

REGULATION 36 PROCEDURE FOR DISMISSAL ON GROUNDS OF SOME OTHER SUBSTANTIAL REASON OR STATUTORY BAR

1. INTRODUCTION

1.1 This Procedure sets a procedural framework for considering the dismissal of members of staff, on grounds other than those for which other specific procedures have been adopted by the University. Its purpose is to ensure that such cases are considered fairly, that (save as otherwise specified in this Procedure), no decision is taken, unless the member of staff has had the opportunity to make representations regarding his/her proposed dismissal, and to provide for a right of appeal.

1.2 This Procedure applies when it is proposed to terminate the employment of any member of staff for reasons *other* than :

- (i) misconduct
- (ii) performance
- (iii) medical incapacity or ill health
- (iv) redundancy
- (v) non-confirmation in post at the end of a probationary period.

1.3 Examples of proposed dismissals to which this Procedure may apply are:

- (i) the proposed dismissal of a member of staff who has been employed to cover the absence of a member of staff (the substantive post holder), - for example, during the substantive post holder's absence on research, or sabbatical leave, secondment, or maternity leave - on the basis that the substantive post holder is due to return to his/her employment, or if the substantive post holder is not so returning, that the substantive post is to be advertised;
- (ii) where the member of staff's employment cannot be continued without the University, or the member of staff contravening any statutory duty or restriction. In such cases, the University may need to terminate the employment with immediate effect, in which case the stages of the Procedure set out in paragraph 4.1 to 4.4 below will not apply, but the member of staff shall still have the right to appeal against his/her dismissal.

2. APPLICATION OF THE PROCEDURE

2.1 This Procedure applies to all staff, including Associate Tutors and other staff contracted to work on a fixed term contract, of less than one year.

The University acknowledges that there may be circumstances where the proposed dismissals to which this Procedure applies need to be the subject of collective consultation with the trade

union representatives of the affected members of staff, and that nothing in this Procedure shall preclude such collective consultation taking place.

3. RIGHT TO BE ACCOMPANIED

- 3.1 Members of staff may be accompanied at formal meetings or hearings under this Procedure, by a colleague employed by the University, or a trade union representative. The companion will be able to confer with the member of staff during the meeting or hearing, and will be allowed to address the meeting or hearing in order to put forward, and sum up, the member of staff's case, respond on the member of staff's behalf, to any view expressed at the hearing, and ask questions of clarification. The companion will not be able to answer questions on the member of staff's behalf.
- 3.2 Should the chosen companion be unavailable to attend the meeting or hearing on the first notified date, the member of staff shall immediately request a postponement by proposing an alternative date and time, which should be within five days of the date originally notified. Where this is not possible, the member of staff shall choose an alternative person to accompany him/her to the meeting or hearing.
- 3.3 The member of staff and companion shall make every effort to attend meetings, or hearings, under this Procedure. It is the member of staff's responsibility to notify his/her chosen companion of the details of the meeting, or hearing, including the date, time, and location of the meetings, as well any relevant documentation relating to his/her case.
- 3.4 If a member of staff, or his/her companion, becomes unable to attend any meeting or hearing for reasons that were unforeseeable at the time of arranging the meeting, the member of staff will be notified of a new date, time, and location, for the meeting. If a member of staff, or his/her companion, fails to attend a meeting or hearing without good reason, the University reserves the right to proceed with the meeting or hearing, in the absence of the member of staff, or his/her companion.

4. PROCEDURE

- 4.1 The Director of Human Resources or his/her delegate will write to the member of staff setting out the reasons for the proposed termination of the member of staff's employment, and invite him/her to a meeting with a nominated person (accompanied by an HR representative), to discuss that proposal. The member of staff will be provided with copies of any relevant documentation to be considered at the meeting.
- 4.2 The member of staff will be advised of his/her right to be accompanied, under paragraphs 3.1 to 3.4 to above.
- 4.3 At the meeting, the reason for the proposed dismissal will be explained to the member of staff, who will have the opportunity to be heard.

