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

3.25.4 (e) the proposed dismissal of a member of Staff on grounds of having reached his/her 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.

3.25.5 Before instituting proceedings under this Ordinance, the University shall seek to resolve the situation informally.

3.25.6 If after commencing the procedure in this Ordinance the relevant person or Panel, having sought advice from the Director of Human Resources or a nominee with a personnel qualification or an experienced personnel practitioner, considers that the issue under review should have been dealt with under Part II (Redundancy), Part III (Disciplinary Procedures) or Part IV (Incapacity on Health Grounds) of Statute 14, rather than under this procedure, s/he or the Panel may discontinue proceedings under this Ordinance and transfer the case to the appropriate stage of the relevant procedure.

Part II - General Principles

3.25.7 This Ordinance shall be applied and construed in every case to give effect to the guiding principles set out in Statute 14, Clause 1(1).

3.25.8 The member of Staff will have the rights to be present and to be represented at the Hearing referred to in Parts III and IV of this Ordinance 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.

3.25.8 (a) If the member of Staff or his or her representative is not available at the time proposed, the Hearing 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 Hearing.

3.25.8 (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 Chair of the Panel, answer questions (relating to the issues in dispute) on the member of Staff's behalf.

3.25.8 (c) If the member of Staff fails to attend the Hearing 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 Panel 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 Hearing, in the absence of the member of Staff, or whether to postpone it. If the member of Staff is not present at the Hearing, he or she shall have the right to be represented at the Hearing.

3.25.9 The Vice Chancellor (or in his or her absence the Vice-Principal) in consultation with the Director (or a Deputy or Assistant Director) of Human Resources shall be entitled to suspend the member of Staff on full pay

pending a final decision on the matter. Any suspensions shall be confirmed to the member of Staff in writing by the Director (or Deputy or Assistant Director) of Human Resources.

Part III - The Investigation and Hearing

3.25.10 The decision to dismiss a member of Staff under this Ordinance shall be taken in any particular case by a Panel of persons convened in accordance with Part V of this Ordinance (the "Panel"). This will only take place after an investigation of the circumstances of the case by an employee or officer of the University appointed by the Registrar and Secretary (or nominee), normally assisted by such others as he or she thinks fit, and a *prima facie* finding that there may be grounds for considering dismissal under this Ordinance by the employee or officer, which finding shall be reported to the Registrar and Secretary (or nominee).

3.25.11 Before a decision is taken to dismiss the member of Staff, the Registrar and Secretary or his/her nominee or some other person appointed by the Vice-Chancellor or his or her nominee acting on behalf of the University ("the Appointed Officer") shall write to the member of Staff concerned:

3.25.11 (a) explaining the circumstances which lead the University to consider dismissing the member of Staff;

3.25.11 (b) naming the members of the Panel and its adviser appointed in accordance with Part V of this Ordinance;

3.25.11 (c) inviting the member of Staff to a hearing before the Panel (the "Panel Hearing") and giving the member of Staff at least 21 calendar days notice of the date of the Panel Hearing;

3.25.11 (d) informing the member of Staff of his/her right to be represented or assisted in accordance with paragraph 8 above; and

3.25.11 (e) informing the member of Staff of the identity of the person who will explain to the Panel the proposed reason(s) for the termination of the member of Staff's employment.

3.25.12 As soon as reasonably practicable but in any case well before the Panel Hearing, the member of Staff shall be provided with copies of any documents, and any other information, which the Panel will be asked to consider at the Hearing.

3.25.13 Subject to paragraph 8, it shall be for the Panel in its discretion to determine the procedure to be followed in preparation for and at the Panel Hearing which may include without limitation:

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

3.25.13 (b) determining the extent to which witnesses shall be called;

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

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

3.25.14 As soon as is reasonably practicable after the Panel Hearing (normally not more than 14 calendar days after the conclusion of the Hearing) the Panel shall reach its decision (which may be by majority if necessary) as to whether the member of Staff should be dismissed, suspended (with or without pay), or whether any other appropriate action (including retraining and/or redeployment to alternative work within the University), or no action, be taken. The Panel shall prepare and send to the member of Staff a reasoned written decision (normally within 14 calendar days of making its decision). A report of the Panel's decision will also be sent to the Council. Any dismissed member(s) of Staff shall remain anonymous in any report to Council and in the minutes of meetings at which such reports are considered. Where the decision is to dismiss the member of Staff, the member of Staff will be sent a notice of termination of employment on behalf of the University. The member of Staff shall be notified of his/her right to appeal against the decision under Part IV of this Ordinance.

Part IV - Right of Appeal

3.25.15 If the member of Staff wishes to appeal against the Panel's decision, he or she should do so in writing to the Registrar and Secretary or some other appropriate person nominated by the Vice-Chancellor or his or her nominee (the “Appointed Officer”) within 28 calendar days of receipt of the Panel's decision under paragraph14. The member of Staff should set out the grounds of his/her appeal.

3.25.16 The appeal will be heard by a panel (the "Appeal Panel") constituted in accordance with Part V of this Ordinance.

3.25.17 The Registrar and Secretary or Appointed Officer will write to the member of Staff at least 21 days in advance of the Appeal Hearing:

3.25.17 (a) naming the members of the Appeal Panel and the adviser appointed under paragraph 24(v);

3.25.17 (b) inviting the member of Staff to an appeal hearing (the "Appeal Hearing") and giving the member of Staff at least 21 calendar days notice of the Appeal Hearing; and

3.25.17 (c) informing the member of Staff of his/her right to be represented or assisted in accordance with paragraph 8 above.

The Registrar and Secretary or Appointed Officer will also inform the member of Staff of the person who will be explaining to the Appeal Panel the reason(s) for the dismissal. This person may be legally qualified.

3.25.18 Subject to clause 3.25.8 above, it shall be for the Appeal Panel in its discretion to determine, in consultation with the adviser appointed under sub-clause 3.25.24 (e), the procedure to be followed in preparation for and at the Appeal Hearing which may include without limitation:

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

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

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

The Appeal Hearing shall 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.

3.25.19 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 reconvened Appeal Hearing following any adjournment or postponement.

3.25.20 The Appeal Panel shall be entitled to:

3.25.20 (a) confirm the decision to dismiss the member of Staff;

3.25.20 (b) revoke the decision to dismiss and reinstate the member of Staff with no loss of service; or

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

3.25.21 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.

3.25.22 The decision of the Appeal Panel shall be final unless it falls with sub-clause 3.25.20 (c) and the Appeal Panel decides that it shall not be final.

3.25.23 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 and in the minutes of meetings at which such reports are considered.

Part V - Constitution of the Panel

3.25.24 Any Panel or Appeal Panel referred to in this Ordinance shall be appointed by the Pro Chancellor on a case-by-case basis in accordance with the following rules:

3.25.24 (a) subject to sub-clause 3.25.24 (iv) below, each Panel shall consist of three persons;

3.25.24 (b) at least one member of the Panel but no more than two shall be a lay member of the Council or an Emeritus Professor and at least one

shall be a member of Academic Staff (from a different School (or equivalent) from the member of Staff concerned) drawn from a list agreed from time to time by the Senate of the University;

3.25.24 (c) no Panel member shall have had any previous direct or active involvement in the process, or should have any conflict of interest in the matter. No person may sit on both the Panel and the Appeal Panel in a particular case;

3.25.24 (d) where the Panel is dealing with a member of Staff falling within Statute 14, Clause 19(1) then a representative of a National Health Service or other relevant body may be appointed to the Panel. Where this occurs the Panel may consist of more than three members, but shall not exceed five persons; and

3.25.24 (e) the Panel shall be advised by the Director of Human Resources or a nominee with a personnel qualification or an experienced personnel practitioner.

3.25.25 The Pro Chancellor shall determine who shall chair a Panel convened under this Ordinance.

3.26 Clinical Academic Staff

3.26.1 This procedure applies to a member of the clinical Academic Staff (referred to throughout as "the member of clinical Academic Staff") who is required to engage in clinical work or activities and for that purpose to be registered with the General Medical Council, or General Dental Council or similar body and/or to have an honorary or substantive contract or status with a National Health Service (NHS) Trust or similar NHS body or any other provider of clinical medical or dental services, approved by the University for the purpose of enabling the member of clinical Academic Staff to practise clinical medicine or dentistry (referred to hereafter as the “Clinical Authority”), or any other member of Staff as defined in any Ordinance made under Statute 14 Clause 19(1).

3.26.2 Where the member of clinical Academic Staff ceases to hold any contract or status referred to in paragraph 1 above and/or to hold the clinical registration referred to in paragraph 1 above, whether that registration, contract or status is terminated, withdrawn or revoked by the Clinical Authority, this procedure shall apply for the purpose of determining whether the contract of employment between the University and the member of clinical Academic Staff should be terminated, or in the case of a suspension of the registration, status or contract referred to in paragraph 1, suspended with or without pay.

3.26.3 Where it is recognised by all concerned that the member of clinical Academic Staff has ceased to hold any honorary or substantive contract to carry out clinical duties through no fault of the member of clinical Academic Staff, the University shall seek alternative clinical duties that the member of clinical Academic Staff could perform for another Clinical Authority and seek to facilitate a new honorary or substantive contract to enable the member of clinical Academic Staff to continue to carry out clinical duties.