

**ANNEXES C–E**

*Annexes C–E show the proposed Codes of Practice and Guidance, and the effect of the proposed changes as set out in the Joint Report: the further amendments set out in the Council's Notice above are printed in italic text; text to be removed is scored through.*

## ANNEX C

**Proposed Codes of Practice****Code of Practice for academic freedom***Rights and freedoms of those in academic positions*

*Individual rights and freedoms: academic freedom, publication rights, and the international exchange of information*

1. Access to the academic positions in the University (which, for the purposes of this Code, means University officers) will be based solely on appropriate academic qualifications, competence, and experience and will be equal for all members of society without any discrimination.
2. Those in academic positions will enjoy ~~within the University~~ freedom within the law of thought, conscience, religion, expression, assembly, and association. They will not be hindered or impeded in exercising ~~within the University~~ their civil rights as citizens, including the right to contribute to social change through freely expressing their opinion of state policies and of policies affecting higher education, and will not suffer any penalties simply because of the exercise of such rights.
3. The University will seek to maintain academic freedom, that is to say, the right of those in academic positions, without constriction by prescribed doctrine, to freedom of teaching and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom to express freely their opinion about the University, freedom from institutional censorship, and freedom to participate in professional or representative academic bodies. They may fulfil their functions without discrimination of any kind and without fear of repression. The University will seek to maintain its democratic atmosphere.
4. Those in academic positions have the right to teach without any interference, subject to accepted professional principles including professional responsibility and intellectual rigour with regard to standards and methods of teaching. They will not be forced to instruct against their own best knowledge and conscience or be forced to use curricula and methods contrary to national and international human rights standards. The University will determine its own curriculum.
5. Those in academic positions have the right to carry out research work without any interference, or any suppression, in accordance with their professional responsibility and subject to nationally and internationally recognized professional principles of intellectual rigour, scientific inquiry, and research ethics. They are encouraged to publish and disseminate their research results in order to assist them to acquire the reputation which they merit, as well as to promote the advancement of science, technology, education, and culture generally. To that end, they will be free to publish, as authors or co-authors, the results of research and scholarship in books, journals, and databases of their own choice, and under their own names.
6. Those in academic positions have the right to undertake professional activities outside of their employment, particularly those that enhance their professional skills or allow for the application of knowledge to the problems of the community, provided such activities do not interfere with their primary commitments to the University in accordance with its policies and regulations and with national laws and practice where they apply.

*Self-governance and collegiality*

7. Those in academic positions have the right and opportunity, without discrimination of any kind, according to their abilities, to take part in the government of the University and to criticize the functioning of higher education institutions, including the University, while respecting the right of other sections of the academic community to participate, and they also have the right to elect a majority of representatives to academic bodies within the University.
8. The principles of collegiality include academic freedom, shared responsibility, the policy of participation of all concerned in internal decision-making structures and practices, and the development of consultative mechanisms. Collegial decision-making should encompass decisions regarding the administration and determination of policies of higher education, curricula, research, extension work, the allocation of resources, and other related activities, in order to improve academic excellence and quality for the benefit of society at large.

*Duties and responsibilities of those in academic positions*

9. Those in academic positions in the University should recognize that the exercise of rights carries with it special duties and responsibilities, including the obligation to respect the dignity and rights of all members and staff of the University, to respect the academic freedom of other members of the academic community, and to ensure the fair discussion of contrary views. Academic freedom carries with it the duty to use that freedom in a manner consistent with the scholarly obligation to base research on an honest search for truth. Teaching, research, and scholarship should be conducted in full accordance with ethical and professional standards and should, where appropriate, respond to contemporary problems facing society as well as preserve the historical and cultural heritage of the world.

10. In particular, the individual duties of those in academic positions in their academic freedom are:
  - (a) to teach students effectively within the means provided by the University; to be fair and equitable to students with disabilities, and to treat students equally, irrespective of gender, race, age, transgender status, sexual orientation, or religion or belief; to encourage the free exchange of ideas between themselves and their students; to be available to them for guidance in their studies; and to ensure, where necessary, that the minimum content defined in the syllabus for each subject is covered;
  - (b) to conduct scholarly research and to disseminate the results of such research or, where original research is not required, to maintain and develop their knowledge of their subject through study and research, and through the development of teaching methodology to improve their pedagogical skills;
  - (c) to base their research and scholarship on an honest search for knowledge with due respect for evidence, impartial reasoning, and honesty in reporting;
  - (d) to observe the ethics of research involving humans, animals, the heritage, or the environment;
  - (e) to respect and to acknowledge the scholarly work of academic colleagues and students and, in particular, to ensure that authorship of published works includes all who have materially contributed to, and share responsibility for, the contents of a publication;
  - (f) to refrain from using new information, concepts, or data that were originally obtained as a result of access to confidential manuscripts or applications for funds for research or training that may have been seen as the result of processes such as peer review, unless the author has given permission;
  - (g) to ensure that research is conducted according to the law; that it does not violate international codes of human rights; and that the results of the research and the data on which it is based are effectively made available to scholars and researchers in the University, except where that might place respondents in peril or where anonymity has been guaranteed;
  - (h) to avoid conflicts of interest and to resolve them through appropriate disclosure and full consultation, so that they have the approval of the University;
  - (i) to handle honestly all funds entrusted to their care for the University for research or for other professional or scientific bodies;
  - (j) to be fair and impartial when presenting a professional appraisal of academic colleagues and students;
  - (k) to be conscious of a responsibility, when speaking or writing outside scholarly channels on matters which are not related to their professional expertise, to avoid misleading the public on the nature of their professional expertise;
  - (l) to undertake such appropriate duties as are required for the collegial governance of institutions of higher education and of professional bodies.
11. Those in academic positions should seek to achieve the highest possible standards in their professional work, since their status largely depends on themselves and the quality of their achievements.
12. Those in academic positions should contribute to the public accountability of the University and of higher education institutions generally without, however, forfeiting the degree of institutional autonomy necessary for their work, for their professional freedom, and for the advancement of knowledge.

### **Code of Practice for probationary periods**

#### *The responsible person*

1. The responsible person, in relation to an officer, is the Head of the appropriate Department or other institution, or the Chairman of the Board, Syndicate, or other body which is chiefly concerned with the officer's duties. He or she is responsible for the duties assigned by this code of practice, but may delegate their actual performance to other persons, and in particular may appoint another person to oversee the probationary period. References to the responsible person should be read accordingly.
2. It is the duty of the responsible person to ensure that a sufficient and accurate written record is kept in relation to each probationary period of which he or she has oversight.
3. Where any concerns or uncertainties arise in relation to this code, the responsible person should consult the Human Resources Division without delay. Their role is to advise on the requirements of fair procedure. It is not to influence the judgment of the responsible person in relation to the probationary process. Employment is a complex area of law in which the need to decide matters fairly and to avoid unlawful discrimination is especially important.

#### *What is probation?*

4. Probation is the period of the appointment during which a new member of staff will show capability to undertake the duties of the position to which he or she has been appointed, and during which he or she will receive guidance and support to that end.
5. Instances of misconduct, rather than lack of capability, should be dealt with separately in accordance with the relevant disciplinary procedures and not under this code of practice.

#### *Starting work*

6. It is the duty of the responsible person to meet the new officer individually when he or she starts work. That meeting should discuss the officer's duties, mutual expectations, and the new officer's development needs.
7. It is the duty of the responsible person to assign a mentor to each new officer on appointment. The mentor should be an experienced senior colleague able to give advice and to provide valuable links and support over the whole range of the new officer's duties. The new officer should be able to share problems and concerns with her or his mentor in confidence.
8. It is the duty of the responsible person to ensure that the following are made clear to and are understood by the new officer:

- the duties to be performed;
  - that the work of probationary staff is monitored to ensure that any problems that occur are discussed with the probationer as and when they arise;
  - the identity of the mentor assigned to the new officer, and the mentor's role;
  - the training and development activities in which the new officer will be expected to participate;
  - that an overall view of the officer's progress, commitment, and general contribution to the work of the institution will be formed during the probationary period, and how that will be done; and
  - that clear evidence of consistent, satisfactory performance of duties during the probationary period will be required for an appointment to be confirmed upon its completion.
9. It is the duty of the responsible person to make a record of the meeting and to copy it to the new officer.

*The probationary period*

10. It is the duty of the responsible person, during the course of the probationary period, to gather information as to progress at appropriate intervals. So far as is reasonably practicable, that information should bear on the full range of duties as well as on general contribution. It should be gathered from all relevant and appropriate sources.
11. It is the duty of the responsible person to meet the probationary officer at least once a year to review progress. Standard forms, provided by the Human Resources Division, must be completed by the responsible person and by the probationary officer. Where concern arises about aspects of the officer's performance, the responsible person should notify the Human Resources Division, who will advise on the steps to be taken, probably including holding more regular progress review meetings.
12. Performance will be assessed against the criteria appropriate for the office held; it will therefore be concerned with appropriate outputs. There must be no doubt that the probationary officer has been performing according to all the relevant criteria and at an appropriately high level. Where concerns arise about the performance of a probationary officer (whether or not at a progress review meeting), he or she should be notified in writing of those concerns without delay.
13. A new mentor may be appointed by the responsible person at any time; but such an appointment will not normally be made except at the request of the probationary officer or of the current mentor, or where replacement is necessary (for example, where the current mentor is leaving the University).

*Early confirmation of appointment*

14. Where the responsible person is of the view that the appointment of the probationary officer should be confirmed before the end of the specified period of probation, he or she will so notify the Human Resources Division, who will advise.

*Agreed extension of the probationary period*

15. Where the responsible person is of the view that the probationary period should be extended because factors beyond the probationary officer's control have left insufficient time for a fair assessment of suitability, or where the probationary officer has made a request to that effect, the responsible person will so notify the Human Resources Division, who will advise.

*Final assessment*

16. The Human Resources Division will notify the responsible person of the time at which to make a final assessment and the evidence which should be assembled for that process.
17. It is the duty of the responsible person, when the evidence is assembled, to arrange in writing to meet the probationary officer to discuss the final assessment.
18. If the responsible person intends to confirm the officer's appointment, or to recommend it for confirmation, he or she will so notify the probationary officer when arranging the meeting. Otherwise the responsible person will say that that is not the case and will notify the probationary officer of her or his right to be accompanied at the meeting by another officer or University employee or by a trade union official.
19. It is the duty of the responsible person, after the meeting, to write to the probationary officer either
- saying that the appointment is confirmed, or is to be recommended for confirmation; or
  - saying that the probationary period is extended and by what period, and specifying the steps that should be taken by the probationary officer to improve performance during the extended probationary period; or
  - giving notice of dismissal, and notifying the officer of her or his right of appeal against that decision; or
  - saying that a recommendation, other than confirmation, is to be made to the Appointments Committee and the nature of that recommendation.
20. Where the matter is referred to the Appointments Committee, the Secretary of the Committee will write to the probationary officer with the decision of the Committee. If the decision is to extend the probationary period, the letter will say by what period and will specify the steps that should be taken by the probationary officer to improve performance during the extended probationary period. If the decision is not to reappoint, the letter will say that and will tell the officer of her or his right of appeal against that decision.

*Appeal*

21. Within ten working days after the date of the letter of non-confirmation resulting in termination of office, the officer may appeal in writing to the secretary of the competent authority setting out the grounds of appeal.
22. On receipt of an appeal, the competent authority will appoint one or more persons to inquire into the

matter and (unless the appeal is withdrawn) to report. The person or persons inquiring into the matter will not report before the appellant has been afforded the opportunity of a meeting at which he or she may be accompanied by an officer or University employee or by a trade union official.

23. Where, after considering the report of the person or persons inquiring into the matter, the competent authority allows an appeal, it may exercise its powers under Statute D, IA, 8 and Statute D, XVII, 7(b) and may direct reappointment for an extended probationary period of a specified term or until the retiring age. Where a direction for reappointment is made then it will be effective (if need be retrospectively) from the date of termination of the appellant's appointment.
24. The decision of the competent authority will be final in the matter.

### **Code of Practice for disciplinary action**

#### *Investigation*

1. In any case of suspected unsatisfactory conduct or performance of an officer, the responsible person should consider whether to investigate the matter personally or whether to delegate all or any part of the investigation to another person. The investigation should proceed in a timely fashion.
2. The investigation may take the form of the assembly of evidence for use at a disciplinary hearing and an initial evaluation of that evidence. It may involve an investigatory meeting with the officer. Such a meeting must be clearly distinguished from a disciplinary hearing. The purpose of the investigation is to enable the responsible person to decide whether or not disciplinary action should be taken.
3. In a case of misconduct that proceeds to disciplinary action, the responsible person will need to consider whether to conduct that action her or himself, or to delegate its conduct. The responsible person should normally delegate it if he or she has been involved in a substantial way in the investigation of the matter.
4. Guidance on the conduct of any investigation is available from the Human Resources Division.

#### *Notifying the Human Resources Division*

5. Where, after investigation, the responsible person has decided to take disciplinary action against an officer under Regulation 12 for removal from office, discipline, and grievances, he or she should notify the Human Resources Division without delay, who will inform the secretary of the competent authority.
6. The role of the Human Resources Division is to advise on the requirement of fair procedure. It is not to influence the judgment of the responsible person in the disciplinary action taken. The involvement of the Division in all cases – however apparently straightforward – is essential, as employment is a complex area of law in which the need to decide matters fairly and to avoid unlawful discrimination is especially important.

#### *Possible removal from office*

7. If the responsible person is of the view that removal from office may be justified, then he or she must refer the matter to the Vice-Chancellor for the authorization of disciplinary action to proceed on that basis. If action on that basis is authorized, it should proceed as described from paragraph 24 below. Otherwise it should proceed as described from paragraph 9 below.
8. Where, during the course of disciplinary action, the responsible person forms the view that removal from office may be justified, he or she must adjourn the action and refer the matter to the Vice-Chancellor for authorization of disciplinary action to proceed on that basis. If action on that basis is authorized, it should be started afresh as described from paragraph 24 below. Otherwise it should be recommenced by the responsible person.

#### *Writing to the officer*

9. The first step is for the responsible person to write to the officer. The letter should contain enough information for the officer to be able to understand both what it is that he or she is alleged to have done wrong and the reasons why it is not acceptable. It should also invite the officer to a meeting at which the matter can be discussed, and it should inform the officer of her or his right to be accompanied at the meeting. Where the responsible person has decided to delegate to another person the conduct of the disciplinary action (whether because of her or his personal involvement in investigatory stage, or for some other reason), the letter should say to whom its conduct has been delegated. The officer should be given copies of any documents that will be produced at the meeting.

#### *The right to be accompanied*

10. The officer has the right to be accompanied by another officer or University employee or by a trade union official. The officer must make a reasonable request (not necessarily in writing) to the responsible person to be accompanied. For example, a request to be accompanied by a person who is a material witness or who has a conflict of interest in the matter at issue would probably not be reasonable. For a person to qualify as a trade union official, he or she must be certified in writing by the union as having experience of, or having received training in, acting as a worker's companion at disciplinary or grievance hearings. The officer has no right to insist on being accompanied by a particular person against that person's will.
11. Before the hearing takes place, the officer should tell the responsible person whom he or she has chosen as a companion. It can sometimes be helpful for the companion and responsible person to make contact before the hearing.

#### *Holding a meeting*

12. Where possible, the timing and location of the meeting should be agreed with the officer and with any companion of the officer. The length of time between the letter and the meeting should be long enough

to allow the officer to prepare but not so long that memories fade. The responsible person should hold the meeting in a private location and ensure there will be no interruptions.

13. At the meeting, the responsible person should explain the complaint against the officer and go through the evidence that has been gathered. The officer should be allowed to set out her or his case and to answer any allegations that have been made. The officer should also be allowed to ask questions, present evidence, call witnesses, and be given an opportunity to raise points about any information provided by witnesses.
14. If the officer cannot attend a meeting the responsible person should be informed in advance as soon as possible. If the failure to attend has arisen as the result of circumstances outside the officer's control and unforeseeable at the time the meeting was arranged (for example illness), the responsible person should arrange another meeting. A decision may be taken in the officer's absence if he or she fails to attend the rearranged meeting without good reason. If the officer's companion cannot attend on a proposed date, the officer can suggest another date so long as it is reasonable and is not more than five working days after the date originally proposed by the responsible person. That five-day time limit may be extended by mutual agreement.
15. The companion should be allowed to address the hearing in order to:
  - put the officer's case;
  - sum up the officer's case; and
  - respond on the officer's behalf to any view expressed at the hearing.

The companion can also confer with the person during the hearing. It is good practice to allow the companion to participate as fully as possible in the hearing, including asking witnesses questions. But the companion has no right to answer questions on the officer's behalf, or to address the hearing if the officer does not wish it, or to prevent the responsible person from conducting the proceedings in any way.

#### *Decide on outcome and action*

16. Following the meeting the responsible person must decide whether any disciplinary sanction is justified or not. Where it is decided that no formal action should be taken the officer should be so informed. Where it is decided that some disciplinary sanction is justified the responsible person will need to consider what form it should take. Before making any decision, account should be taken of the officer's disciplinary and general record, her or his length of service, actions taken in any previous similar case, the explanations given by the officer, and – most important of all – whether the intended disciplinary sanction is reasonable under the circumstances.
17. Where the responsible person decides that a disciplinary sanction is justified by reasons that include a failure or inability to perform, or unsatisfactory performance of, the duties of office, he or she shall consider what steps should be taken to assist the improvement of the officer's performance.

#### *Action: initial warning*

18. Where the conduct or performance of the officer is judged to have been unsatisfactory, the responsible person may issue an initial warning, which will state in writing:
  - the nature of the unsatisfactory conduct or performance;
  - the improvement that is required;
  - the timescale for achieving that improvement;
  - a review date; and
  - any support that will be provided to assist the officer.
 It should further say that it represents the initial stage of a formal procedure and that failure to improve could lead to a final warning and, ultimately, to removal from office. It should refer to the officer's right of appeal.
19. A copy of the warning should be kept and used as the basis for monitoring and reviewing performance over a specified period not exceeding a year.

#### *Action: final warning*

20. Where possible an officer should be given at least one chance to improve her or his conduct or performance before a final written warning is issued. However, if the officer's misconduct or unsatisfactory performance – or its continuance – is sufficiently serious, it may be appropriate to move directly to a final warning.
21. A final warning should also normally be given where there is a failure to improve or change behaviour in the timescale set by an initial warning at the first formal stage but only after fresh disciplinary action has been taken and the officer given a chance to present her or his case at a meeting.
22. A final warning will specify in writing details of the nature of the unsatisfactory conduct or performance. It should warn the officer that failure to improve or modify behaviour may lead to removal from office or to some other penalty. It should refer to the officer's right of appeal.
23. A final warning should specify a period, not exceeding two years, after which it will normally be disregarded for disciplinary purposes.

#### *Removal from office*

24. Where the Vice-Chancellor has authorized disciplinary action to proceed on the basis that removal from office is a possible outcome, *the matter will be referred for determination to the University Tribunal to the University the Registry will appoint a disciplinary committee comprising a chairman and two other members, each selected from Panel A or Panel B maintained by the Council under the regulations for removal from office, discipline, and grievances. The officer appearing before the disciplinary committee will be entitled to object for good cause to the presence on the committee of any of its members. The chairman will rule on any objection and her or his decision will be final.*

25. The steps described above to ensure fair procedure should be followed with any necessary adaptations. The Registry will be responsible for corresponding with the officer and for arranging a meeting of the disciplinary committee to hear the matter. In writing to the officer to inform her or him of the decision of the disciplinary committee, the Registry will refer to the officer's right of appeal.
26. The disciplinary meeting will be conducted by the chairman, who may set time-limits for any stage of the proceedings in order that the matter should be heard and determined in a fair manner as expeditiously as is reasonably practicable. The chairman may make such arrangements to receive secretarial or legal help or advice as he or she may see fit.
27. The chairman may, on the application of the officer, permit her or him to be accompanied by a person who is not an officer or University employee or trade union official.
28. The case will be presented to the committee by the responsible person, who may be accompanied by a companion of her or his choosing, who must be another officer or University employee. The responsible person should also be allowed to ask questions, present evidence, call witnesses, and be given an opportunity to raise points about any information provided by witnesses.
29. If the disciplinary committee concludes that the conduct or performance of the officer is such that he or she should be removed from office, it will determine accordingly; if not, it will take such action (if any) as it may see fit, within the scope of the powers of the responsible person following a disciplinary meeting.

#### *Appeal*

25. An appeal from removal from office by the University Tribunal shall lie to the Septemviri and shall be subject to the Regulations for the Septemviri.
26. Any other appeal must be made in writing to the Registry within ten working days after the date of the initial or final warning, or notice of removal from office, as the case may be, and must state the grounds of appeal. No ground not specified in the notice of appeal will be considered by the appeal committee without the consent of the chairman.
27. The Registry will appoint an appeal committee comprising a chairman, selected from Panel B, and two other members, each selected from Panel A. The officer appealing will be entitled to object for good cause to the presence on the committee of any of its members. The chairman will rule on any objection and her or his decision will be final.
28. Before the appeal hearing, the appellant and the responsible person should submit and exchange written statements. No witnesses may give evidence to the appeal committee except with the consent of the chairman.
29. The appeal meeting will be conducted by the chairman, who may set time-limits for any stage of the proceedings in order that the matter should be heard and determined in a fair manner as expeditiously as is reasonably practicable. The chairman may make such arrangements to receive secretarial or legal help or advice as he or she may see fit.
30. The chairman may, on the application of the officer, permit her or him to be accompanied by a person who is not an officer or University employee or trade union official.
31. The appeal committee may allow or dismiss an appeal, in whole or in part. Its decision is final as regards process within the University.

#### **Code of Practice for removal on medical grounds**

##### *Notifying the competent authority*

1. Where the responsible person believes that the removal from office of a University officer on medical grounds should be considered, he or she should notify the secretary of the competent authority without delay.
2. Where the responsible person has so notified the secretary of the competent authority, or where the responsible person is notified by the secretary of the competent authority that it appears to the competent authority that the removal from office on medical grounds should be considered, the responsible person should thereafter act in accordance with the advice of the secretary of the competent authority in the matter.

##### *Writing to the officer*

3. The first step is for the secretary of the competent authority to write to the officer in accordance with Regulation 19 for removal from office, discipline, and grievances and to follow the process in Regulation 21. Only if that does not result in a consensual course of action will the formal process specified below be needed.

##### *Formal consideration of the matter*

4. The Registry will constitute a medical committee comprising a chairman and two other members. Of those three persons, one will be selected from Panel C and each of the other two from Panel A or Panel B maintained by the Council under the regulations for removal from office, discipline, and grievances. The officer appearing before the medical committee will be entitled to object for good cause to the presence on the committee of any of its members. The chairman will rule on any objection and her or his decision will be final.
5. The Registry will be responsible for corresponding with the officer and for arranging a meeting of the medical committee to hear the matter. The officer should be given copies of any documents that will be produced at the meeting.
6. The secretary of the competent authority is entitled to be a party to the proceedings and may appoint a representative to act for her or himself for that purpose. Where the Registry is the secretary of the

competent authority, he or she must ensure that arrangements for delegation are made that separate entirely the Registry's role under this code of practice from that of the secretary of the competent authority under this code.

#### *The right to be accompanied*

7. The officer has the right to be accompanied by another officer or University employee or by a trade union official. The officer must make a reasonable request (not necessarily in writing) to the secretary of the medical committee to be accompanied. For example, a request to be accompanied by a person who is a material witness or who has a conflict of interest in the matter at issue would probably not be reasonable. For a person to qualify as a trade union official, he or she must be certified in writing by the union as having experience of, or having received training in, acting as a worker's companion at disciplinary or grievance hearings. The officer has no right to insist on being accompanied by a particular person against that person's will.
8. Before the hearing takes place, the officer should tell the Registry whom he or she has chosen as a companion.

#### *Holding a meeting*

9. The meeting will be conducted by the chairman, who may set time-limits for any stage of the proceedings in order that the matter should be heard and determined in a fair manner as expeditiously as is reasonably practicable. The chairman may make such arrangements to receive secretarial or legal help or advice as he or she may see fit.
10. The chairman may, on the application of the officer, permit her or him to be accompanied by a person who is not an officer or University employee or trade union official.
11. The meeting should be conducted so as to ensure that
  - the officer has received the whole of the written evidence that is before the medical committee;
  - the officer is given the opportunity to set out her or his case and to respond to any evidence before the committee;
  - the officer is given the opportunity to ask questions, present evidence, and call witnesses;
  - the officer's companion is allowed to confer with the officer during the hearing and to represent the officer by putting and summing up her or his case and responding on her or his behalf to any view expressed at the meeting (though the companion has no right to answer questions on the officer's behalf, or to address the committee if the officer does not wish it, or to prevent the chairman from conducting the proceedings in any way).
12. If the officer cannot attend a meeting he or she should inform the Registry in advance as soon as possible. The chairman will then decide how to proceed, having regard to the requirements of fair procedure, the rights of the officer concerned, and the need to achieve a resolution of the matter.
13. Where the medical committee is of the view that the officer should undergo medical examination by a qualified medical practitioner nominated by the competent authority, it will ask the secretary of the competent authority to act under Regulation 19(c) for removal from office, discipline, and grievances.

#### *Deciding on the outcome*

14. Following the meeting the medical committee will decide whether or not the officer should be removed from her or his office on medical grounds. Before deciding to remove from office, the committee should consider whether that decision might be avoided by reasonable adaptations affecting the officer's working arrangements or other reasonable adaptations. The Registry will write to the officer and to the secretary of the competent authority notifying them of the decision. If the decision is to remove from office, the letter should refer to the officer's right of appeal.

#### *Appeal*

15. An appeal must be made in writing to the Registry within ten working days after the date of the decision letter of the medical committee, and must state the grounds of appeal. No ground not specified in the notice of appeal will be considered by the appeal committee without the consent of the chairman.
16. The Registry will appoint an appeal committee of three members, comprising a chairman and two other members. Of those three persons, one will be selected from Panel C and each of the other two from Panel A or Panel B. Unless the one from Panel C is independent of the University (in the sense described in Regulation 4 for removal from office, discipline, and grievances), at least one of the others must be from Panel B. The officer appealing will be entitled to object for good cause to the presence on the committee of any of its members. The chairman will rule on any objection and her or his decision will be final.
17. The appeal will be determined following an oral hearing, at which the appellant and the secretary of the competent authority (or her or his representative) will be entitled to make a statement and to address the appeal committee. The appellant may be accompanied by a University officer or employee or by a trade union official, who may represent the appellant.
18. Before the appeal hearing, the appellant and the secretary of the competent authority (or her or his representative) should submit and exchange written statements. No witnesses may give evidence to the appeal committee except with the consent of the chairman.
19. The appeal meeting will be conducted by the chairman, who may set time-limits for any stage of the proceedings in order that the matter should be heard and determined in a fair manner as expeditiously as is reasonably practicable. The chairman may make such arrangements to receive secretarial or legal help or advice as he or she may see fit.

20. The chairman may, on the application of the officer, permit her or him to be accompanied by a person who is not an officer or University employee or trade union official.
21. The appeal committee may allow or dismiss an appeal, in whole or in part. Its decision is final as regards process within the University. The Registry will write to the appellant, the responsible person, and the secretary of the competent authority notifying them of the decision.

#### **Code of Practice for appeal against selection for removal or dismissal on grounds of redundancy**

1. An appeal must be made in writing to the Registry within ten working days after the date of the notice of selection, and must state the grounds of appeal. No ground not specified in the notice of appeal will be considered by the appeal committee without the consent of the chairman.
2. Where the Registry is the secretary of the competent authority, he or she must ensure that arrangements are made to separate entirely the Registry's role under this code of practice from that of the secretary of the competent authority under this code.
3. The Registry will appoint an appeal committee comprising a chairman, selected from Panel B, and two other members, each selected from Panel A maintained by the Council under the regulations for removal from office, discipline, and grievances. The officer appealing will be entitled to object for good cause to the presence on the committee of any of its members. The chairman will rule on any objection and her or his decision will be final.
4. The appeal will be determined following an oral hearing, at which the appellant and the secretary of the competent authority (or her or his representative) will be entitled to make a statement and to address the appeal committee. The appellant may be accompanied by a University officer or employee or by a trade union official, who may represent the appellant.
5. Before the appeal hearing, the appellant and the secretary of the competent authority (or her or his representative) should submit and exchange written statements. No witnesses may give evidence to the appeal committee except with the consent of the chairman.
6. The appeal meeting will be conducted by the chairman, who may set time-limits for any stage of the proceedings in order that the matter should be heard and determined in a fair manner as expeditiously as is reasonably practicable. The chairman may make such arrangements to receive secretarial or legal help or advice as he or she may see fit.
7. The chairman may, on the application of the officer, permit her or him to be accompanied by a person who is not an officer or University employee or trade union official.
8. The Registry may appoint a single appeal committee to deal with more than one appeal. In that case, the chairman may decide to hear jointly one or more of those appeals where he or she is of the view that it would be fair and expedient to do so.
9. Following the hearing of the appeal, the appeal committee will consider the facts of the case and may allow or dismiss an appeal, in whole or in part. The Registry will write to the appellant, the responsible person, and the secretary of the competent authority notifying them of the decision.

#### **Code of Practice for the retirement of University officers and for the continuation of employment beyond the normal retirement age**

##### *The normal retirement age*

1. The normal retirement age specified in Statute D, I, 11 for a University officer is the end of the academical year in which he or she attains the age of sixty-seven years.
2. Statute D, I, 11 prevents the continuation of an officer in her or his University office after the normal retirement age. Therefore any continuation of employment will be in an unestablished post on terms determined in accordance with this code of practice.
3. Except with the consent of the competent authority, any continuation of employment will be for a period not exceeding three years. A former University officer who is continued in employment may apply for a further continuation at the end of that period in accordance with this code of practice (disregarding paragraph 7 and applying paragraph 18 below).

##### *Scope of the code of practice*

4. This code of practice applies to University officers. It may be applied to such other categories of University staff as the competent authority may determine.
5. Where the institution or body which is chiefly concerned with the officer's duties is within a School, then the procedure described in the following paragraphs will apply. Where that is not the case, then a similar procedure approved by the competent authority will apply.

##### *Application for the continuation of employment*

6. The Human Resources Division will write at the beginning of the academical year at the end of which an officer reaches the normal retirement age telling the officer of her or his retirement date and the steps to be taken to request continuation of employment after that date. The letter will be copied to the responsible person for the officer concerned.
7. However, in order to allow for forward planning, at least a year earlier than that the responsible person will discuss with the officer her or his future plans and will write to the officer asking that any application for the continuation of employment should be received in writing on the form provided for that purpose not later than 31 October twenty-three months before the normal retirement age. Such an application may be for full-time or part-time employment and should state a new proposed date of retirement. It should be accompanied by the officer's full *curriculum vitae*.



8. On receipt of an application for the continuation of employment, the responsible person will write to the officer inviting her or him to a meeting to discuss the matter at which the officer has the right to be accompanied by a University employee or by a trade union official. If the officer so wishes, he or she may notify the responsible person in writing that such a meeting is not required.
9. Applications for the continuation of employment will be considered by a Retirement Committee constituted by the School, who will receive
  - (a) the officer's application and *curriculum vitae*;
  - (b) any additional written evidence from the officer;
  - (c) a report from the responsible person, which will include
    - (i) a statement of the benefits to the institution or body chiefly concerned with the officer's duties of retaining the services of the officer, weighed against the benefits of discontinuing or replacing those services;
    - (ii) a statement of the resource implications for the institution or body;
    - (iii) an undertaking that the institution or body will assume financial responsibility for the continuation of employment, or a statement of the extent to which that is not the case and the reasons for it;
    - (iv) an assessment of the application against the forward plans for the institution or body, and a statement of the plan for the future discontinuance or replacement of the officer's services; and
    - (v) a recommendation for the approval (and on what terms, if different from those of the application) or for the rejection of the application;
  - (d) a report from the Head of the School, which will include
    - (i) a statement of the benefits to the School of retaining the services of the officer, weighed against the benefits of discontinuing or replacing those services;
    - (ii) a statement of the resource implications for the School;
    - (iii) a report on any statement by the responsible person that the institution or body concerned with the officer's duties is unwilling to assume financial responsibility for the continuation of employment; and
    - (iv) an assessment of the application against the forward plans for the School.
10. The Council of the School, after consultation with the Human Resources Division, may approve any policies in amplification of this code of practice. Any such policies shall be made public and shall be specifically notified to all officers nearing the retiring age.
11. The Retirement Committee will send the papers relating to each application, together with the minute recording their recommendation on it, to the Council of the School for approval. Where the recommendation is for the continuation of employment, the minute should state the recommended terms of that continuation. All applications received by 31 October in accordance with paragraph 7 above should be considered as a gathered field by the Retirement Committee and by the Council of the School, and the Council of the School should aim to complete the process by the following 31 March.
12. The papers and the minute recording the decision of the Council of the School in respect of each application will be sent to the Human Resources Division and to the competent authority, accompanied by an undertaking by the School to assume financial responsibility for all continuation of employment.
13. The officer will be notified in writing by the secretary of the competent authority of the decision to offer a continuation of employment or to reject the application for continuation. The decision letter will specify a date by which the officer must accept any offer of continuation in writing (after which it will lapse), and (unless an offer is made on the terms applied for) will tell the officer of her or his right of appeal against that decision.

#### *Appeal*

14. Within ten working days after the date of the decision letter, the officer may appeal in writing to the secretary of the competent authority setting out the grounds for appeal.
15. On receipt of an appeal, the competent authority will appoint one or more persons to inquire into the matter and (unless the appeal is withdrawn) to report. The person or persons inquiring into the matter will not report before the appellant has been afforded the opportunity of a meeting at which he or she may be accompanied by an officer or University employee or by a trade union official.
16. After considering the report of the person or persons inquiring into the matter, the competent authority may dismiss the appeal, or may offer a continuation of employment on such terms as it may see fit.
17. The decision of the competent authority will be final in the matter.

#### *Late applications*

18. Where an application for the continuation of employment is received later than the date specified in paragraph 7 above, the responsible person shall at once notify the Human Resources Division, who will advise on the process to be followed. That process will, so far as is reasonably practicable, follow the procedure specified above.

#### *The management of conflict of interest*

19. Where the officer concerned is the Head of the appropriate Department or other institution, or the Chairman of the Board, Syndicate, or other body which is chiefly concerned with her or his own duties, the responsible person shall be the Head of the School.
20. Where the officer concerned is the Head of the School, the responsible person shall be the secretary of the competent authority (both in relation to the office of Head of School and in relation to any other office held by the officer concerned, but in respect of any other office the secretary of the competent authority shall seek the advice of whomever would otherwise be the responsible person).

21. No officer shall receive any papers or participate in the discussion of any body in relation to her or his own application for the continuation of employment.
22. The responsible person for an officer shall not participate in any discussion by the Retirement Committee of that officer's application (but may participate in such discussion by the Council of the School).

*Annual review*

23. During the Easter Term of each academical year, the papers from Schools and comparable authorities will be received by the Human Resources Committee, who will review the operation of this code of practice and will report to the Council and to the General Board.

**Code of Practice for the redress of grievances**

*General*

1. Every member of staff has a right to raise any concerns, problems, or complaints relating to her or his terms and conditions of appointment or employment, unless the matter is subject to other agreed procedures. The purpose of this code is to resolve such grievances as informally, fairly, consistently, and speedily as possible.
2. Most grievances should first be raised informally by the member of staff with her or his line manager or other person to whom the member looks for instruction and guidance.
3. A member of staff may at any time withdraw a grievance or may agree that it has been resolved.
4. The purpose of this code of practice is to provide an appropriate means for University staff to seek redress of workplace concerns. Where after investigation a grievance is found to be vexatious or malicious and without any reasonable foundation, disciplinary action may follow.

*Mediation*

5. At the first and second stage of the grievance procedure the aggrieved member of staff and the person responsible for considering the grievance shall consider whether to refer the matter to mediation.

*First Stage*

6. If the grievance cannot be resolved by informal discussions, then the member of staff may make a written complaint to the Head of the institution in which her or his appointment is held.
7. If the grievance directly concerns the Head of the institution, the member of staff should write to the Director of Human Resources, who will appoint a person to act in place of the Head of institution in the Second Stage of the grievance procedure.
8. On receipt of a written grievance a Head of institution should notify the Human Resources Division without delay, who will inform the secretary of the competent authority.
9. That applies also in the case of a written grievance from a former member of staff relating to her or his previous appointment or employment.
10. The role of the Human Resources Division is to advise on the requirement of fair and correct procedure. The involvement of the Division in all cases – however apparently straightforward – is essential, as employment is a complex area of law in which the need to decide matters fairly and to avoid unlawful discrimination is especially important.

*Second Stage*

11. The Head of the institution will arrange a meeting with the member of staff, if possible within five working days after receipt of the complaint, and will inform the member of her or his right to be accompanied, confirming that information in writing.
12. The member of staff has the right to be accompanied by a University employee or by a trade union official. The member must make a reasonable request (not necessarily in writing) to be accompanied. For example, a request to be accompanied by a person who is involved in the substance of the grievance would probably not be reasonable. For a person to qualify as a trade union official, he or she must be certified in writing by the union as having experience of, or having received training in, acting as a worker's companion at disciplinary or grievance hearings. The officer has no right to insist on being accompanied by a particular person against that person's will.
13. Before the hearing takes place, the member of staff should tell the Head of institution whom he or she has chosen as a companion. It can sometimes be helpful for the companion and the Head of institution to make contact before the hearing.
14. Where possible, the timing and location of the meeting should be agreed with the member of staff and with any companion of the member. The meeting should be held in a private location and there should be no interruptions. If the member's companion cannot attend on the proposed date, the member can suggest another date so long as it is reasonable and is not more than five working days after the date originally proposed by the responsible person. That five-day time limit may be extended by mutual agreement.
15. At the meeting, the member of staff should be allowed to explain the complaint and say how he or she thinks it should be settled. If a point in the meeting is reached where the Head of institution is not sure how to deal with the grievance or believes that further investigation is necessary, he or she should adjourn the meeting to get advice or to investigate further.
16. The companion should be allowed to participate as fully as possible in the meeting, and to confer with the member of the staff during the course of the meeting. But the companion may not answer questions on the member's behalf; nor address the meeting if the member does not wish it; nor prevent the Head of institution from conducting the proceedings in any way.
17. The Head of institution should give the grievance careful consideration before responding.

18. The Head of institution should write to the member of staff within a reasonable time, and normally not more than five working days after the meeting, responding to the grievance and referring to the member's right of appeal. Where it is not possible to respond within five working days the member should be given an explanation for the delay and told when a response can be expected.

### *Third Stage*

19. If the member of staff wishes to appeal, he or she may, within ten working days after the date of the letter of response, write to the Director of Human Resources asking that the grievance be referred to the Human Resources Committee.
20. On receipt of such a request, the Human Resources Committee will appoint one or more persons to inquire into the grievance with a view to resolving it, and to report.
21. If the grievance is withdrawn, or agreed to have been resolved, by the member of staff who made it, then the person or persons inquiring into the grievance shall not be obliged to proceed further or to report.
22. The Human Resources Committee will decide, after consideration of the report, what action (if any) to take.
23. The Human Resources Committee and the person or persons appointed to inquire into the grievance shall proceed with all reasonable speed.

### *Rules of inquiry*

24. The following rules shall apply as regards an inquiry under the Third Stage of the grievance procedure:
  - Before any report is made, the aggrieved member of staff shall be heard. Such a hearing need not be by all of the persons (if more than one) inquiring into the grievance.
  - The aggrieved member of staff shall be entitled to be represented or accompanied for that purpose by a trade union officer or another member of staff.
  - Subject to the above rules, the conduct of the inquiry shall be determined in a way considered just and fair by the person or persons conducting it.