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>

3.27.1 This Ordinance applies to grievances by members of Staff as defined by Statute 14, Clause 2(1) with the exception of the Vice Chancellor. Where a member of Staff who has raised a grievance leaves the University's employment before the grievance is resolved, with the agreement of the member of Staff, the grievance may either be concluded under this Ordinance or be transferred to the relevant statutory procedure at the point in this Ordinance which has been reached by the date the member of Staff's employment in the University ceases, so that the statutory procedure need not start afresh and cover ground which has already been covered under this Ordinance. Where a former member of Staff raises a grievance after having left the University's employment, provided such grievance is brought to the University's attention normally within three months of the date on which the contract of employment came to an end, the grievance will be handled under any relevant statutory procedure.

3.27.2 As set out in Statute 14, Clause 20(2), this Ordinance applies to grievances by members of Staff concerning their appointment or employment in relation to matters affecting themselves as individuals or their personal dealings or relationships with other Staff of the University, other than:

3.27.2 (a) those for which provision is made elsewhere in Statute 14 or in respect of the outcome of any matter dealt with under Statute 14 (and accordingly, for example, this procedure is not to be used to challenge the outcome or handling of any disciplinary issue dealt with under Statute 14, Part III); and

3.27.2 (b) where the Council, with the agreement of the recognised trade union, has prescribed other procedures to deal with specific types of grievances which are no less favourable to the member of Staff than this Grievance Procedure.

3.27.3 Where a grievance is raised by a member of Staff under this Ordinance and another proceeding under Statute 14 is pending concerning the member of Staff raising the grievance, regardless of which of the two was first raised, the Director (or a Deputy or Assistant Director) of Human Resources will discuss with the member of Staff (or the member of Staff's representative) with a view to reaching agreement on whether the two proceedings can proceed concurrently or in the alternative which of the two shall be processed first. In the event that it is not possible to reach agreement, the matter will be drawn to the attention of the appropriate Pro Vice-Chancellor who, after consulting with the Director (or Deputy or Assistant Director) of Human Resources, will decide how to proceed in the circumstances.

3.27.4 In the event that the person hearing a grievance believes that the substance of the grievance may constitute a disciplinary complaint against another member of Staff, s/he shall consult with the Director of Human Resources (or a nominee with a personnel qualification or an experienced personnel practitioner) to determine whether and, if so, how a disciplinary allegation should be proceeded with. In the event that a disciplinary allegation arises out of a grievance and is handled under the provisions of Statute 14 section 10, the process of the grievance shall be suspended until the action under Statute 14 section 10 is complete, when the member

of Staff raising the grievance in the first place shall decide whether or not to pursue the grievance any further.

Part II - General Principles

3.27.5 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).

3.27.6 Any hearing or appeal convened under this Ordinance shall be held in private and the normal rules of evidence in a court of law need not apply.

3.27.7 At any hearing convened under this Ordinance to discuss the substance of his/her grievance, the member of Staff will have the rights to be present and to be represented at the hearing 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.

3.27.7 (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.

3.27.7 (b) The representative attending 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 person responsible at the time for seeking to resolve the grievance, or the Chair of the Grievance Panel, answer questions (relating to the issues in dispute) on the member of Staff's behalf.

3.27.7 (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 person responsible at the time for seeking to resolve the grievance, or the Chair of the Grievance Panel, 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 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.

Part III

Stage 1

3.27.8 A grievance should in the first instance, as far as is reasonably practicable, be raised within the School for informal resolution. The grievance may be raised with a senior member of Staff of the School, including the Head of School. If the member of Staff bringing the grievance feels it would not be appropriate to raise the grievance within the School, s/he may raise it for informal resolution with another Head of School within the relevant College, who may inquire as to the reasons why the member of Staff feels it is not

appropriate to raise the grievance within the School. The process may include communicating with any person(s) against whom the grievance lies. If the grievance cannot be resolved in this way, then the procedure in paragraph 9 below should be followed.

Stage 2

3.27.9 Where a member of Staff has been unable to raise or to resolve his/her grievance under paragraph 8 above, he or she should put the grievance in writing (in sufficient detail to enable the scope of the grievance to be understood) to the Director of Human Resources who, after consultation with the member of Staff bringing the grievance, shall refer it to a Head of College (or nominee) or a Pro Vice-Chancellor or a Deputy Pro-Vice-Chancellor (the "Appropriate Person") for resolution. The Appropriate Person shall acknowledge receipt of the written grievance, normally within seven calendar days, and shall arrange to meet with the member of Staff (normally within 28 calendar days) to acquaint him/herself with the subject matter of the grievance, seek any clarification which may be required and to determine how to proceed, which may include:

3.27.9 (a) disposing of the grievance as frivolous, vexatious or invalid;

3.27.9 (b) conducting an investigation (which may include communicating or meeting with any person against whom the grievance lies and any others concerned);

3.27.9 (c) seeking to resolve the grievance to the satisfaction of the member of Staff, which may include:

(i) with their consent, holding a meeting between the parties to the grievance;

(ii) recommending the parties to the grievance engage in a formal mediation process;

(iii) seeking, suggesting and/or facilitating physical and/or organisational changes

3.27.9 (d) referring the grievance for consideration by the Vice-Chancellor under clause 3.27.10 below;

3.27.9 (e) any other action which may be appropriate in the circumstances.

At any meeting under this paragraph, any member of Staff shall have the right to be accompanied by a member of Staff or a trade union representative of his/her choice. The Appropriate Person shall ensure that the member of Staff and any person against whom the grievance lies are kept informed of progress with any investigation and in writing of its outcome.

Stage 3

3.27.10 If the Appropriate Person determines under paragraph 9 above that the grievance be referred for the consideration of the Vice-Chancellor, s/he

shall draw the grievance to the attention of the Vice-Chancellor setting out:

3.27.10 (a) details of the grievance; and

3.27.10 (b) details of the steps which have been taken under Stage 2 in relation to the grievance so far, enclosing copies of all relevant correspondence.

If the member of Staff remains dissatisfied following attempts to resolve the grievance under Stage 2 above, s/he may apply to the Vice-Chancellor in writing for redress. In doing so, s/he shall provide the information set out in sub-paragraphs i) – ii) above and setting out the reasons why s/he is dissatisfied with the outcome of Stage 2 to the Vice-Chancellor.

3.27.11 The Vice-Chancellor (or his/her nominee) shall be entitled to:

3.27.11 (a) dismiss the grievance summarily or take no action upon it if he or she considers that the grievance is frivolous, vexatious or invalid; or

3.27.11 (b) in accordance with clauses 3.27.3 and/or 3.27.4 above, delay consideration of the grievance pending the outcome of any other procedures in the University relevant to the subject matter of the grievance; or

3.27.11 (c) seek to resolve the grievance informally; or

3.27.11 (d) decide to refer the grievance to a Panel and request the Pro Chancellor to appoint a Panel in accordance with paragraph 13 below, and notify the member of Staff accordingly.

3.27.12 If the Vice-Chancellor (or his or her nominee) is minded to take action under sub-clauses 3.27.11 (a) – (c) above, s/he shall take this step only after:

3.27.12 (a) writing to the member of Staff to indicate that, on review of the papers, he or she considers it may be appropriate to exercise his/her powers under this paragraph;

3.27.12 (b) inviting the member of Staff to a meeting to make representations, at which meeting the member of Staff may be accompanied by a member of Staff or a trade union representative of his/her choice;

3.27.12 (c) considering any representations made by the member of Staff at that meeting; and

3.27.12 (d) informing the member of Staff how he or she intends to proceed under clause 3.27.11 above.

3.27.13 If the Vice-Chancellor (or his or her nominee) decides to proceed under sub-clause 3.27.11 (d) above, the Grievance Panel ("the Panel"), shall be convened by the Pro Chancellor on a case by case basis and in accordance with the following rules:

3.27.13 (a) each Panel shall consist of three persons (subject to sub-clause 3.27.13 (d) below);

3.27.13 (b) at least one member of the Panel but no more than two shall be a lay member of the Council and at least one shall be a member of Academic Staff (from a different School (or equivalent) from the person raising the grievance) drawn from a list agreed from time to time by the Senate of the University;

3.27.13 (c) no Panel member shall have had any previous direct or active involvement with the member of Staff's grievance, or any conflict of interest in the matter;

3.27.13 (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 and where this occurs the Panel may consist of more than three members, but shall not exceed five persons; and

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

3.27.14 The Pro Chancellor shall determine who shall chair the Panel.

3.27.15 The parties to the grievance shall be the member of Staff raising the grievance and either, as appropriate, the University, represented by an employee or officer of the University (a 'University Representative') appointed by the Registrar and Secretary (or nominee) and/or any other person against whom the grievance lies (referred to below as 'the parties').

3.27.16 The Registrar and Secretary (or nominee) shall write to the parties at least 14 calendar days in advance of the Panel hearing:

3.27.16 (a) naming the members of the Panel (including the adviser appointed under sub-clause 3.27.13 (e) above;

3.27.16 (b) naming the University Representative appointed under clause 3.27.15 above

3.27.16 (c) inviting them to a hearing ("the Hearing"); and

3.27.16 (d) informing the parties that they have the right to be represented or assisted in accordance with clause 3.27.7 above.

3.27.17 Subject to clause 3.27.16 above, it shall be for the Panel at its discretion to determine, in consultation with the adviser appointed under clause 3.27.13 (e) above, the procedure to be followed in preparation for and at the Hearing, which may include without limitation:

3.27.17 (a) determining which documents (if any) should be provided;

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

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

The member of Staff shall have the right to see, question and challenge at the Hearing any witnesses and any new evidence which may be produced. The Hearing will be held in private and the rules of evidence or procedure applicable in a court of law need not apply.

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

3.27.19 As soon as is reasonably practicable after the Hearing the Panel will make its decision (which may be by majority if necessary). The Panel shall decide whether the grievance is or is not well founded and any steps that should be taken as a result, including steps to resolve the grievance to the satisfaction of the member of Staff raising the grievance and, where possible, to the satisfaction of all parties.

3.27.20 The Panel shall prepare and send to the parties a reasoned written decision (normally within 14 calendar days of making its decision). A report of the Panel's decision shall also be sent to Council. The names of the parties shall remain anonymous in any report to Council and in the minutes of meetings at which such reports are considered. Each party shall be notified of his/her right to appeal against the decision taken under clause 3.27.19 above.

Stage 4

3.27.21 If the member of Staff and/or any member of Staff against whom the grievance lies wishes to appeal against the outcome, 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 14 calendar days of receipt of the Panel's decision under clause 3.27.20 above. The member of Staff should set out the grounds of his/her appeal.

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

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

3.27.23 (a) naming the members of the Appeal Panel and the adviser appointed under clause 3.27.29(5);

3.27.23 (b) inviting the parties (as defined in clause 3.27.15 above) to an appeal hearing (the "Appeal Hearing"); and

3.27.23 (c) informing the parties of their right to be represented or assisted in accordance with clause 3.27.7 above.

The Registrar and Secretary or Appointed Officer will also inform the parties of the person who will be explaining to the Appeal Panel the reason(s) for the decision taken under clause 3.27.19 above. This person may be legally qualified.

3.27.24 Subject to clause 3.27.7 above, it shall be for the Appeal Panel in its discretion to determine, in consultation with the adviser appointed under sub-clause 3.27.29 (e), the procedure to be followed in preparation for and at the Appeal Hearing which may include without limitation:

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

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

3.27.24 (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 parties shall have the right to see, question and challenge at the Appeal Hearing any witnesses and any new evidence which may be produced. The parties will be informed before the Appeal Hearing of the procedure the Appeal Panel has decided to adopt as outlined above.

3.27.25 Each party 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.

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

3.27.27 The decision of the Appeal Panel shall be final.

3.27.28 A report of the Appeal Panel's decision will also be sent to the Council. The parties shall remain anonymous in any report to Council and in the minutes of meetings at which such reports are considered.

Part IV - Constitution of the Appeal Panel

3.27.29 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:

3.27.29 (a) subject to sub-clause 3.27.29 (d) below, each Panel shall consist of three persons;

3.27.29 (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;

3.27.29 (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;

3.27.29 (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

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

3.27.30 The Pro Chancellor shall determine who shall chair an Appeal Panel convened under this Ordinance.