

## **General Principles and Definitions for the operation of the Ordinances 26 to 31 relating to Employees**

### **(Ordinance 25)**

#### **1. Operating Principles**

Ordinances 26 to 31 relating to employees shall be applied and construed to give effect to these operating principles;

1. **Appeals.** Any decision made under any procedure prescribed by Ordinances 26 to 31 will remain in force pending the outcome of an appeal.
2. **Appeal by clinical academic member of staff.** Where an appeal is made under any of the procedures prescribed by Ordinances 26 to 31 by a member of the clinical academic staff, who is required to engage in clinical work or activities and for that purpose to be registered with the General Medical or Dental Council or similar body and/or to have an honorary or substantive contract or status with a National Health Service Trust or similar body, then the panel may include, in addition to its other members, an appropriate representative of the National Health Service.
3. **Confidentiality.** All parties involved in the operation of Ordinances 26 to 31 must ensure that they maintain, as appropriate, confidentiality within and outside the University. However, none of this shall preclude information being given to any person where this is appropriate, and the University may disclose information:
  - (i) to those who need to know in order to discharge their responsibilities;
  - (ii) where disclosure is necessary in the interests of health and safety at work or the welfare of other staff, students or the public;
  - (iii) where disclosure is required by law;
  - (iv) to witnesses and/or attendees at the meetings within the procedures.
4. **Equality.** It is expected that Ordinances 26 to 31 will be operated impartially and that all parties involved in the procedures prescribed by them will be treated with respect and dignity and that no individual will be unjustifiably discriminated against. This includes discrimination because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

5. **The Role of Human Resources (“HR”).** HR will:
  - (i) provide guidance and support to all parties involved in the operation of the procedures prescribed by Ordinances 26 to 31;
  - (ii) advise on the fair and consistent application of the relevant procedure;
  - (iii) give guidance to the Appropriate Manager on their responsibilities under the relevant procedure; and
  - (iv) be mindful of any conflict that may arise in these roles.
6. **Nominees.** References to University post holders shall be construed to refer either to the post holder or to a person nominated by him or her to act with full authority on his or her behalf.
7. **Notices and formal communication.** The University will deem any notification to be received by an employee within two days of it being posted to his/her home address as notified by the employee from time to time. If the notification is sent by email it will be deemed to have been received the day after it is sent.
8. **Postponement.** Employees (and any representative) must make every effort to attend all meetings arranged under Ordinance 26 to 31. If the Employee (or their representative) is unable to attend the meeting, they should inform HR as soon as possible. In the event that the employee fails to attend a meeting without good reason, the University reserves the right to make a decision in their absence.
9. **Recordings.** Audio and visual recordings in any form are prohibited during any meetings or hearings taking place under Ordinances 26 to 31 unless agreed in advance and for reasons of accessibility.
10. **Review.** Ordinances 26 to 31 will be reviewed from time to time to ensure that they reflect the University’s legal obligations and its organisational and operational needs.
11. **Right to be accompanied.** At any meetings or hearings prescribed by Ordinances 26 to 31 where formal action is being taken, employees have the right to be accompanied by a colleague, friend, trade union or other representative. Although the representative will be able to address the meeting and to confer with the employee during the meeting s/he will not be permitted to answer any questions on behalf of the employee. In some circumstances the employee’s choice of companion may not be accepted. In such circumstances the employee will be asked to select an alternative representative.
12. **Statutory references.** References in Ordinances 26 to 31 to any statute are a reference to it as amended, extended or re-enacted from time to time. A reference to legislation shall include all subordinate legislation made from time to time under that statute.

13. **Suspension.** The decision to suspend an employee under Ordinances 26 to 31 will be taken by the HR Director or their nominee. The University will advise the employee of the expected length of that suspension and will keep them informed of any changes in that timeframe. The employee will be required to cooperate with any investigation and to be available for interview(s) during working hours. The University may impose conditions during the period of suspension and the employee will be notified accordingly. Any suspension may include the suspension of use of the University's intranet and email account. Suspension is a neutral act and is not considered by the University to be a disciplinary sanction.
14. **Timescales.** Whilst every effort should be made by the University to comply with any timescales prescribed by Ordinances 26 to 31, timescales may be extended in complex cases. In such circumstances the University should keep the employee informed and advise them of the reasons for any delay.
15. **Trade Union Representatives.** Where formal proceedings are contemplated against a Trade Union Representative under Ordinances 26 to 31, the HR Director or nominee shall inform the chair or secretary and the full time official of the Union of those circumstances before any formal meeting.

## **Definitions**

1. **Appropriate Manager** means the Line Manager, Principal Investigator, Head of Department, Head of Section, Head of Discipline, Technical Manager, the Head of School, School or Faculty Manager, or other manager within the line management structure. Where appropriate HR will consider and advise on who the Appropriate Manager is in respect of the operation of all or part of a particular procedure or policy.
2. **Trade Union Representative** means an accredited representative of a trade union recognised by the University.