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clinical registration referred to in paragraph 1 above, whether that registration, contract or status is terminated, withdrawn or revoked by the Clinical Authority, this procedure shall apply for the purpose of determining whether the contract of employment between the University and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.

3.26.4 The University reserves the right to take action to dismiss the member of clinical Academic Staff prior to the hearing of any appeal to the Clinical Authority by him/her against the termination, withdrawal, revocation or suspension of the contract, status or registration referred to in clause 3.26.1.

3.26.5 The University may at any stage during this procedure, as appropriate, suspend the member of clinical Academic Staff (on full pay) either:

3.26.5 (a) pending the outcome of further action under this procedure; or

3.26.5 (b) for as long as any suspension from the clinical registration, contract or status is in place (and in these circumstances the Vice Chancellor or nominee may decide that no further action is to be taken at this time under this procedure).

3.26.6 On being notified that the member of clinical Academic Staff has ceased, or will cease, to hold any contract or status referred to in clause 3.26.1 above and/or to hold the clinical registration referred to in clause 3.26.1 above, whether that registration, contract or status is terminated, withdrawn or revoked by the Clinical Authority, the Vice Chancellor or nominee may:

3.26.6 (a) make, or cause to be made, such enquiries as he or she considers appropriate before proceeding further under this procedure, and advise the member of clinical Academic Staff in writing of the nature of the enquiries that are being made. The member of clinical Academic Staff shall be invited to comment in person or in writing within 14 calendar days; or

3.26.6 (b) proceed directly to clause 3.26.7 below.

3.26.7 After enquiries have been made under paragraph 6 above or in a case where the Vice-Chancellor (or nominee) decides to proceed without making such enquiries, the Vice-Chancellor, or his/her nominee, shall write to the member of clinical Academic Staff

3.26.7 (a) in the event of the suspension by the Clinical Authority of the clinical registration, contract or status referred to in clause 3.26.1 above, to advise that it is not proposed to terminate his/her clinical contract of employment with the University; or

3.26.7 (b) in the event of a suspension by the Clinical Authority of the clinical registration, contract or status referred to in clause 3.26.1 above, or in the event of a pending appeal by the member of clinical Academic Staff to the Clinical Authority against the termination, withdrawal or revocation of that status, to advise that it is not proposed to proceed further under this procedure for the time being; or

3.26.7 (c) in a case where the clinical contract, registration or status referred to in paragraph 1 has been suspended by the Clinical Authority as a substantive disciplinary measure, to advise that the University is contemplating suspending the member of clinical Academic Staff from the substantive academic contract for the period for which the

clinical contract, registration or status referred to in paragraph 1 has been suspended. The member of clinical Academic Staff shall be invited to a meeting in accordance with sub-clause 3.26.7 (d) below; or

3.26.7 (d) in a case where the clinical contract, registration or status referred to in clause 3.26.1 has been terminated, withdrawn or revoked by the Clinical Authority, to advise that the University is contemplating terminating the contract of employment between the member of clinical Academic Staff and the University. The letter shall explain the reasons for this proposed dismissal and may indicate whether any alternative employment might be available to the member of clinical Academic Staff if the dismissal were to proceed. The member of clinical Academic Staff shall be invited to a meeting. The Vice-Chancellor may conduct the meeting in person or appoint a nominee to do so on his/her behalf to discuss the proposed dismissal. The member of Staff shall be advised of his/her right to be represented at that meeting.

3.26.8 The member of clinical Academic Staff will be given at least 21 calendar days' notice of the meeting referred to in sub-clauses 3.26.7 (c) or (d) above.

3.26.9 The Vice-Chancellor, or his/her nominee, may invite any other member of Staff or representative of the Clinical Authority with knowledge of the circumstances of the case to be present at the meeting, to provide information and to participate in the discussion. The Vice-Chancellor (or nominee) will be advised by the Director (or a Deputy or Assistant Director) of Human Resources, and the University may also be legally represented. The member of clinical Academic Staff will be advised in advance of the meeting of the names of any persons who will be present.

3.26.10 The member of Staff will have the rights to be present and to be represented at the meeting referred to in paragraph 7(iii) or 7 (iv) above and at the Appeal Panel Hearing referred to in paragraph 20 below by a member of Staff or trade union representative of his/her choice and by a legally qualified adviser.

3.26.10 (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.

3.26.10 (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 Vice-Chancellor (or nominee), answer questions (relating to the issues in dispute) on the member of Staff's behalf.

3.26.10 (c) If the member of Staff 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 Vice-Chancellor (or nominee) shall consider the

circumstances preventing the member of Staff attending and shall consult the Director (or a Deputy or 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.

3.26.11 No later than 14 calendar days before the meeting, the Vice-Chancellor, or his/her nominee, shall provide the member of clinical Academic Staff with any written evidence to be considered at the meeting.

3.26.12 No later than seven calendar days before the meeting the member of clinical Academic Staff will provide the Vice-Chancellor or his/her nominee with any written evidence to be considered at the meeting.

3.26.13 The member of clinical Academic Staff shall, at least seven calendar days in advance of the meeting:

3.26.13 (a) confirm receipt of the letter referred to in sub-clause 3.26.7 (c) or (d);

3.26.13 (b) state whether it is his/her intention to attend the meeting, and

3.26.13 (c) provide details of any person whom he or she wishes to be present at the meeting and of his/her representation.

3.26.14 Notwithstanding clauses 3.26.11 and 3.26.12, the Vice Chancellor or his/her nominee may:

3.26.14 (a) produce any further written evidence for consideration at the meeting;

3.26.14 (b) allow the member of clinical Academic Staff to produce further written evidence for consideration at the meeting

where that information is relevant to the issues under discussion. The meeting may be adjourned or postponed to allow such further evidence to be considered.

3.26.15 The member of clinical Academic Staff will take all reasonable steps to attend the meeting. A failure of the member of clinical Academic Staff to attend without reasonable grounds acceptable to the Vice Chancellor or his/her nominee shall not prevent a decision being taken.

3.26.16 At the meeting, the Vice-Chancellor or his/her nominee shall explain to the member of clinical Academic Staff why he or she is considering dismissing or suspending the member of clinical Academic Staff. The member of clinical Academic Staff shall then have an opportunity to make representations and/or present evidence and ask any other person present at the request of the member of clinical Academic Staff to give evidence on his or her behalf. Any such person may be questioned by the Vice-Chancellor or his/her nominee.

3.26.17 The Vice Chancellor or his/her nominee may, after the meeting, decide:

3.26.17 (a) in a case where the contract, registration or status referred to in clause 3.26.1 has been terminated, withdrawn or revoked:

(i) to dismiss the member of clinical Academic Staff; or

(ii) to dismiss the member of clinical Academic Staff but offer alternative employment; or

(iii) not to dismiss the member of clinical Academic Staff; or

3.26.17 (b) in a case where the contract, registration or status referred to in clause 3.26.1 has been suspended as a substantive disciplinary measure:

(i) to suspend the member of clinical Academic Staff from his/her University duties with or without pay, for the period of suspension of the clinical contract, status or registration; or

(ii) to suspend, with our without pay, for some lesser period; or

(iii) not to suspend the member of clinical Academic Staff from his/her University duties

and shall write to the member of Staff accordingly, giving reasons.

Appeal

3.26.18 The member of clinical Academic Staff may appeal against a decision made under paragraph 17 within 28 calendar days of the date of receipt of the written decision. Such appeal should be made in writing to the Registrar and Secretary or his/her nominee, setting out the grounds for such an appeal.

3.26.19 Any Appeal will be heard by a Panel of three persons, at least one but no more than two of whom shall be a lay member of Council or an Emeritus Professor and at least one of whom shall be a member of Academic Staff drawn from a list agreed from time to time by the Senate of the University. No Panel member shall have had any previous active or direct involvement in the process, or should have any conflict of interest in the matter. The Pro Chancellor or nominee shall decide who shall chair the Appeal Panel. The Panel shall be advised by the Director of Human Resources or a senior nominee with a personnel qualification or an experienced personnel practitioner.

3.26.20 No later than 14 calendar days before the Appeal Panel Hearing the member of Staff shall be notified of:

3.26.20 (a) the date, time and place of the Appeal Hearing;

3.26.20 (b) his/her right to be represented and/or accompanied at the Appeal Panel Hearing in accordance with clause 3.26.10 above;

3.26.20 (c) the names of the members of the Appeal Panel and its adviser plus

any person attending the Appeal Hearing to present information, which person may be legally qualified.

3.26.21 Subject to clause 3.26.20 above, it shall be for the Appeal Panel in its discretion to determine, in consultation with the adviser appointed under clause 3.26.19, the procedure to be followed in preparation for and at the Appeal Hearing which may include without limitation:

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

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

3.26.21 (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.

3.26.22 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 reconvened Appeal Hearing following any adjournment or postponement.

3.26.23 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.

3.26.24 As soon as is reasonably practicable after the Appeal Hearing, the Appeal Panel will make its decision. The Appeal Panel shall be entitled to:

3.26.24 (a) confirm the decision reached by the Vice Chancellor (or nominee); or

3.26.24 (b) substitute any lesser decision open to the Vice Chancellor under clause 3.26.17 above.

3.26.25 The Appeal Panel shall produce written reasons for the decision normally within 14 calendar days of the Appeal Hearing which will be sent to the member of Staff. A report of the decision will also be sent to 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. The decision of the Appeal Panel shall be final.

3.27 Grievances

The Grievance Procedure for members of Academic Staff referred to in Statute 14 shall be as follows:

<u>Part I - Application and Scope</u>