ii) Election of two members of Court – Class IV
As a vacancy arises for a member of Court on the Nominations Committee of Court, the University Secretary will send to all members of Court a notice of an election to fill that vacancy. Members of Court may stand for election to the Nominations Committee by sending the University Secretary a letter of support signed by five members of Court other than themselves, together with a short CV. Should there be more candidates than there are vacancies, there will be a ballot.
Members of Court who are also members of the Board of Trustees may not stand in these elections.

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

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

Ordinance 4

Election to Court of Members of the Support Staff

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

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

Ordinance 5

Appointment to the Board of Trustees

For the avoidance of doubt, this Ordinance shall not apply to Trustees elected by Court.

1. Appointment of Academic Trustees

All members of the University’s academic staff shall be eligible to stand for appointment to the Board of Trustees as an Academic Trustee.

Prior to (or upon, if the vacancy is a casual vacancy) a vacancy arising on the Board of Trustees for an Academic Trustee, the Board of Trustees will consider the balance and range of skills, backgrounds and experience of the Board of Trustees. The Board of Trustees may make recommendations as to any particular skills, backgrounds and experience which it wishes to attract to the Board of Trustees (Preferred Skills).
The Clerk to the Board of Trustees will invite members of academic staff to stand for appointment to the Board of Trustees and notify them of any Preferred Skills.

Candidates shall be recommended by Senate, following selection in a manner determined by Senate. In considering its recommendations, Senate will have regard to any Preferred Skills. Wherever possible, Senate will seek to recommend at least two candidates per vacancy.

The Board of Trustees shall consider the recommended candidates. The Board of Trustees may delegate responsibility for consideration of the recommended candidates to a nominations committee (howsoever called or constituted). Where such delegation occurs, that nominations committee shall nominate one candidate per vacancy to the Board of Trustees.

2. Support Staff Trustees

All members of the University’s support staff shall be eligible to stand for appointment to the Board of Trustees as a Support Staff Trustee.

Prior to (or upon, if the vacancy is a casual vacancy) a vacancy arising on the Board of Trustees for a Support Staff Trustee, the Board of Trustees will consider the balance and range of skills, backgrounds and experience of the Board of Trustees. The Board of Trustees may make recommendations as to Preferred Skills.

The Clerk to the Board of Trustees will invite members of support staff to stand for appointment to the Board of Trustees and notify them of any Preferred Skills.

The University Secretary shall convene a committee for the purposes of considering applications to stand for appointment as a Support Staff Trustee and to recommend candidates. That committee shall include representatives of central divisions, faculty-based support staff and representatives of the relevant Trades Union(s). The committee will have regard to any Preferred Skills. Wherever possible, the committee will seek to recommend at least two candidates per vacancy.

The Board of Trustees shall consider the recommended candidates. The Board of Trustees may delegate responsibility for consideration of the recommended candidates to a nominations committee (howsoever called or constituted). Where such delegation occurs, that nominations committee shall nominate one candidate per vacancy to the Board of Trustees.

3. Student Trustees

All students of the University shall be eligible to stand for appointment to the Board of Trustees as a Student Trustee.

Prior to (or upon, if the vacancy is a casual vacancy) a vacancy arising on the Board of Trustees for a Student Trustee,
the Board of Trustees will consider the balance and range of skills, backgrounds and experience of the Board of Trustees. The Board of Trustees may make recommendations as to any Preferred Skills.

The Clerk to the Board of Trustees, in conjunction with the Students’ Union, will invite students to stand for appointment to the Board of Trustees and notify them of any Preferred Skills.

Candidates shall be recommended by the Students’ Union, following selection in a manner determined by the Students’ Union. In considering its recommendations, the Students’ Union will have regard to any Preferred Skills. Wherever possible, the Students’ Union will seek to recommend at least two candidates per vacancy, and seek to ensure that at least one of its recommended candidates is a postgraduate student.

The Board of Trustees shall consider the recommended candidates. The Board of Trustees may delegate responsibility for consideration of the recommended candidates to a nominations committee (howsoever called or constituted). Where such delegation occurs, that nominations committee shall nominate one candidate per vacancy to the Board of Trustees.

4. The Alumni Association Trustee

Every member of the Alumni Association shall be eligible to stand for appointment to the Board of Trustees as the Alumni Association Trustee.

Prior to (or upon, if the vacancy is a casual vacancy) a vacancy arising on the Board of Trustees for a Alumni Association Trustee, the Board of Trustees will consider the balance and range of skills, backgrounds and experience of the Board of Trustees. The Board of Trustees may make recommendations as to any Preferred Skills.

The Clerk to the Board of Trustees, in conjunction with the Clerk to the Alumni Association, will invite members of the Alumni Association to stand for appointment to the Board of Trustees and notify them of any Preferred Skills.

Candidates shall be recommended by the Alumni Association, following selection in a manner determined by the Alumni Association. In considering its recommendations, the Alumni Association will have regard to any Preferred Skills. Wherever possible, the Alumni Association will seek to recommend at least two candidates per vacancy.

The Board of Trustees shall consider the recommended candidates. The Board of Trustees may delegate responsibility for consideration of the recommended candidates to a nominations committee of the Board of Trustees (howsoever called or constituted). Where such delegation occurs, that nominations committee shall nominate one candidate per vacancy to the Board of Trustees.
Ordinance 6

Membership of Senate

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

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

With regard to Class 4 (members of the academic staff), there shall be a total of twelve members of staff from each faculty in Class 2, (heads of school or their nominees), and Class 4 (academic staff) serving on Senate at any one time. The number of members of the academic staff serving on Senate from each faculty shall be calculated by deducting from twelve the number of staff in the faculty serving on Senate in Class 2. In Class 4, members of the academic staff serving on Senate shall be elected by single transferable vote by the academic staff of the faculty, to serve from 1 August for renewable three-year terms, in accordance with procedures formally adopted by the faculty board and approved by Senate.

With regard to Class 5 (students) there shall be up to six undergraduate students and up to four postgraduate students serving on Senate at any one time. In Class 5, students serving on Senate shall be elected or nominated, as provided for in Standing Orders of Senate, for renewable one year terms subject to a maximum of three consecutive terms.

Ordinance 7

Faculty Boards and Faculty Assemblies

Faculty Boards

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

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

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

a) recommending to Senate changes and additions to Statutes, Ordinances and Regulations
b) appointing examiners (other than examiners for higher degrees, who are appointed by the Deans, as set out in paragraph 2 of Ordinance 17: Assessment for Academic Awards)
c) advising the Dean of the Faculty
d) dealing with any matter referred by Senate
e) bringing to the attention of Senate matters of concern in the Faculty.
f) arranging election of Faculty representatives on Senate in accordance with Statute and Ordinance
g) discharging any other duty given to it by the University or its Statutes, Ordinances or Regulations, or required of it by any other legitimate regulatory body
h) establishing appropriate procedures to ensure effective communication within the Faculty of the issues discussed and decisions taken by the Faculty Board.

Faculty Assemblies

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

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

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

Ordinance 8
Academic Schools

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

Ordinance 9

Primary Units

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

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

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

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

Ordinance 10

Heads of Academic Schools
Ordinance 11

Pro Vice-Chancellors (including the Deputy Vice-Chancellor)

1. Number
The number of Pro Vice-Chancellors shall be determined from time to time by the Board of Trustees on the recommendation of the Vice-Chancellor.

2. Role and appointment process
The Vice-Chancellor shall prescribe the role description and appointment process for Pro Vice-Chancellors (including the Deputy Vice-Chancellor). Their salaries will be determined by the Remuneration Committee.

Ordinance 12

The Deans of the Faculties

1. Role and appointment process
The Dean of the Faculty shall be a member of the University Planning and Resources Committee and Senate. The Vice-Chancellor shall prescribe the role description and appointment process for Deans of the Faculties. Additional remuneration to reflect the responsibilities of the role will be determined by the Remuneration Committee.

Ordinance 13

University Officers
The following shall be Officers of the University:

a) Those listed in the relevant statute; and

b) Such others as the Board of Trustees shall approve from time to time on the recommendation of the Vice-Chancellor.

Ordinance 14

Registrar

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

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

**Terms of appointment**
The Registrar shall be appointed by the Board of Trustees. The Registrar’s salary shall be determined by the Remuneration Committee. Delegation of Powers by the Registrar

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

**Ordinance 15**

**Students**

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

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

Fees
The fees payable by a student are governed by regulation.

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

Disciplinary and related matters
Disciplinary and related matters concerning students are governed by regulation.

Ordinance 16

Awards and Distinctions

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

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

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

Withdrawal
On the recommendation of Senate, the Board of Trustees may withdraw an academic award, distinction or prize of the University if it is subsequently discovered that the award, distinction or prize was improperly obtained.
Resignation
On the recommendation of Senate, the Board of Trustees may accept a request from any person to resign an academic award, distinction or prize of the University.

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

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

Ordinance 17

Assessment for Academic Awards

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

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

2. Examiners
On behalf of Senate, the dean shall appoint examiners for higher degrees by research and faculty boards shall appoint other examiners, in accordance with regulations. Examiners shall be competent and respected individuals in their area of study. External examiners shall normally be members of the academic staff of other universities; they shall not be members of the Board of Trustees or of the University’s staff and shall not have been employed by the University within the previous five years.
3. Examination Boards

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

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

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

Notwithstanding anything contained to the contrary in the Ordinances, Regulations and Standing Orders of the University, in the event that any act or omission on the part of a member or members of the academic staff or any other persons appointed to deal with examinations or assessment within the University shall in the view of the the Board of Trustees disable the University from conducting examinations and assessment in the normal way, the Board of Trustees (acting in accordance with the provisions of Statute 17.1 and Statute 21.1) may order that the Vice-Chancellor representing Senate as its Chairman and acting in his absolute discretion in what he considers to be in the best interests of the University and its students shall (subject always to the provisions of the Charter and Statutes of the University) have the power (after consulting with such members of Senate as he considers appropriate) to determine what methods of examination and assessment of a student’s ability or proficiency shall be adopted by any relevant internal examiners and the relevant external examiners of the University for the purpose of:

i. the award of any degree, diploma or certificate of the University

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

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

Ordinance 18

Failure to Complete Assessment

Failure to complete part of the assessment
In exceptional circumstances, on the recommendation of the relevant board of examiners for the programme of study, the faculty board of examiners may allow the candidate to pass, where appropriate with a classified award, when:

a. the candidate is prevented by illness or other substantial cause from completing a minor part of the assessment for an academic award for which he or she is registered, provided this does not exceed one quarter of the total assessment for the award
b. the academic award cannot be made under the University’s academic regulations
c. there is no prospect in the foreseeable future of the candidate being able to fulfil the requirements of the academic award, and
d. there is sufficient evidence of the candidate’s ability at the appropriate level for the academic award.

For the purposes of this Ordinance, ‘a minor part of the assessment’ means all those examinations and written assignments that are assessed for the purposes of determining a candidate’s eligibility for an academic award (but excluding any examinations or written assignments that are not taken into account in determining the classification of the award).

Aegrotat awards
Aegrotat awards are awards for students who are unable to complete a programme of study by illness or other substantial cause and do not qualify for a normal award, but in the judgement of the Boards of Examiners would have gained an award if circumstances had permitted. Aegrotat awards do not include an honours degree or an award with commendation or distinction. They will not be
made to candidates for academic awards which deem the holder to be fit to practise in a professional capacity. In the following circumstances the faculty board of examiners may decide that an aegrotat award should be made:

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

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

a) enough of the research project must have been completed to allow a proper assessment to be made of the scope of the thesis;

b) the standard of the research work completed must be that normally required for the award of the degree in question, and must demonstrate the candidate’s grasp of the subject;

c) the written material available (draft chapters, published work, work prepared for publication, presentations to conferences, progress reports by the candidate) must demonstrate the candidate's ability to write a thesis of the required standard.

If these requirements are satisfied, RDEB may decide that an award (at either doctoral or master's level as deemed appropriate) should be made, notwithstanding that the research degree has not been completed.
Ordinance 19

SUMMARY OF ACADEMIC AWARDS

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

Faculty of Arts

Undergraduate Awards

Certificate of Higher Education in Arts denoted by CertHEArts
Diploma of Higher Education in Arts denoted by DipHEArts
Graduate Diploma denoted by GradDip
Bachelor of Arts denoted by BA
Bachelor of Arts in Theological Studies (Trinity College, Bristol) denoted by BA
Bachelor of Arts in Theology Studies (Trinity College, Bristol) denoted by BA
Bachelor of Arts in Theological Studies (Wesley College, Bristol) denoted by BA
Bachelor of Arts in Theology and Ministry (Wesley College, Bristol) denoted by BA
Master of Liberal Arts denoted by MLibArts
Master of Arts denoted by MArts
Bachelor of Engineering denoted by BEng
Master of Engineering denoted by MEng
Bachelor of Science denoted by BSc
Master of Science denoted by MSci
Master of Science denoted by MSc

Postgraduate Taught Awards

Postgraduate Certificate in (subject) denoted by PGCert
Postgraduate Diploma in (subject) denoted by PGDip
Master of Arts denoted by MA
Master of Research in (subject) denoted by MRes

Postgraduate Research Awards

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

**Higher Doctorates**

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

**Faculty of Engineering**

**Undergraduate Awards**

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

**Postgraduate Taught Awards**

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

**Postgraduate Research Awards**

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

**Higher Doctorates**

Doctor of Engineering denoted by DEng
Faculty of Life Sciences

Undergraduate Awards

Certificate of Higher Education in Biomedical Sciences denoted by CertHEBiomedSci
Diploma of Higher Education in Biomedical Sciences denoted by DipHEBiomedSci
Bachelor of Science denoted by BSc
Master in Science denoted by MSci

Postgraduate Taught Awards

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

Postgraduate Research Awards

Master of Science by Research denoted by MScR
Master of Science denoted by MSc
Doctor of Medicine denoted by MD
Doctor of Philosophy denoted by PhD

Higher Doctorates

Doctor of Science denoted by DSc

Faculty of Health Science

Undergraduate Awards

Certificate of Higher Education in Medicine denoted by CertHEMed
Certificate of Higher Education in Dentistry denoted by CertHEDent
Certificate of Higher Education in Veterinary Sciences denoted by CertHEVetSci
Diploma of Higher Education in Medicine denoted by DipHEMed
Diploma of Higher Education in Veterinary Sciences denoted by DipHEVetSci
Diploma of Higher Education in Dentistry denoted by DipHEDent
Diploma in Dental Hygiene and Dental Therapy
Bachelor of Science denoted by BSc
The conjoined degree of Bachelor of Medicine and Bachelor of Surgery denoted by MB,ChB
Bachelor of Dental Surgery denoted by BDS
Bachelor of Veterinary Science denoted by BVSc

Postgraduate Taught Awards

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

Postgraduate Research Awards

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

Higher Doctorates

Doctor of Science denoted by DSc

Faculty of Science

Undergraduate Awards

Certificate of Higher Education in Science denoted by CertHESci
Diploma of Higher Education in Science denoted by DipHESci
Bachelor of Science denoted by BSc
Master in Science denoted by MSci
Postgraduate Taught Awards

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

Postgraduate Research Awards

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

Higher Doctorates

Doctor of Science denoted by DSc

Faculty of Social Sciences and Law

Undergraduate Awards

Certificate of Higher Education in Social Sciences denoted by CertHESocSci
Certificate of Higher Education in Law denoted by CertHELaw
Diploma of Higher Education in Social Sciences denoted by DipHESocSci
Diploma of Higher Education in Law denoted by DipHELaw
Foundation Degree (Science) denoted by FDSc
Professional Graduate Certificate in Education

Graduate Certificate
Bachelor of Science denoted by BSc
Bachelor of Laws denoted by LLB
Graduate Diploma denoted by GradDip
Master in Science denoted by MSci

Postgraduate Taught Awards

Postgraduate Certificate in (subject) denoted by PGCert
Postgraduate Diploma in (subject) denoted by PGDip
Diploma in Advanced Social Work (Child Care)
Advanced Diploma in Legal Studies
Postgraduate Certificate in Education denoted by PGCE
Advanced Certificate in Education
Master of Arts in (subject) denoted by MA
Master of Science in (subject) denoted by MSc
Master of Science in Social Work denoted by MSc in Social Work
Master of Education in (subject) denoted by MEd
Master of Laws in (subject) denoted by LLM
Master of Social Science denoted by MSocSci
Master of Research in (subject) denoted by MRes
Master in Research and Professional Studies in Education
Master of Social Work denoted by MSW

Postgraduate Research Degrees

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

Higher Doctorates

Doctor of Science denoted by DSc
Doctor of Laws denoted by LLD

Ordinance 20

Academic Status

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

Ordinance 21
Congregations
Congregations of the University shall be held at least annually to confer degrees, at such time and place as the Board of Trustees may determine. The Chancellor shall preside, or in his or her absence the Vice-Chancellor or a Pro Vice-Chancellor. The Registrar or his or her nominee shall be present.

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

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

Ordinance 22

Associated Institutions

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

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

Associated institutions
The following institutions are associated with the University:

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

Ordinance 23

Affiliated Institutions

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

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

Affiliated institutions
The following institutions are affiliated to the University:

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

**Ordinance 24**

**University of Bristol Students' Union**

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

2. The Union will be established as a company limited by guarantee in order to promote the charitable object of the advancement of education of students at the University for the public benefit by:
   (a) Promoting the interests and welfare of students at the University during their course of study and representing, supporting and advising its members.  
   (b) Being the recognised representative channel between students and the University and any other external bodies.  
   (c) Providing social, cultural, sporting and recreational activities and forums for discussion and debate for the personal development of its members.

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

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

5. The Articles provide that the Union will be under the management and control of a group of trustees (together the "Trustees") made up of:
(a) The "Sabbatical Trustees" being up to six of the Sabbatical Officers elected by secret ballot of the members of the Union who are specified in the Union Bye-Laws as also holding office as Sabbatical Trustees.
(b) "Student Trustees" elected by a student council (the "Student Council") elected by the members of the Union.
(c) "Co-opted Trustees" appointed by the Trustees themselves
(d) "Nominated Trustees" nominated by the Board of Trustees, appointed of the University (the "University Board of Trustees") and selected and appointed by the Union Trustees in accordance with the Articles.

The Trustees
6. The Trustees are the company directors (under company law) and charity trustees (under charity law) of the Union. All of the powers of the Union are exercisable by the Trustees, who may delegate some of their powers to an executive committee (and one or more other committees) in accordance with the Articles. The Trustees have the power to make, repeal or alter a set of rules (the "Rules") to regulate the management, administration and working practices of the Union. The Trustees have the power, acting jointly with the Student Council, to make, repeal or alter a set of bye-laws (the "Bye-Laws") to regulate the working practices of the Union that are not dealt with in the Rules.

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

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

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

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

**Chief executive**

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

**Union Advisers**

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

**The University's role**

13. The University Board of Trustees is obliged by Part II of the Act to take such steps as are reasonably practicable to secure that the Union operates in a fair and democratic manner and is accountable for its finances. In order to comply with this duty, certain powers are reserved to the University Board of Trustees by the Articles. The University Board of Trustees has published a Code of Practice setting out the steps taken to fulfil the requirements of the Act.

**Funding**

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

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

**Student Affairs Committee**

16. There will be a committee of the University Board of Trustees called the "Student Affairs Committee". The membership and terms of reference of the Student Affairs Committee will be laid down by the University Board of Trustees and may be amended from time to time by the Student Affairs Committee with the prior approval of the University Board of Trustees.

17. The functions of the Student Affairs Committee in relation to the Union shall include but not be limited to:
(a) Reviewing the liaison arrangements between the University and the Union to ensure that they are operating effectively; and

(b) Acting as a critical friend to both the University and the Union, in particular in relation to their educational and student aims.

Alterations to Ordinance 24
18. Ordinance 24 may be altered by the University Board of Trustees from time to time and in such manner as the University Board of Trustees determines.

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

Ordinance 25

1. Operating Principles

Ordinances 26 to 31 relating to employees shall be applied and construed to give effect to these operating principles;

1. Appeals. Any decision made under any procedure prescribed by Ordinances 26 to 31 will remain in force pending the outcome of an appeal.

2. Appeal by clinical academic member of staff. Where an appeal is made under any of the procedures prescribed by Ordinances 26 to 31 by a member of the clinical academic staff, who is required to engage in clinical work or activities and for that purpose to be registered with the General Medical or Dental Council or similar body and/or to have an honorary or substantive contract or status with a National Health Service Trust or similar body, then the panel may include, in addition to its other members, an appropriate representative of the National Health Service.
3. **Confidentiality.** All parties involved in the operation of Ordinances 26 to 31 must ensure that they maintain, as appropriate, confidentiality within and outside the University. However, none of this shall preclude information being given to any person where this is appropriate, and the University may disclose information:

(i) to those who need to know in order to discharge their responsibilities;
(ii) where disclosure is necessary in the interests of health and safety at work or the welfare of other staff, students or the public;

(iii) where disclosure is required by law;
(iv) to witnesses and/or attendees at the meetings within the procedures.

4. **Equality.** It is expected that Ordinances 26 to 31 will be operated impartially and that all parties involved in the procedures prescribed by them will be treated with respect and dignity and that no individual will be unjustifiably discriminated against. This includes discrimination because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

5. **The Role of Human Resources (“HR”).** HR will:

(i) provide guidance and support to all parties involved in the operation of the procedures prescribed by Ordinances 26 to 31;
(ii) advise on the fair and consistent application of the relevant procedure;
(iii) give guidance to the Appropriate Manager on their responsibilities under the relevant procedure; and
(iv) be mindful of any conflict that may arise in these roles.

6. **Nominees.** References to University post holders shall be construed to refer either to the post holder or to a person nominated by him or her to act with full authority on his or her behalf.

7. **Notices and formal communication.** The University will deem any notification to be received by an employee within two days of it being posted to his/her home address as notified by the employee from time to time. If the notification is sent by email it will be deemed to have been received the day after it is sent.

8. **Postponement.** Employees (and any representative) must make every effort to attend all meetings arranged under Ordinance 26 to 31. If the Employee (or their representative) is unable to attend the meeting, they should inform HR as soon
as possible. In the event that the employee fails to attend a meeting without good reason, the University reserves the right to make a decision in their absence.

9. **Recordings.** Audio and visual recordings in any form are prohibited during any meetings or hearings taking place under Ordinances 26 to 31 unless agreed in advance and for reasons of accessibility.

10. **Review.** Ordinances 26 to 31 will be reviewed from time to time to ensure that they reflect the University’s legal obligations and its organisational and operational needs.

11. **Right to be accompanied.** At any meetings or hearings prescribed by Ordinances 26 to 31 where formal action is being taken, employees have the right to be accompanied by a colleague, friend, trade union or other representative. Although the representative will be able to address the meeting and to confer with the employee during the meeting s/he will not be permitted to answer any questions on behalf of the employee. In some circumstances the employee’s choice of companion may not be accepted. In such circumstances the employee will be asked to select an alternative representative.

12. **Statutory references.** References in Ordinances 26 to 31 to any statute are a reference to it as amended, extended or re-enacted from time to time. A reference to legislation shall include all subordinate legislation made from time to time under that statute.

13. **Suspension.** The decision to suspend an employee under Ordinances 26 to 31 will be taken by the HR Director or their nominee. The University will advise the employee of the expected length of that suspension and will keep them informed of any changes in that timeframe. The employee will be required to cooperate with any investigation and to be available for interview(s) during working hours. The University may impose conditions during the period of suspension and the employee will be notified accordingly. Any suspension may include the suspension of use of the University’s intranet and email account. Suspension is a neutral act and is not considered by the University to be a disciplinary sanction.

14. **Timescales.** Whilst every effort should be made by the University to comply with any timescales prescribed by Ordinances 26 to 31, timescales may be extended in complex cases. In such circumstances the University should keep the employee informed and advise them of the reasons for any delay.

15. **Trade Union Representatives.** Where formal proceedings are contemplated against a Trade Union Representative under Ordinances 26 to 31, the HR Director or nominee shall inform the chair or secretary and the full time official of the Union of those circumstances before any formal meeting.
Definitions

1. **Appropriate Manager** means the Line Manager, Principal Investigator, Head of Department, Head of Section, Head of Discipline, Technical Manager, the Head of School, School or Faculty Manager, or other manager within the line management structure. Where appropriate HR will consider and advise on who the Appropriate Manager is in respect of the operation of all or part of a particular procedure or policy.

2. **Trade Union Representative** means an accredited representative of a trade union recognised by the University.

Ordinance 26

Application and Scope

1.1 This procedure is applicable where either an employee’s performance or conduct has not improved following an initial meeting under paragraph 5 of the Initial Service Review Policy (see Appendix 1) or their performance or conduct is so poor as to warrant dismissal.

1.2 Action under this procedure may be taken at any time during or at the end of an Initial Service Review Period.

2. Procedure

2.1 The employee should be invited in writing to attend a meeting giving them appropriate notice and advising them of their right to be accompanied. The letter should state the reasons why they have fallen short of the required standards of performance or conduct and enclose any documents that will be referred to at the meeting.

2.2 At the meeting the Appropriate Manager will:
   (i) identify the poor performance or conduct and if appropriate give the reasons for considering non confirmation in post;
   (ii) allow the employee and/or their representative to respond to the concerns and to ask any questions.

2.3 Following the meeting the Appropriate Manager will consider all the representations made and decide whether or not the employee should:
(i) be given an opportunity to improve, and if so explain: the specific action(s) that the employee is required to take; the outcomes that they are expected to achieve; the timescale within which these must be achieved (the "Improvement Period"); and that if these are not achieved within the Improvement Period their employment may be terminated; or
(ii) receive notice of termination of their employment; or
(iii) be dismissed without notice of termination of their employment.

2.4 Any decision reached should be confirmed in a letter to the employee with a copy to HR.

3. **Appeal**

3.1 Where an employee’s employment has been terminated during their Initial Service Review period they have a right to appeal against the decision using the appeal procedure set out in the Staff Grievance Procedure.
Appendix 1

1. **Application and Scope**

1.1 During the initial service review period employees will be subject to this policy and will not be subject to the University’s disciplinary and capability procedures or participate in Staff Review and Development.

1.2 This policy is designed to:

   (a) support employees while they are settling into their role;
   (b) give the University time to assess the employee’s suitability in their role including skills, conduct, capability and attendance together referred to as “Performance”; and
   (c) provide a framework within which any areas of concern can be identified, addressed and resolved.

1.3 The Appropriate Manager will give employees:

   (a) details of their role and expected standards of performance;
   (b) access to the necessary information, equipment, training and other resources; and
   (c) details of relevant rules, policies, procedures and standards of conduct.

1.4 Support shall be provided through regular discussions between the employee and the Appropriate Manager. This shall be a two way process, giving the employee an opportunity to raise issues, as well as enabling the Appropriate Manager to evaluate progress.

1.5 The University wishes to support employees to complete their initial service review period successfully. Action under this procedure may be taken if any part of an employee’s Performance is found to be deficient.

1.6 Transferring staff – Employees transferring within the University will be treated as follows:
(i) employees transferring to a comparable role while subject to an initial service review period will continue the initial service review period in the comparable role;
(ii) employees transferring to a different role while subject to an initial service review period will commence a new initial service review period in the new role;
(iii) employees transferring to a comparable role who have completed their initial service review period in another comparable role will not usually be required to complete a further initial service review period;
(iv) employees transferring to a different role after having completed an initial service review period will not be subject to a new initial service review period in the new role but should be supported by the Appropriate Manager as set out in 4.1 below; and
(v) in a case where an employee has been redeployed to another role within the University, a trial period will usually be a more appropriate method of ascertaining whether the redeployment is suitable for both the employee and the University.

2. **Length of Initial Service Review Period**
   2.1 The employee’s initial service review period is set out in their terms and conditions of employment and will not normally be longer than twelve months.
   
   2.2 The length of the initial service review period may vary where a significant or particular element of the work falls in a specific part of the year to ensure that this period is adequately covered and to enable the employee to demonstrate their Performance in respect of this particular element of their role.

3. **Extension to Initial Service Review Period**
   3.1 The University may extend the initial service review period where, for example, due to sickness absence or other authorised absence it has not been possible to assess the employee’s Performance. Where the review period is extended, the employee shall be notified accordingly.

4. **Initial Service Review Procedure**
   4.1 Throughout the initial service review period an employee’s Performance should be subject to assessment by the Appropriate Manager. Regular and informal one to one meetings should be held to:
(i) support the employee in their role;
(ii) review Performance at work;
(iii) ensure that the employee is kept informed of their progress against the required standards;
(iv) advise them of any concerns and how these can be addressed; and 
(v) ensure the employee is able to raise any questions they may have about their Performance or development requirements.

4.2 In addition to informal one to one meetings, formal, documented initial service reviews are to be carried out at the half way stage and towards the end of the initial service review period. The purpose of these reviews is to assess and record the employee's standard of Performance and to identify progress made and any further support, development or guidance required.

4.3 Human Resources shall remind the Appropriate Managers of the need for a formal review and report. It is the responsibility of the Appropriate Manager to carry out the formal reviews in good time.

4.4 Formal reviews should be set up in advance so that both parties have time to prepare for the meeting.

4.5 As part of the formal review meeting the Appropriate Manager should:

(i) provide support and guidance;
(ii) identify good performance and progress made;
(iii) discuss the employee’s Performance against the requirements of the position identified in the job description and against any objectives and targets that have been identified;
(iv) review timekeeping and attendance, including sickness absence;
(v) review training requirements and agree any further development needs;
(vi) identify any areas of Performance that need improving – identifying the standards required and how these can be achieved;
(vii) be sensitive to issues of equality and diversity, seeking guidance as appropriate;
(viii) set a date for next review meeting if appropriate; and
(ix) record the details of the review meeting on the initial service review form and send it to HR.

5. **Concerns during Initial Service Review Period**
5.1 At any time during the initial service review period where the Performance of an employee is causing concern the Appropriate Manager’s first step will normally be to discuss the problem with the employee. Such discussions shall identify the nature of the problem and consider its causes and possible solutions. The Appropriate Manager shall ensure that the employee is aware of the standard of Performance expected; outline in what respect the employee’s Performance is failing to meet an acceptable standard and, through discussion with the employee, seek to identify ways of resolving the problem.

5.2 If any employee’s Performance does not improve following this meeting, or their Performance is so poor as to warrant dismissal it may be necessary to take further action under Ordinance 26.

6. **Confirmation in Post**
6.1 On satisfactory completion of the initial service review period the employee will be informed in writing that they have been confirmed in post.
Ordinance 27

Application and Scope
1.1 Where the University has identified a potential redundancy situation it will try to minimise the effect of any potential redundancies through the steps set out in this procedure.

2. Avoiding Compulsory Redundancies
2.1 The University is committed to retaining employees wherever possible and will seek to minimise redundancies by forward planning within the relevant area. Where redundancies are proposed consideration will be given to ways of avoiding redundancy or reducing the numbers involved. Examples of such steps include:

(i) reviewing the use of agency staff, self-employed contractors and consultants;
(ii) restricting recruitment in affected categories of employees;
(iii) identifying suitable alternative work for potentially redundant employees;
(iv) staff turnover;
(v) seeking volunteers for redundancy (selection of volunteers for redundancy shall be at the discretion of the University and shall be determined by the University’s requirements to retain key skills and experience to meet the present and anticipated needs of the University);
(vi) considering the introduction of agreed short time working, job sharing or other flexible working arrangements, where these are practicable;
(vii) filling vacancies from among existing employees.

2.2 Any measures adopted must not adversely affect the University’s organisational or operational needs.

3. Identification of Potential Redundancies
3.1 Where a potential redundancy situation has been identified an Appropriate Manager will where appropriate:

(i) identify the pool from which employees will be selected for dismissal by reason of redundancy: and

(ii) propose the criteria by which individuals will be selected from the pool for dismissal by reason of redundancy;

4. Identification of the Pool
The pool will be defined by the nature of the work that is (or will be) ceasing or reducing. A pool may be limited to one individual or to a group of individuals carrying out the work.

5. **Selection Criteria**

5.1 The criteria used to select employees who will potentially be made redundant will be transparent and fair and based on the skills required to meet the University’s existing and anticipated organisational and operational needs.

5.2 Selection may be based on the:

   (i) skills, experience and aptitude of the employee;
   (ii) standard of work performance;
   (iii) attendance and/or disciplinary record of the employee;

and the selection process may include interviews with relevant employees.

6. **Consultation with Trade Union(s)**

6.1 The Appropriate Manager and the relevant Trade Union(s) will engage in collective consultation (as required by law) and in such circumstances will discuss any proposed redundancies and ways of avoiding them.

6.2 The purpose of the consultation is to seek ways of:

   (i) avoiding the redundancy situation;
   (ii) reducing the number of dismissals; and
   (iii) mitigating the effects of the proposed redundancies.

6.3 Where appropriate, consultation may include discussions concerning the definition and size of the proposed pool for selection and the proposed selection criteria.

6.4 The University will respond to any written submissions from the relevant Trade Union(s) in respect of the above.

7. **Consultation with individual employees.**
7.1 Where a potential redundancy situation has been identified which may affect a group of more than 20 employees an Appropriate Manager may inform those individuals of the proposal prior to the commencement of individual consultation.

7.2 Those employees who have been provisionally selected for redundancy will be consulted with individually.

7.3 Where appropriate, consultation will include discussion of matters such as:

(i) the reason for the proposal;
(ii) ways to avoid or mitigate the effect of the proposed redundancy;
(iii) the rationale for the employee’s inclusion in the pool;
(iv) the fact that the employee has been provisionally selected for redundancy;
(v) where there is a pool of one, the rationale for the pool;
(vi) the method of selection and/or scoring and the opportunity to challenge them;
(vii) the proposed redundancy payment.

7.4 Individual consultation will be carried out as follows:

(i) The employee will be invited in writing to attend a formal consultation meeting with an Appropriate Manager who may be accompanied by a representative from HR. The letter will explain the reason for the meeting and give any other relevant information to the employee. The employee will be given the right to be accompanied to the consultation meeting. The employee and their representative may make representations, which will be considered.

(ii) Following this meeting the Appropriate Manager may decide that the post is redundant. If so the Appropriate Manager will write to the individual to advise them of the decision. The letter will respond to any representations made during the consultation meeting and, if the post is declared redundant, will explain the employee’s right of appeal, together with details of any notice provisions and any payments that they will receive.

(iii) Where appropriate, further consultation meeting(s) may take place with either the Appropriate Manager or with a manager more senior to the one who undertook the initial consultation meeting(s) at which action taken to date may be reviewed. The manager who conducted the initial consultation meetings may also be invited to attend and a representative from HR may also be present.

(iv) Following the meeting(s) the Appropriate Manager (or a more senior manager) may decide that the post is redundant. If so the Appropriate Manager will write to the individual to advise them of the decision. The letter will respond to any representations made during the consultation meeting(s) and, if the post is declared redundant, will explain the employee’s right of appeal, together with details of any notice provisions and any payments that they will receive.
8. **Redundancy Payments**

8.1 Redundancy payments will be calculated as follows:

- 0-9 complete years of service - statutory redundancy payment

- Ten or more complete years of service - statutory redundancy payment x2

8.2 Eligibility for a redundancy payment may be lost if an employee refuses an offer of reasonable alternative employment.

9. **Alternative Employment**

9.1 During the notice period the University operates a redeployment policy to try to find alternative employment for employees who have been given notice of redundancy. Where suitable alternative employment is offered it will be subject to a trial period.

9.2 Employees under notice of redundancy will be entitled to take a reasonable amount of paid time off work to look for alternative employment or to arrange training for future employment.

10. **Appeal**

10.1 The employee has the right of appeal against a decision to terminate their employment under this procedure. Any appeal should be made in writing to the University Secretary within 28 days of the date of the letter confirming the decision appealed against. The appeal must state the grounds for appeal.

10.2 The appeal will be heard by a panel of at least three, none of whom should have had any prior involvement in the case. The appeal panel shall include one member who is independent of the area (for example the Faculty or Division) in which the employee is employed and in the case of academic staff the appeal panel shall include a member of the academic staff from Senate.

10.3 The University Secretary or nominee from HR shall act as clerk to the appeal panel. The procedure shall be determined by the panel. The employee may present the appeal in person, attend hearings and be accompanied by a representative. The University may be represented by a member of staff or other representative.

10.4 The panel’s decision is final. The panel shall give a reasoned decision in writing which shall be sent to the employee and the Appropriate Manager.
Appendix 1

Employment Rights Act 1996, Section 139

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

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

(b) the fact that the requirements of that business:
   (i) for employees to carry out work of a particular kind; or
   (ii) for employees to carry out work of a particular kind in the place where the employee was employed by the employer have ceased or diminished or are expected to cease or diminish.

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

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

(4) Where:
   (a) the contract under which a person is employed is treated by section 136(5) as terminated by his employer by reason of an act or event; and
   (b) the employee's contract is not renewed and he is not re-engaged under a new contract of employment, he shall be taken for the purposes of this Act to be dismissed by reason of redundancy if the circumstances in which his contract is not renewed, and he is not re-engaged, are wholly or mainly attributable to either of the facts stated in paragraphs (a) and (b) of subsection (1).

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

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

**Employment Rights Act 1996 Section 136 (5)**

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

(a) an act on the part of an employer; or
(b) an event affecting an employer (including, in the case of an individual, his death),

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

**Appendix 2**

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

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

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

(a) where the employer is proposing to dismiss as redundant 100 or more employees at one establishment within a period of 90 days or less, at least 90 days before the first of those dismissals takes effect;
(b) where the employer is proposing to dismiss as redundant at least 10 but less than 100 employees at one establishment within a period of 30 days or less, at least 30 days before the first of those dismissals takes effect.

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

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

(a) the reasons for his proposals,
(b) the numbers and descriptions of employees whom it is proposed to dismiss as redundant,
(c) the total number of employees of any such description employed by the employer at the establishment in question,
(d) the proposed method of selecting the employees who may be dismissed, and
(e) the proposed method of carrying out the dismissals, with due regard to any agreed procedure, including the period over which the dismissals are to take effect.

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

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

(a) consider any representations made by the trade union representatives, and
(b) reply to those representations and, if he/she rejects any of those representations, state his/her reasons.

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

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

Appendix 3

Redundancy Notice Provisions
(a) With the exception of staff covered by paragraphs (b) to (e), for whom protected arrangements will instead apply, staff will be given a minimum notice provision as follows in the event of dismissal by reason of redundancy:
- Staff employed by the University for less than 5 years: 3 months
- Staff employed by the University for at least 5 years but fewer than 7 years : 4 months
- Staff employed by the University for at least 7 years but fewer than 9 years :5 months
- Staff employed by the University for 9 years or more: 6 months

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

(c) All staff employed by the University on an academic or academic-related contract at the 1 October 2004 and who were offered a permanent contract on or after the 1 October 2004 will be entitled to a minimum of 6 months’ notice in the event of redundancy.
(d) All staff employed by the University on a permanent support staff contract at 30 April 2006, and those employed at that date on a fixed-term contract who subsequently transferred to a permanent contract, will be entitled to a minimum of 6 months’ notice in the event of redundancy.

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

**Appendix 4 - Redundancy Pay**

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

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

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

Staff with 20 years’ + service - Statutory Redundancy Pay x 2 (with no cap on weekly pay but a cap on total figure of £20K. The “cap on weekly pay” is the maximum amount of money defined (by the government) as a “week’s pay” for the purposes of calculating a statutory redundancy payment.)
Ordinance 28

Application and Scope
1.1 The purpose of this procedure is to provide a constructive framework for dealing with staff conduct and to ensure that disciplinary action, where necessary, is applied fairly and consistently.

1.2 This procedure applies to all employees who have (where applicable) satisfactorily completed their Initial Service Review.

1.3 The general obligations for employees in respect of their conduct are set out in Appendix 1.

2. Early Action
2.1 It is part of the supervisory process that managers bring to the attention of employees the standards of behaviour required and any failure to meet those standards. Minor misconduct should be dealt with by the employee’s line manager (the “Manager”) informally and without delay. The Manager should speak to the employee to ensure that they understand the nature of the concerns, expectations of improvements in conduct and where appropriate timescales and the nature of any support available.

2.2 It is expected that cases of minor misconduct will be dealt with informally between the employee and their Manager. However, if that informal discussion does not bring about an improvement or where there is a more serious case of misconduct, formal action under this procedure may be necessary.

3. Suspension
3.1 Where appropriate the University may suspend an employee on full pay whilst it undertakes an investigation into alleged misconduct.

4. Investigations
4.1 Before a disciplinary hearing is convened the Appropriate Manager will normally appoint an investigator (supported by HR) to carry out an investigation into the circumstances of the alleged misconduct. The purpose of the investigation is to:

(i) gather evidence; and
(ii) consider if the matter should proceed to a formal hearing.

4.2 If there is no disagreement concerning the facts of the case, for example because the misconduct is admitted, an investigation may not be necessary before a disciplinary hearing is arranged. However, in cases where misconduct is not admitted or if
there are conflicting views or evidence, further investigation would usually be appropriate before a decision is taken to proceed to a formal hearing.

4.3 As part of any investigation, the employee may be invited to provide a written response to the allegations as well as invited to attend an investigation meeting.

4.4 The investigator will decide whether:

(i) there is a case to answer;
(ii) there is no case to answer; or
(iii) the matter should be considered under an alternative procedure.

5. Taking Formal Action

5.1 Where it is decided that formal action is to be taken the employee will normally be given ten days’ notice and invited to attend a disciplinary hearing.

Prior to the Hearing

5.2 The employee will be provided with details of the allegation(s) and an indication as to whether the alleged misconduct is considered as potentially a serious/gross misconduct case and therefore whether a sanction less than or up to dismissal may be considered.

5.3 Prior to the hearing the employee will be invited to provide:

(i) their response to the allegations including bringing forward any relevant witnesses; and
(ii) any documentation that they will refer to in the hearing.

5.4 Prior to the hearing any documentation or other evidence that is to be relied upon by either the employee or the University will be made available to each other and to the Appropriate Manager at least seven days before the hearing.

The Conduct Hearing
5.5 An appropriate person (supported by HR) shall present the allegation(s) against the employee at the hearing.

5.6 The hearing will be conducted by an Appropriate Manager supported by HR.

5.7 The Appropriate Manager will arrange for notes of the meeting to be taken.

5.8 At the hearing the employee will be given an opportunity to present their case, question witnesses and raise any issue that they wish to have considered. The Appropriate Manager will be able to question those involved in the case.

The Outcome of the Hearing

5.9 At the end of the hearing the Appropriate Manager will consider all representations then decide whether or not, on the balance of probabilities, the allegation(s) are proved and if they are proved what level of disciplinary sanction, up to and including dismissal is appropriate. On the basis of the information presented, the Appropriate Manager may decide to impose any of the disciplinary sanctions or other measures set out in paragraph 5 and 6.

5.10 The decision may be given on the day of the hearing and will in any event be confirmed in writing within fourteen days of the hearing. The employee has a right of appeal against any decision.

Disciplinary Sanctions

5.11 There are three levels of sanction that may be given: first written warning, final written warning and dismissal.

Warnings

5.12 The warnings given under this procedure will normally be “live” for a period of 12 months. At the end of that period, subject to the employee’s satisfactory conduct, the warning will normally be disregarded for disciplinary purposes. However, the University reserves the right to issue warnings for a longer period depending on the nature or seriousness of the offence and to take previous action under this procedure into account when issuing a sanction or other measure in respect of a subsequent allegation of misconduct even when the stated duration of any previous warning(s) or other action taken has expired. The University reserves the right to extend the period of time in which a warning is live to reflect any period of time for which the employee is absent from work (not including, for example, annual leave) whilst the warning is live.

5.13 A written warning will be placed on the employee’s personnel file and will set out:
(i) the areas where the required standards of behaviour and/or conduct have not been met;
(ii) any specific action(s) that the employee is required to take and outcomes that they are expected to achieve to correct/improve their behaviour or conduct including any time period for completion;
(iii) any measures such as additional training or support which will be taken with a view to correcting or improving conduct or behaviour;
(iv) the date(s) of any interim review meeting(s) to review progress;
(v) the Review Period, i.e. the period of time over which the employee will need to demonstrate that they can sustain the required improvement or correction in behaviour or conduct; and
(vi) the consequences of failing to improve or correct their behaviour or conduct within the review period or of further unsatisfactory behaviour or conduct (whether similar or not) within the Review Period including, if appropriate, termination of employment.

First Written Warning
5.14 Where the misconduct is of a minor nature or, after early action has been taken but there has been no improvement in conduct or behaviour, a first written warning may be issued.

Final Written Warning
5.15 If after a first written warning has been given, the employee commits a repeated or further act of misconduct, or where the misconduct is considered sufficiently serious to warrant a final written warning but not sufficiently serious to justify dismissal, a final written warning may be issued.

Dismissal
5.16 If after a final written warning has been given, the employee commits a repeated or a further act of misconduct, or where the employee commits an act of gross misconduct (see Appendix 1) the Appropriate Manager may consider dismissal or summary dismissal (that is dismissal with or without notice).

6. Other Measures
In all cases the University will consider whether it is appropriate to withhold any increment of salary from the employee. The University reserves the right to impose such other disciplinary measures as it considers appropriate in the circumstances.

7. Appeals

Appeals against a sanction or measure other than dismissal
7.1 If an employee wishes to appeal they should write to the HR Director within 14 days of receiving the written notification of the sanction setting out the reasons for the appeal.

7.2 The HR Director will then arrange for the appeal to be heard by an Appropriate Manager who has had no prior involvement in the case. The appeal hearing will be a review of the decision and will be supported by HR.

7.3 Where, on appeal, the case is upheld, in whole or in part, the Appropriate Manager conducting the appeal may substitute a different sanction. It is not intended that a substituted sanction would be more severe.

7.4 The decision may be given at the appeal hearing and will in any event be confirmed in writing within fourteen days of the hearing.

7.5 The decision following the appeal shall be final.

**Appeals against dismissal**

7.6 The employee has the right of appeal against a decision to terminate their employment under this procedure. Any appeal should be made in writing to the University Secretary within 28 days of the date of the letter confirming the decision appealed against. The appeal must state the grounds for appeal.

7.7 The appeal will be heard by a panel of at least three, none of whom should have had any prior involvement in the case. The appeal panel shall include one member who is independent of the area (for example the Faculty or Division) in which the employee is employed and in the case of academic staff the appeal panel shall include a member of the academic staff from Senate.

7.8 The University Secretary or nominee from HR shall act as clerk to the appeal panel. The procedure shall be determined by the panel. The employee may present the appeal in person, attend hearings and be accompanied by a representative. The University may be represented by a member of staff or other representative.

7.9 The panel's decision is final. The panel shall give a reasoned decision in writing which shall be sent to the employee and the Appropriate Manager.
### Appendix 1
#### Summary of Disciplinary Action

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

Rules of Conduct for Members of Staff

Introduction

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

General Requirements

Members of staff are expected to:

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

Misconduct

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

a) Conduct which constitutes a criminal offence, of a kind that is judged in all the circumstances to be relevant to the member of staff's employment by the University, whether committed on University premises or elsewhere;
b) Violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language at work;
c) Sexual, racial, or any other form of harassment, including bullying of any student or member of staff of the University, or any visitor to the University, or any other failure to respect the University’s Equal Opportunities and Dignity at Work Policies;
d) Incapacity at work through the use of alcohol or drugs;
e) Fraud, deceit, deliberate falsification of records, deception or dishonesty in relation to the University or its staff, students or visitors;
f) Theft, misappropriation or misuse of University property, or the property of the University’s staff, students or visitors, including intellectual property;
g) Fraud or plagiarism in connection with academic research or failure to comply with the University’s Research Misconduct Policy;

h) Computer misuse, contrary to the University’s regulations;

i) Misuse or unauthorised use of University premises, equipment or facilities;

j) Damage to University property, or the property of the University’s staff, students or visitors, caused intentionally or recklessly;

k) Action likely to cause injury or impair safety on University premises, or infringement of University Health and Safety policy;

l) Negligence which causes or might cause unacceptable loss, damage or injury;

m) Improper bias in relation to students, whether relating to admission or assessment;

n) Willful or negligent failure to respect confidentiality of information and/or breach of the University’s policy on Data Protection;

o) Failure to respect the rights of any student or member of staff of the University, or any visitor to the University, to freedom of belief and freedom of speech;

p) Breach of the provisions of any University code, policy, rule or regulation;

q) Misuse of the University’s name, or bringing the University into serious disrepute;

r) Undertaking paid work detrimental to or in conflict with the University’s interests without the University’s permission;

s) Unauthorised absence;

t) Poor timekeeping;

u) Failure to comply with a reasonable request or instruction from an appropriate person.

**Gross Misconduct**

A member of staff who is found to have been guilty of misconduct shall normally in the first instance be given a warning. However gross misconduct, of such seriousness as to give good grounds for immediate dismissal, may lead to summary dismissal without warning. When determining whether an issue should be dealt with as misconduct or gross misconduct, the actual or potential consequences of the conduct shall be considered. Examples of behaviour which may constitute gross misconduct include assault or physical violence, theft, fraud, research misconduct and serious breaches of regulations relating to health and safety or data protection.
Ordinance 29

Application and Scope

1.1 The purpose of this procedure is to provide a constructive framework to address, identify and resolve any areas of concern relating to an individual’s performance and to ensure that any action taken is fair and consistent.

1.2 This procedure applies to all employees (except those who are in their initial service review period).

2. Early Action

2.1 It is part of the supervisory process that managers bring to the attention of employees the standards of performance required and any failure to meet those standards. Any minor lapses in performance should be dealt with by the employee’s line manager (the “Manager”) informally and without delay. The Manager should speak to the employee to ensure that they understand the nature of any concerns, expectations of improvements in performance (for example in levels of skill, knowledge, responsibility, autonomy and behaviours) and where appropriate timescales and the nature of any support or training available. Where an employee has identified that their performance may have been affected by ill health or a disability, additional support may be available (see Ill Health Policy, Appendix 1 to Ordinance 31).

2.2 It is expected that minor cases of underperformance will be dealt with informally between the employee and their Manager. However if that informal discussion does not bring about an improvement or where there are more serious concerns about an employee’s performance, formal action under this procedure may be taken.

3. Considering Taking Formal Action

3.1 Before any formal action is taken the Appropriate Manager will review the circumstances and the detail of the performance concerns. In particular the Appropriate Manager will consider:

(i) the nature of the concerns;

(ii) whether the employee has been informed of what is expected of them and where the performance shortfalls lie;

(iii) whether the employee has identified that their performance may have been affected by ill health or a disability and what steps have been taken under the Ill Health Policy;

(iv) the support or training that may have already been provided to the employee.
4 Taking Formal Action

4.1 Where it is decided that formal action is to be taken the employee will normally be given ten days’ notice and invited to attend a capability hearing.

Prior to the Hearing

4.2 The employee will be provided with details of the performance concerns and an indication as to their seriousness and whether dismissal may be considered.

4.3 Prior to the hearing the employee will be invited to provide:

(i) their response to the performance concerns including bringing forward any relevant witnesses;
(ii) any documentation that they will refer to in the hearing.

4.4 Prior to the hearing any documentation that is to be relied upon by either the employee or the University will be made available to each other and to the Appropriate Manager at least seven days before the hearing.

The Capability Hearing

4.5 An Appropriate Person (supported by HR) may explain the performance concerns about the employee at the hearing.

4.6 The hearing will be conducted by the Appropriate Manager supported by HR.

4.7 The Appropriate Manager will arrange for notes of the meeting to be taken.

4.8 At the hearing the employee will be given an opportunity to present their case, question witnesses and raise any issue that they wish to have considered. The Appropriate Manager will be able to question those involved in the case.

The Outcome of the Hearing
4.9 At the end of the hearing the Appropriate Manager will consider all representations then decide if on the balance of probabilities whether the performance concerns are justified and if justified what level of capability sanction, up to and including dismissal is appropriate. On the basis of the information presented the Appropriate Manager may decide to impose any of the capability sanctions set out in paragraph 4.11. In all cases the Appropriate Manager will consider whether it is appropriate to withhold any salary increment from the employee.

4.10 The decision may be given on the day of the hearing and will in any event be confirmed in writing within fourteen days of the hearing. The employee has a right of appeal against any decision.

**Capability Sanctions**

4.11 There are three levels of sanction that may be given: first written warning, final written warning and dismissal.

**Warnings**

4.12 The warnings given under this procedure will normally be “live” for a period of 12 months. At the end of that period, subject to the employee’s’ satisfactory performance, the warning will normally be disregarded for disciplinary purposes. However, the University reserves the right to issue warnings for a longer period depending on the nature or seriousness of the poor performance and to take previous action taken under this procedure into account when issuing a sanction or other measure in respect of subsequent poor performance even when the stated duration of any previous warning(s) or other action taken has expired. The University reserves the right to extend the period of time in which a warning is live to reflect any period of time for which the employee is absent from work (not including, for example, annual leave) whilst the warning is live.

4.13 A written warning will be placed on the employee’s personnel file and will set out:

(i) the areas where the required standards of performance have not been met;
(ii) any specific action(s) that the employee is required to take and outcomes that they are expected to achieve to improve their performance including any time period for completion;
(iii) any measures such as additional training or support which will be taken with a view to improving performance;
(iv) the date(s) of any interim review meeting(s) to review progress;
(v) the Review Period i.e. the period of time over which the employee will need to demonstrate that they can sustain the required improvement in performance; and
(vi) the consequences of failing to improve performance within the Review Period or of further unsatisfactory performance (whether similar or not) within the Review Period including, if appropriate, termination of employment.
First Written Warning
4.14 Where the poor performance is of a minor nature or, after early action has been taken but there has been no improvement in performance, a first written warning may be issued.

Final Written Warning
4.15 If after a first written warning has been given the employee’s performance has not improved, or where the performance concerns are considered sufficiently serious to warrant a final written warning but not sufficiently serious to justify dismissal, a final written warning may be issued.

Dismissal
4.16 Dismissal of an employee may be considered where performance:

(i) has not improved sufficiently within the review period set out in a final written warning;

(ii) is unsatisfactory while a final written warning is still active; or

(iii) has been grossly negligent such as to warrant dismissal without the need for a final written warning.

4.17 When considering dismissal the Appropriate Manager may decide:

(i) to dismiss the employee;
(ii) that there are insufficient grounds to dismiss the employee;
(iii) on the imposition, or extension of a warning already issued under this procedure; or
(iv) to explore options other than dismissal with the employee.

5. Appeals

Appeals against warnings
5.1 If an employee wishes to appeal, they should write to the HR Director within 14 working days of receiving the written notification of the warning. The appeal letter must set out the reasons for the appeal.
5.2 The HR Director will then arrange for the appeal to be heard by an Appropriate Manager who has had no prior involvement in the case. The appeal hearing will be a review of the decision to issue a warning and will be supported by HR.

5.3 The Appropriate Manager conducting the appeal may substitute a different sanction from that appealed against; it is not intended that a substituted sanction would be more severe.

5.4 The decision may be given at the appeal hearing and will in any event be confirmed in writing within 14 days of the hearing.

5.5 The decision following the appeal shall be final and there will be no further internal right of appeal.

**Appeals against dismissal**

5.6 The employee has the right of appeal against a decision to terminate their employment under this procedure. Any appeal should be made in writing to the University Secretary within 28 working days of the date of the letter confirming the decision appealed against. The appeal must state the grounds for appeal.

5.7 The appeal will be heard by a panel of at least three, none of whom should have had any prior involvement in the case. The appeal panel shall include one member who is independent of the area (for example the Faculty or Division) in which the employee is employed and in the case of academic staff the appeal panel shall include a member of the academic staff from Senate.

5.8 University Secretary or nominee from HR shall act as clerk to the appeal panel. The procedure shall be determined by the panel. The employee may present the appeal in person, attend hearings and be accompanied by a representative. The University may be represented by a member of staff or other representative.

5.9 The panel’s decision is final. The panel shall give a reasoned decision in writing which shall be sent to the employee and the Appropriate Manager.
### Appendix 1

**Summary of Action**

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

*2 July 2010*
Ordinance 30

Application and Scope

1.1 Where it is believed that there are circumstances which, although not covered by any of the other University procedures, lead the University to contemplate the dismissal of an employee, the steps set out in this procedure will be followed.

1.2 The procedure is intended to apply where dismissal of an employee is contemplated in any circumstance not covered by Ordinances 26 to 31 for example:

(i) where it is considered that the employee cannot continue to work in the position which s/he holds because to do so would mean that s/he and/or the University would be in breach of legislation. In such a case the University may be required to terminate the employment with immediate effect in which case the provisions set out in paragraph 4 may not apply. The employee will still have a right to appeal against their dismissal;

(ii) dismissal of a member of clinical academic staff whose honorary NHS contract is compromised, withdrawn and/or whose registration is revoked or suspended;

(iii) dismissal arising from the expiry of a fixed term contract where the reason for the expiry is not redundancy (e.g. where the individual is covering for sabbatical or maternity leave, etc);

(iv) where the employee is unable to attend work due to imprisonment;

(v) dismissal from a remunerated post in the University which is undertaken in addition to an employee’s substantive post; or

(vi) where there has been breakdown in mutual trust and confidence in the working relationship.

2. Investigation

Where necessary an investigation will be undertaken to:

(i) gather evidence; and

(ii) consider if the matter should proceed to a formal hearing.

In such cases the Appropriate Manager will appoint an investigating officer. Where the University considers it appropriate, the findings and outcome of an investigation undertaken under another procedure may be used as part of this process.

3. Procedure

3.1 Where dismissal of an employee is contemplated, the Appropriate Manager will write to the employee inviting them to a meeting detailing the purpose of the meeting and the circumstances that led the University to consider terminating employment.

3.2 Prior to the meeting the employee where appropriate will be:

(i) provided with relevant documentation which include a copy of any investigation report, at least seven days before the meeting;

(ii) invited to provide a written response; and

(iii) invited to bring forward witnesses that they believe are relevant to the matter.

3.3 At the meeting the employee will be given an opportunity to present their case, question witnesses and raise any issues they wish to have considered and the Appropriate
Manager conducting and hearing the case will be able to question all those involved in the case.

4. **Outcome**
4.1 The Appropriate Manager will consider all representations before reaching a decision. The decision may include (but will not be limited to) the following outcomes:
(i) there are insufficient grounds to dismiss the employee under this procedure;
(ii) employee’s employment should be terminated with or without notice; or
(iii) the case should be considered under an alternative procedure.

4.2 The decision may be given at the meeting and will in any event be confirmed in writing within seven days of the meeting. The employee has a right of appeal against the decision.

5. **Appeals**
5.1 The employee has the right of appeal against a decision to terminate their employment under this procedure. Any appeal should be made in writing to the University Secretary within 28 days of the date of the letter confirming the decision appealed against. The appeal must state the grounds for appeal.

5.2 The appeal will be heard by a panel of at least three, none of whom should have had any prior involvement in the case. The appeal panel shall include one member who is independent of the area (for example the Faculty or Division) in which the employee is employed and in the case of academic staff the appeal panel shall include a member of the academic staff from Senate.

5.3 The University Secretary or nominee from HR shall act as clerk to the appeal panel. The procedure shall be determined by the panel. The employee may present the appeal in person, attend hearings and be accompanied by a representative. The University may be represented by a member of staff or other representative.

5.4 The panel’s decision is final. The panel shall give a reasoned decision in writing which shall be sent to the employee and the Appropriate Manager.

**Ordinance 31**

**Application and Scope**
1.1 This procedure is only applicable where the University is considering dismissing an employee on the grounds of ill-health (which may or may not amount to a disability as defined by the Equality Act 2010) for example where an employee has:
(i) had a period of long term sickness absence;
(ii) had frequent intermittent sickness absence, which is found to be attributable to an underlying medical condition; or
(iii) has sustained difficulty in fulfilling the required standards of a role due to an underlying medical condition, even if the employee is not absent from work.

1.2 No action may be taken by the University under this procedure unless it has first considered the Ill Health Policy (Appendix 1).

2. **Termination of Employment**
2.1 Where the University is considering terminating the employee’s employment on the grounds of ill-health it will follow the procedure set out below.

(i) The employee will be invited to attend a meeting to consider whether the employee’s employment should be terminated.

(ii) The meeting will be conducted by an Appropriate Manager who will consider all representations made by the University and the employee. In particular consideration will be given to any medical evidence supplied by either the employee or the University; whether the University has taken appropriate measures under the Ill Health Policy and the impact on the employee’s ability to undertake the range of duties associated with their role; the delivery of the service of which the employee’s role forms part; other members of the team or group in which the employee is employed.

(iii) On the basis of the information presented, the Appropriate Manager may decide:

a. to dismiss the employee;
b. that there are further steps that either the University or the employee should take before termination of employment is considered, including where appropriate the reconsideration of further adjustments such as alternative employment; or
c. that the matter should be considered under an alternative procedure.

(iv) The decision may be given at the meeting and will in any event be confirmed in writing within 14 days of the meeting. The employee has a right of appeal against the decision.

3. Appeals
3.1 The employee has the right of appeal against a decision to terminate their employment under this procedure. Any appeal should be made in writing to the University Secretary within 28 days of the date of the letter confirming the decision appealed against. The appeal must state the grounds of appeal.

3.2 The appeal will be heard by a panel of at least three, none of whom should have had any prior involvement in the case. The appeal panel shall include one member who is independent of the area (for example the Faculty or Division) in which the employee is employed and in the case of academic staff the appeal panel shall include a member of the academic staff from Senate.

3.3 The University Secretary or nominee from HR shall act as clerk to the appeal panel. The procedure shall be determined by the panel. The employee may present the appeal in person, attend hearings and be accompanied by a representative. The University may be represented by a member of staff or other representative.

3.4 The panel’s decision is final. The panel shall give a reasoned decision in writing which shall be sent to the employee and to the Appropriate Manager.