discretion to determine, in consultation with the adviser appointed under sub-clause 3.23.16 (e) above, the procedure to be followed in preparation for and at the Appeal Hearing which may include without limitation:

3.23.21 (a) a right to call for additional documents;

3.23.21 (b) determining the extent to which witnesses may be called; and

3.23.21 (c) deciding whether it would be appropriate to adjourn or postpone the Appeal Hearing.

The Appeal Hearing will be held in private and the normal rules of evidence or procedure applicable in a court of law need not apply. The member of Staff shall have the right to see, question and challenge at the Appeal Hearing any witnesses and any new evidence which may be produced. The member of Staff will be informed before the Appeal Hearing of the procedure the Appeal Panel has decided to adopt as outlined above.

3.23.22 The member of Staff shall indicate to the Appeal Panel whether or not s/he wishes to attend the Appeal Hearing in person. If s/he wishes to attend, s/he shall take all reasonable steps to attend the Appeal Hearing and/or any Appeal Hearing reconvened following adjournment or postponement.

3.23.23 The Appeal Panel shall consider whether the reasons advanced in support of the decision under Part IV are reasonable and supportable and shall be entitled to:

3.23.23 (a) confirm the decision under Part IV;

3.23.23 (b) revoke the decision including reinstating the member of Staff with no loss of service; or

3.23.23 (c) remit the decision to be considered further by such person or persons and to such extent as the Appeal Panel shall specify.

3.23.24 The Appeal Panel will make its decision and provide the member of Staff with its reasoned decision in writing, normally not more than 14 calendar days after the conclusion of the Appeal Hearing.

3.23.25 The decision of the Appeal Panel shall be final unless it falls within clause 3.23.23(iii) and the Appeal Panel decides that it shall not be final.

3.23.26 A report of the Appeal Panel's decision will also be sent to the Council. Any dismissed member(s) of Staff shall remain anonymous in any report to Council or Senate and in the minutes of meetings at which such reports are considered.

3.24 Probation

The procedure to be followed under Statute 14, Clause 17 where the University has appointed a member of Staff subject to review after a period of probationary service shall be as follows:

Part I – Application and Scope

3.24.1 This Ordinance shall apply to members of Staff under Statute 14 Clause 2(1) who have been appointed subject to a period of probationary service.

3.24.2 This Ordinance shall not apply to the proposed dismissal of a member of Staff prior to the end of a probationary period on any ground falling under the application of Statute 14 Parts II, III or IV or under Clauses 18 or 19 of Statute 14.

3.24.3 The probationary period of a member of Staff may be subject to procedures for probationary appointments issued by the University (following negotiation with the recognised trade union) from time to time and in accordance with this Ordinance. In respect of Academic Teaching Staff, these probationary procedures shall provide that a person who has successfully completed probation as a member of the Academic Teaching Staff in a pre-1992 UK university will not normally be required to serve a probationary period.

Part II – General Principles

3.24.4 The length of a probationary period will be specified in a letter of appointment sent to the member of Staff.

3.24.5 Subject to any procedure to the contrary the University shall review the member of Staff's performance in particular against agreed objectives annually during the period of probation, normally around the anniversary of his/her appointment.

3.24.6 With the agreement of the member of Staff, a probationary period may be suspended during long term leave or secondment, for example during a period of long-term sick leave or maternity leave.

3.24.7 Each member of Staff, throughout his/her probationary period, shall have a mentor (who shall not be the Head of School or a line manager of the probationary member of Staff) to provide advice and guidance to the member of Staff. The Head of School shall nominate the mentor and shall, so far as reasonably possible, ensure that the mentor is acceptable to the member of Staff.

3.24.8 Normally the Head of College's decision about the member of Staff's probation shall be made not less than six months after the expiry of the member of Staff's probation period. The probationary status of the member of Staff will continue until such time as a decision based on the final probation report is reached by the Head of College under paragraph 10 or 14 below.

Part III - Process

3.24.9 At the end of the probationary period, a final probation report shall be drafted by the Head of School, who shall seek the comments of the member of Staff before finalising the report and sending it to the Head of College. In the final report, which shall include a report from the member of

Staff's mentor, the Head of School may recommend to the Head of College:

3.24.9 (a) that the probationary period has been successfully completed and, unless the member of Staff is no longer in post, that the appointment be confirmed; or

3.24.9 (b) that the probationary period be extended; or

3.24.9 (c) that the probationary period has not been successfully completed and, as appropriate, that the appointment be not confirmed.

3.24.10 The Head of College shall consider the Head of School's report prepared under clause 3.24.9 above and, following receipt of any clarification which may be required from the Head of School, shall determine how to proceed. In the event that the Head of College decides that the probationary period has been successfully completed, s/he shall inform the Director of Human Resources, and the member of Staff and the Head of School shall be informed accordingly. The member of Staff will be provided with a copy of the Head of School's report.

3.24.11 In the event that the Head of College is minded to determine that the probationary period be extended, or that the appointment be terminated, the member of Staff shall be notified of that fact in writing, and shall be provided with a copy of the report referred to in clause 3.24.9 above. The member of Staff shall be invited to attend a meeting with the relevant Head of College if s/he so wishes and/or to make representations in writing to the relevant Head of College. The member of Staff shall be given at least 14 calendar days notice of the date of any meeting. At any meeting, the Head of College shall be accompanied by the Director of Human Resources (or a nominee with a professional personnel qualification or an experienced personnel practitioner), and may also be accompanied by one or two senior colleagues in an advisory capacity.

3.24.12 At any meeting with the Head of College, the member of Staff will have the rights to be present and to be represented by a member of Staff or trade union representative of his/her choice, and may be accompanied by a friend who shall be a member of Staff and who shall take no part in the proceedings.

3.24.12 (a) If the member of Staff or his or her representative is not available at the time proposed, the meeting shall be postponed to another reasonable time at which both are available being normally not later than 14 calendar days after the date first proposed for the meeting.

3.24.12 (b) The representative attending the meeting with the member of Staff may speak on the member of Staff's behalf, but may not, except with the permission of the Head of College, answer questions (relating to the issues in dispute) on the member of Staff's behalf.

3.24.12 (c) If the member of Staff, having indicated an intention to attend, fails to attend the meeting without a valid reason, or is prevented from attending for such a long period of time that the delay involved would

be unreasonable in all the circumstances, the Head of College shall consider the circumstances preventing the member of Staff attending and shall consult the Director (or an Assistant Director) of Human Resources before deciding whether to proceed with or continue the meeting in the absence of the member of Staff, or whether to postpone it. If the member of Staff is not present at the meeting, he or she shall have the right to be represented at the meeting.

3.24.13 The procedure to be followed by the Head of College shall be at his/her sole discretion but the meeting should be in private.

3.24.14 Following the meeting referred to in paragraph 11 above, or on receipt of notification that the member of Staff does not wish to attend such a meeting, and having considered any written representations made under paragraph 11 above, the Head of College, in consultation with a Pro-Vice-Chancellor (or a Deputy Pro-Vice-Chancellor) shall decide which action shall be taken pursuant to paragraph 9 and the member of Staff shall be notified in writing of the outcome and reasons for the Head of College's decision.

3.24.15 In the event of non-confirmation of the appointment (subject to the outcome of any appeal under Part IV of this Ordinance) the appointment of the member of Staff shall terminate in accordance with the terms of employment of the member of Staff.

Part IV Appeals

3.24.16 In the event of extension of the probationary period of appointment or non-confirmation of the appointment the member of Staff may appeal in writing within 28 days of receipt of the written notice under clause 3.24.14 above setting out the grounds for such an appeal to a Pro Vice-Chancellor (or a Deputy Pro-Vice-Chancellor), who shall be advised by the Director of Human Resources (or a senior nominee with a professional personnel qualification or an experienced personnel practitioner). Neither the Pro Vice-Chancellor (or Deputy Pro-Vice-Chancellor) nor the Adviser may have had any previous involvement in the case, and both should declare any conflict of interest.

3.24.17 At the Appeal Hearing the member of Staff may be represented by any other person, who may be legally qualified and may be accompanied by a friend who shall be a member of Staff and who shall take no part in the proceedings. If the member of Staff or his or her representative is not available at the time proposed for the Appeal Hearing, the meeting shall be postponed to another reasonable time at which they will both be available, being normally not later than 14 calendar days after the date first proposed for the Appeal Hearing. Any representative may attend the Hearing with the member of Staff, may speak on the member of Staff's behalf but may not, except with the permission of the Pro Vice-Chancellor (or Deputy), answer questions (relating to the issues in dispute) on the member of Staff's behalf.

3.24.18 Subject to clause 3.24.17 above, it shall be for the Pro Vice-Chancellor (or Deputy) at his/her discretion to determine, in consultation with the Adviser appointed under clause 3.24.16 above, the procedure to be followed in

preparation for and at the Appeal Hearing which may include without limitation:

3.24.18 (a) a right to call for additional documents;

3.24.18 (b) determining the extent to which witnesses may be called; and

3.24.18 (c) deciding whether it would be appropriate to adjourn or postpone the Appeal Hearing.

The appellant shall have the right to see, question and challenge at the Appeal Hearing any witnesses and any new evidence which may be produced.

The Appeal Hearing will be held in private and the rules of evidence or procedure applicable in a court of law need not apply.

3.24.19 The member of Staff shall indicate to the Adviser appointed under clause 3.24.16 above whether or not s/he wishes to attend the Appeal Hearing in person. If s/he wishes to attend in person, s/he shall take all reasonable steps to attend the Appeal Hearing and/or any reconvened Hearing following an adjournment or postponement. If the member of Staff then fails to attend the Appeal Hearing or any reconvened Hearing following a postponement or adjournment of the Appeal Hearing without reasonable excuse, the Pro-Vice-Chancellor (or Deputy) shall be entitled to proceed in his/her absence. If the member of Staff is not present at the Appeal Hearing, s/he shall have the right to be represented at the Appeal Hearing.

3.24.20 The Pro Vice-Chancellor will make his/her decision and inform the member of Staff accordingly, normally not more than 14 calendar days after the conclusion of the Appeal Hearing. The Pro-Vice-Chancellor (or Deputy) shall be entitled to:

3.24.20 (a) confirm the decision reached by the Head of College under clause 3.24.14 above; or

3.24.20 (b) in a case where the Head of College's decision under clause 3.24.14 above was for the non-confirmation of the probationary appointment, substitute an extension of the probationary period; or

3.24.20 (c) confirm the appointment; or

3.24.20 (d) remit the case to another Head of College, for reconsideration or rehearing, in whole or in part.

3.24.21 The decision of the Pro Vice-Chancellor shall be final unless his/her decision falls within clause 3.24.20 (d) and s/he decides that it shall not be final.

3.24.22 The Pro Vice-Chancellor shall prepare and send to the appellant a

reasoned written decision (normally within 14 calendar days of making his/her decision).

3.25 Dismissal on Other Grounds

The procedure for handling dismissals of Academic Staff under Statute 14, Clause 18 shall be as follows:

Part I - Application and Scope

3.25.1 This Ordinance applies to members of Staff as defined by Statute 14, Clause 2(1) with the exception of the Vice Chancellor.

3.25.2 This Ordinance sets out the procedure to be followed where the University proposes to dismiss a member of Staff under Statute 14, Clause 18(1) that is on grounds of:

3.25.2 (a) some other substantial reason (that is, for reasons other than on the grounds of redundancy, disciplinary action, incapacity on health grounds and those grounds set out in paragraph 2 below) which causes the member of Staff concerned to be unable to carry out the duties of his/her post, of a kind which could lead to the dismissal of an employee holding the position which the employee holds; or

3.25.2 (b) the employee could not continue to work in the position which s/he holds without contravention (either on his/her part or on that of his/her employer) of a duty or restriction imposed by or under an enactment.

3.25.3 The procedure to be followed where the University proposes to dismiss a member of Academic Staff under Statute 14, Clause 18(3), that is on the grounds of reaching their contractual retirement age, or on expiry of any extension to contractual retirement age which may have been granted to an individual member of Staff by the University, will be in accordance with the University's planned retirement policy.

3.25.4 This procedure in this Ordinance shall not apply to:

3.25.4 (a) the proposed non-confirmation in post of a member of Staff at the end of a period of probationary service for any reason;

3.25.4 (b) the proposed dismissal of a member of the clinical Academic Staff by the Vice-Chancellor in the circumstances set out in Statute 14, Clause 19;

3.25.4 (c) the proposed dismissal of a member of Staff where that dismissal would arise from the expiry without renewal of a fixed term contract;

3.25.4 (d) removal from office as Pro-Vice-Chancellor, Deputy Pro-Vice-Chancellor, Head of School, or such other Academic Officer as designated by the Council to which a member of Staff has been elected or appointed and which is distinct from that individual's substantive post; or