



### **Ordinance 1 – Members of the University**

- 1.1 The following shall be members of the University:
- (i) The Officers of Swansea University namely the Chancellor, the Pro-Chancellors, the Treasurer, the Vice-Chancellor, the Provost, the Pro-Vice-Chancellors, and the holders of such other posts as the Council may from time to time determine.
  - (ii) The members of the Council of Swansea University.
  - (iii) The members of the Senate of Swansea University.
  - (iv) The members of the Court of Swansea University.
  - (v) The Emeritus Professors of Swansea University.
  - (vi) The Emeritus Professors of the University of Wales who were formerly members of the academic staff of the University College of Swansea or the University of Wales Swansea.
  - (vii) Honorary Professors and others granted honorary titles in Swansea University and the University of Wales Swansea.
  - (viii) All persons holding a written contract of employment with Swansea University.
  - (ix) The graduates of Swansea University.
  - (x) The graduates of the University of Wales who were formerly members of the University College of Swansea or the University of Wales Swansea.
  - (xi) The students pursuing courses of study within Swansea University.
  - (xii) All co-opted lay members of committees established in accordance with Ordinance 7
- 1.2 Membership of Swansea University shall continue for the individual member so long as at least one of the above conditions shall be met.
- 1.3 Membership of Swansea University has no legal significance and conveys no rights, privileges or obligations save as are set out in the Charter and the Statutes.

## **Ordinance 2 – University Officers – Roles and Appointment**

### **2.1 Chancellor**

- (i) The Chancellor shall be a lay officer appointed by the Council and shall hold office for four years or until his or her previous death or resignation.
- (ii) The Chancellor shall preside over the meetings of the Court.
- (iii) The Chancellor shall confer Degrees and present other awards and distinctions of the University. In the absence of the Chancellor, and during any vacancy, the Vice-Chancellor or, in consultation with the Vice-Chancellor either of the Pro-Chancellors, shall exercise this power.

### **2.2 Pro-Chancellors**

- (i) The Pro-Chancellors shall be lay officers appointed by the Council and shall hold office for four years or until their previous death or resignation.
- (ii) In the absence of the Chancellor, or during any vacancy, either of the Pro-Chancellors shall preside at meetings of the Court.
- (iii) The Council shall designate one of the Pro-Chancellors to chair meetings of the Council and to guide the Council in discharging its responsibilities in full and in accordance with the Charter, Statutes, Ordinances and Regulations of the University.

### **2.3 Treasurer**

- (i) The Treasurer shall be a lay officer appointed by the Council and shall hold office for four years or until his or her previous death or resignation.
- (ii) The Treasurer shall have a background in finance or accounting.
- (iii) The Treasurer shall take an overview of the University's finances and its financial strategy.
- (iv) The Treasurer shall chair the Finance and Strategy Committee.

## **2.4 Vice-Chancellor**

### **2.4.1 Appointment of the Vice-Chancellor**

- (i) The Vice-Chancellor shall be appointed by the Council and shall hold office for such period and under such conditions as may from time to time be determined by the Council.
- (ii) In the event of a vacancy or impending vacancy in the office of Vice-Chancellor, the Pro-Chancellor who chairs Council (or someone acting on his or her behalf) shall give notice that a Committee of Selection for the office of Vice-Chancellor shall be appointed by the Council.
- (iii) The Council shall require the Governance and Nominations Committee to make recommendations to the Council as to the constitution and membership of the Selection Committee.
- (iv) In formulating its recommendations to Council, the Governance and Nominations Committee shall have due regard to:
  - the objects, mission and strategic imperatives of the University;
  - the responsibilities of Council under the Statutes and Ordinances;
  - the membership of the University; and
  - equality and diversity matters.

### **2.4.2 The role of the Vice-Chancellor**

- (i) The Vice-Chancellor, as the chief executive officer of the University, shall be responsible to the Council for the efficient and effective functioning of the University.
- (ii) The Vice-Chancellor shall chair the Senate.
- (iii) The Vice-Chancellor shall be an ex-officio member of the statutory bodies of the University and of all University committees with the exception of the Audit, Assurance and Risk Committee, and the Remuneration Committee.
- (iv) In the absence of the Chancellor, or during any vacancy, the Vice-Chancellor shall have the authority to confer Degrees and present other awards and distinctions of the University.
- (v) Subject to the provisions of the Regulations, the Vice-Chancellor may refuse to admit or may suspend or may withdraw any student from his or her studies and may exclude any student from any part of the University.
- (vi) Subject to the provisions of the Statutes, the Ordinances and the Regulations, the Vice-Chancellor may suspend on full pay, dismiss or remove from office any member of - staff.

- (vii) The Vice-Chancellor is the Accountable Officer of the University.
- (viii) The Vice-Chancellor may delegate any of the functions listed above in clauses (ii), (iii), (iv), and (v) to the Provost or a Pro-Vice-Chancellor.
- (vix) During the unplanned absence or incapacity of the Vice-Chancellor or during a vacancy in the office of Vice-Chancellor, the Council of the University may appoint an Acting Vice-Chancellor, who during such absence, incapacity or vacancy (as the case may be) shall exercise and perform all the functions of the Vice-Chancellor until such time as the existing post-holder resumes their duties, or until a permanent appointment is made in accordance with 2.4.1, or for such period as may be decided by the Council.

## **2.5 Provost**

- (i) The Provost shall be appointed by the Council on the recommendation of the Vice-Chancellor from among the Professorial members of the University or shall be appointed via the decision of an Appointments Committee convened by the Vice-Chancellor in accordance with relevant University procedures for Professorial appointments and this decision shall be reported to the Council.
- (ii) The Provost shall hold office for such periods and under such conditions as may from time to time be determined by the Council.
- (iii) The Provost shall exercise such functions as are delegated by the Vice-Chancellor and shall have such responsibilities as are determined by the Vice-Chancellor.
- (iv) Where there is a vacancy or a temporary absence or inability of the Provost, the Vice-Chancellor may make a recommendation to the Chair of Council for the appointment of an Acting Provost. The appointment of an Acting Provost shall normally be for the duration of the vacancy in office or of the temporary absence or inability of the principal holder thereof. If the appointment is likely to be for a period of more than 6 months, the Vice-Chancellor will consult with Senate and Council before making a recommendation to the Chair of Council. The Chair of Council may then approve the appointment of an Acting Provost and the appointment will be reported to Senate and Council.

## **2.6 Pro-Vice-Chancellors**

- (i) The Pro-Vice-Chancellors shall be appointed by the Council on the recommendation of the Vice-Chancellor from among the Professorial members of the University or shall be appointed via the decision of an Appointments Committee convened by the Vice-Chancellor in accordance with relevant University procedures for Professorial appointments and this decision shall be reported to the Council.

- (ii) The Pro-Vice-Chancellors shall hold office for such periods and under such conditions as may from time to time be determined by the Council.
- (iii) The Pro-Vice-Chancellors shall exercise such functions as are delegated by the Vice-Chancellor and shall have such responsibilities as are determined by the Vice-Chancellor.
- (iv) Where there is a vacancy or a temporary absence or inability of a Pro-Vice-Chancellor, the Vice-Chancellor may make a recommendation to the Chair of Council for the appointment of an Acting Pro-Vice-Chancellor. The appointment of an Acting Pro-Vice-Chancellor shall normally be for the duration of the vacancy in office or of the temporary absence or inability of the principal holder thereof. If the appointment is likely to be for a period of more than 6 months, the Vice-Chancellor will consult with Senate and Council before making a recommendation to the Chair of Council. The Chair of Council may then approve the appointment of an acting Provost & Deputy Vice-Chancellor or Pro-Vice-Chancellor and the appointment will be reported to Senate and Council.

## **2.7 Deputy Pro-Vice-Chancellors**

- (i) The Deputy Pro-Vice-Chancellors shall be appointed by the Vice-Chancellor.
- (ii) The Deputy Pro-Vice-Chancellors shall hold office for not more than two years unless an extension to the relevant term of office is approved.
- (iii) The Deputy Pro-Vice-Chancellors shall support the University's Senior Leadership Team and shall have such responsibilities as are determined by the Vice-Chancellor.



### **Ordinance 3 – The Council – Council Code of Conduct**

The Council shall approve a Code of Conduct which sets out the expectations and commitments expected of Council members.



### **Ordinance 3.1 The Council – Election of Staff Members of Council**

Two employees of Swansea University shall be elected as members of Council, in accordance with the following procedure:

#### **Returning Officer**

1. The Secretary to Council, or their nominee, will be the Returning Officer for the election. The Returning Officer will be responsible for managing the electoral process, including the arranging of the announcement of candidates and their election statements, arrangements for voting, the application of the election rules herein, considering complaints raised in relation to the process itself. In addition, the Returning Officer will be authorised to take all other decisions necessary for the effective conduct of the nominations and elections process.

#### **Nominations for Election**

2. The Returning Officer will arrange for notification of the vacancies to be issued to all staff of the University. This notification shall include:
  - (a) a positive action statement;
  - (b) the role description for members of the Council which summarises the duties and responsibilities of members;
  - (c) an invitation to submit nominations within a reasonable period of notice (normally around 21 days).

#### **Constituency for Staff Member**

3. All employees of the University other than those who may have already participated in the Senate election process, shall be eligible to nominate and to vote no matter how long they have been in post or whether they are on secondment or extended leave/absence, and shall be eligible for nomination provided (a) they are able to fulfil their duties as a Trustee including being mindful that the term of office for a member of Council is four years in the first instance and (b) they hold an employment contract of at least one year to help ensure appropriate balance between the practicalities of Council membership in terms of attendance at meetings and the importance of maintaining board continuity and experience, while at the same time not precluding staff on fixed term contracts. At least one of those appointed should be from

Professional Services. Guidance should be provided to nominees to ensure they understand the responsibilities of Council membership, including being a Charity Trustee.

4. Nominations shall be made to the Returning Officer and shall be supported by a proposer and seconder who are both employees of the University. Nominees shall confirm their willingness to stand for election and provide a statement of no more than 500 words, which will be made available to the electorate if an election is held and in which there shall be provided:
  - (a) a short biographical background;
  - (b) why they wish to become a member of the Council; and
  - (c) what they think they can bring to the role of Staff Trustee.

The elected members may, if they so choose, attend Question Time or any other such session for all staff whether hosted by the Registrar and Chief Operating Officer or otherwise as part of their membership of Council. While recognising that such members would be part of the 'all staff' constituency, and that candidates should accordingly set out in their nomination statement how they intend to communicate with their constituency, this should be subject always to recognition by such members of their role and duties as a Trustee of the University and of their obligations as such to observe confidentiality.

5. To be eligible to stand in the election, a nominee must confirm that they are not disqualified from serving as a charitable trustee under the Charities Act 2011 and that they are aware of no other reason, legal or otherwise, that would render them unfit to be a charity trustee or that could bring the Council into disrepute.
6. Following the close of the nomination period, the Returning Officer will inform each candidate of the names and role titles of all the candidates nominated.
7. Where three or more nominations are received for the two vacancies, and at least one of those is from a member of Professional Services staff, an election ballot will be issued provided that at least one of the appointments shall be from Professional Services. Where only two nominations are received, and at least one of those is from a member of Professional Services staff, the Returning Officer will declare such candidates to be duly elected as members of Council. Where no nomination is received from a member of Professional Services staff, the Returning Officer will issue a further vacancy notification specifically for a member of Professional Services staff.



### Conduct of an Election

8. When a ballot is required, the ballot will be a secret ballot and will be conducted through electronic voting via a secure online voting system administered by the University or election management professionals appointed by the University.
9. The Returning Officer will arrange for notification of the ballot to be issued to each member of the relevant constituency. Each member of the relevant constituency will be issued by e-mail with a notice of the ballot and instructions on how to cast their vote. Where a member of staff is unable to receive/access emails or vote electronically, they may contact the Returning Officer for a postal vote, no later than 7 days before the voting deadline.
10. The census date at which those eligible to nominate and vote in each constituency will be the deadline for returning nominations to the Returning Officer.
11. The Returning Officer will set and publish the voting period dates for an election. The voting period will be for a minimum of 7 days. Where a change of circumstances occurs which in the opinion of the Returning Officer renders the voting period insufficient to enable a representative vote to be obtained under the special conditions ruling at the time, the Returning Officer may extend the said voting periods as they consider necessary. Nominated candidates will be informed of this change.
12. At any time before voting closes, a candidate may withdraw their candidacy. If in consequence of such withdrawal only one candidate for the vacancy remains, the counting of the votes lodged will not take place and the remaining candidate will be declared to be duly elected.
13. The Returning Officer shall appoint two lay members of Council as scrutineers for an election by ballot.
14. The two candidates who secure the highest number of votes cast will be appointed as members of Council provided always that at least one will be a member of Professional Services staff.
15. In the event of a tie, the Returning Officer, will draw lots with either a Lay Member of Council or a member of the Senior Leadership Team acting as a witness. The affected candidates will be notified in advance and given the opportunity to observe the drawing of lots or to nominate a representative to observe on their behalf.
16. The Returning Officer shall provide the Governance and Nominations Committee with a report on the election process.
17. The ballot papers and/or record of secure electronic votes shall be retained in a safe place by the Returning Officer for six months after the date of the election.

18. The validity of any election will not be affected by any defect in the procedure in carrying out such an election or infringement of these Election Rules unless on the application of a candidate (or an individual designated as a candidate's representative) made to the Returning Officer, or at the instigation of the Returning Officer where they become aware of such a potential defect in the procedure or any potential infringement of these Election Rules, and after due enquiry, considers that a defect or infringement has had or may have an adverse impact on a fair and free election. In those circumstances the Returning Officer will make such arrangements and/or apply such sanctions as the Returning Officer considers reasonable and proportionate to remedy and/or to provide redress for the harm caused by the procedural defect or infringement of these Election Rules. Such arrangements and sanctions may include but are not limited to, permitting all or some candidates to provide additional materials to the electorate, pausing or suspending the election, extending the election period, rescheduling the election, disqualifying candidates and/or declaring the election to be invalid.

#### *Term of office and eligibility for re-election*

19. The term of office will be for four years in the first instance. A member whose term of office is coming to an end shall be eligible for re-election for not more than one further term of office. When a person has served the maximum permitted period, they shall be ineligible for further re-appointment as a staff member on Council.
20. If the member elected ceases to be a member of staff of the University (or a member of Professional Services staff if applicable), they will cease to be a member of the Council.
21. Any casual vacancy arising shall be filled as it arises by the procedure specified above and the person appointed should be appointed for a four-year term in the first instance.
22. Members of Council elected by staff will be subject to the Council's terms and conditions of appointment and regulate their conduct in accordance with the highest standards of governance, as set out in the University Council's Code of Conduct, adherence to which is part of the terms of the appointment of all members of Council. In addition, members are subject to the Charities Act 2011, which provides for circumstances under which an individual is disqualified from serving as a charity trustee and any elected member will be required to confirm that they are not so disqualified as part of their terms and conditions of appointment. In accordance with the CUC Code of Governance, a procedure for the Removal of Members of Council is in place to address circumstances where a member has materially breached their conditions of appointment.

## **Ordinance 4 – The Senate**

### **4.1 Constitution**

#### **4.1.1 The Senate shall consist of:**

- (i) The Vice-Chancellor who shall be the Chair;
- (ii) The Provost;
- (iii) The Pro-Vice-Chancellors and Pro-Vice-Chancellors Executive Deans;
- (iv) Deputy Executive Deans;
- (v) Associate Deans, Research, Innovation, and Impact;
- (vi) Associate Deans, Education;
- (vii) Associate Deans, International;
- (viii) Heads of Schools;
- (ix) Deputy Pro-Vice-Chancellors;
- (x) Director of Education Services;
- (xi) Director of Academi Hywel Teifi;
- (xii) Director of Student Life;
- (xiii) Directors of Faculty Strategic Operations;
- (xiv) Eighteen Professors elected by and from the Professors of the University such that each of the Faculties is represented by six members;
- (xv) Six members of the non-professorial academic staff elected by and from the non-professorial academic staff of the University such that each of the Faculties is represented by two members;
- (xvi) The President and the Education Officer of the Students' Union and two students elected by and from the Students of the University (one of whom should be a post-graduate student representative).

#### **4.1.2 The members of the Senate referred to in clauses xiv and xv above shall be elected in such manner as may be prescribed by the Senate, would normally hold office for three years unless the member ceases to be qualified for membership, and would be eligible for re-election for a second term.**

- 4.1.3 A member of the Senate may resign at any time by writing addressed to the Secretary of Senate.
- 4.1.4 Twenty members of the Senate shall form a quorum.

## **4.2 Powers of Senate**

- 4.2.1 Subject to the provisions of the Charter and Statutes, and in addition to all other powers delegated to it by the Council, the Senate shall have the following powers and functions. At its discretion, Senate will delegate the discharge of any of the following functions to one or more of its committees, provided that the committees in question reports to Senate describing how that delegation has been implemented.
- 4.2.2 Subject to the provisions of the Charter and Statutes concerning the duties of Council, the Senate shall be responsible for all matters having academic implications, which shall include:
  - (a) recommending to Council courses of study leading to degrees, diplomas, certificates, and other academic distinctions which may be substantive, dual, joint or otherwise of Swansea University and schemes provided on behalf of other professional bodies;
  - (b) ensure that processes are in place for monitoring and evaluating the content, quality and standard of courses of study and research, taking into account the academic regulations of Swansea University and the requirements of professional and other external bodies;
  - (c) approving and conferring degrees, diplomas, certificates and other academic distinctions on and to persons who have pursued a course of study approved by the University and have successfully completed the examinations or other tests and met all other requirements prescribed by the University;
  - (d) responsibility for the admission and discipline of students and the exclusion of students from Swansea University for failure to pursue studies diligently or to make satisfactory academic progress.
- 4.2.3 Senate shall have the power to make Regulations in respect of any matter for which it is responsible, including Regulations for:
  - (a) the extra-mural work of Swansea University;
  - (b) subject to the terms of the trust (if any), the terms of the award of studentships, scholarships, exhibitions, bursaries, prizes and other aids to study and research;
  - (c) the admission and discipline of Students and of other persons studying at Swansea University or who are candidates for an examination to be conducted at or under the auspices of Swansea University, and such Regulations shall include provision for:
    - (i) rules of discipline;
    - (ii) subject to the rules of natural justice, the procedure to be followed when a breach of discipline is alleged;

- (iii) punishment of a breach of discipline by expulsion from Swansea University, permanently or temporarily, by exclusion therefrom or any part Swansea University and its precincts and other premises owned or occupied by Swansea University, permanently or temporarily, by a fine or otherwise;
- (iv) appeals; and
- (v) on good cause revoking degrees, diplomas, certificates, and other academic distinctions conferred upon or granted by the University and withdrawing all privileges connected therewith.

4.2.4 Subject to the authority of the Council, the Senate shall determine awards which shall be granted in the manner determined by the Council, in relation to:

- (a) Swansea University degrees, diplomas, certificates, and similar distinctions, which may be substantive, dual, joint or otherwise; and
- (b) studentships, scholarships, exhibitions, bursaries, prizes, and other aids to study and research.

4.2.5 Subject to the authority of the Council, the Senate shall regulate, and conduct examinations leading to degrees, diplomas, certificates, and other academic distinctions of Swansea University and appoint internal and external examiners therefore and shall regulate and conduct examinations leading to degrees and other awards or distinctions of other bodies with the agreement of those bodies.

4.2.6 The Senate shall:

- (a) advise the Council on the long-term development of the University;
- (b) review from time to time the duties and conditions of appointment and service of members of the Academic Staff and make recommendations thereon to the Council;
- (c) advise the Council on the appointment of members of the Academic Staff and, subject to these Statutes, removal of members of the Academic Staff;
- (d) appoint members of the Senate to be members of the Council as provided for under the Statutes;
- (e) make recommendations to the Council on matters referred to the Senate by the Council;
- (f) report to the Council its decisions on matters which might be relevant to the deliberations of the Council;
- (g) comment on changes to the Statutes proposed by the Council;
- (h) jointly with the Council approve recommendations from the Honorary Awards Committee for the award and any revocation of Honorary Awards;
- (i) make recommendations to the Council for the creation, abolition and change of name of academic units.

4.2.7 The Senate may:

- (a) approve, with or without amendment, refer back or reject any recommendation of a Faculty or other body or person and, on matters within the powers of the Senate, give directions to a Faculty or other body or person;
- (b) require from a Head of Faculty or other academic unit information relating to academic matters about the School or other academic unit;
- (c) make any recommendation to the Council with regard to the work of Swansea University;
- (d) discuss and declare an opinion to the Council on any matter whatsoever relating to the work of Swansea University;
- (e) do any act or thing authorised by the Council.

## **Ordinance 6 – The Court**

### **6.1 Constitution of the Court**

The following shall be members of the Court:

- a. Chancellor, Pro-Chancellors, University Treasurer and Vice-Chancellor.
- b. Chairs of the Audit, Assurance and Risk and Remuneration Committees.
- c. Six members appointed by the Senate, such that each of the Faculties is represented by one Professor and one member of the non-professorial academic staff.
- d. President of the Students' Union and one other student member appointed by the Students' Union.
- e. Ten Alumni representatives appointed in accordance with procedures determined by Council.
- f. Six representatives from the Education Sector appointed in accordance with procedures determined by Council.
- g. One representative each from Swansea Bay University Health Board and Hywel Dda University Health Board.
- h. The Lord Mayor of the City of Swansea.
- i. Chief Executives of Swansea and Neath Port Talbot Councils.
- j. His Majesty's Lieutenant for the County of West Glamorgan.
- k. The High Sheriff for the County of West Glamorgan.
- l. Five representatives from the local authorities appointed in accordance with procedures determined by Council.
- m. Six Members of Senedd Cymru and the UK Parliament appointed in accordance with procedures determined by Council.
- n. One representative from each of the recognised Campus Unions in the University.
- o. Seventeen representatives from learned societies, scientific and professional bodies, and religious, community and other organisations appointed in accordance with procedures determined by Council.
- p. Eight representatives from industry, business and entrepreneurship appointed in accordance with procedures determined by Council.
- q. Current Life Members of Court appointed by the Council.

- r. Twenty Emeritus Professors of the University appointed in accordance with procedures determined by Council.
- s. Five co-opted members appointed in accordance with procedures determined by Council.

## **6.2 Terms of Membership**

- 6.2.1 With the exception of ex-officio members, membership of Court shall be four-years from the date of appointment, or for a period specified by Council at the time of appointment, subject to members continuing to hold the relevant office or continuing to be eligible for appointment by the constituency from which they are appointed.
- 6.2.2 Members coming to the end of their terms may be considered for re-appointment or re-election.
- 6.2.3 A member of the Court may resign at any time by writing to the Secretary of the Court.
- 6.2.4 Any casual vacancy, howsoever occurring, shall be filled as soon as convenient.
- 6.2.5 Members of the Court in their capacity as members of the Court shall not be paid any fees or expenses by the University.

## **6.3 Powers of the Court**

- 6.3.1 The Court, a statutory body established under the University's Charter, provides a forum through which the University can engage and maintain strong links with its stakeholders and receive feedback and advice on matters relating to University business.
- 6.3.2 The Court normally meets annually to receive reports on the achievements, performance, finances, and workings of the University, and to appoint co-opted members of the Court. The Court may also receive presentations on other aspects of the broad range of activities undertaken within the University. The Court may also provide a source of ideas, influence and support to assist the University in implementing its strategy and achieving its strategic ambitions.
- 6.3.3 The Court has the right to discuss, ask questions, comment, and offer feedback and advice on these matters and on any matter concerning the business of the University. While the outcomes of the Court's discussions are advisory, the Court can make representations to the Council on any matter affecting the University.
- 6.3.4 All responsibilities and powers of governance rest entirely and absolutely with the Council and all responsibilities for management rest with the Vice-Chancellor's Senior Leadership Team. The Court does not take part in the day-to-day affairs, decision-making or governance processes of the University, but acts an important link with its stakeholders, fostering engagement, responsiveness and accountability.
- 6.3.5 In addition to Court's formal responsibilities, the University may from time to time seek support and advice on specific projects and activities where individual members are known to have particular knowledge, experience or networks that may benefit or support the work of the University. Court members are also encouraged to act as ambassadors for the University increasing awareness of the University's achievements, expertise and aspirations locally, regionally, nationally and internationally; to contribute through their



networks and expertise to specific areas of the University's work, such as student employability, and to engage with the University through its events. The Annual Meeting also provides an opportunity for Court members to network and to meet with members of the University community and other stakeholders.

#### **6.4 Meetings of the Court**

- 6.4.1 The Court shall ordinarily meet annually in each academic year, at such day and hour as shall be determined by the Council. The Chancellor (or in the absence of the Chancellor, a Pro-Chancellor) shall preside over and chair meetings of the Court.
- 6.4.2 Notice of the Annual General Meeting together with an indication of the business to be transacted shall be circulated to members by the Secretary to the Court at least twenty-one days before the date of each meeting. The agenda and papers for the meeting shall be circulated at least seven days before the date of the meeting.
- 6.4.3 Where members of the Court are requested to propose a person for election as a member of the Court, the name of the person proposed shall be sent to the Secretary to the Court at least twelve days before the date of the meeting.
- 6.4.4 Twenty-five members of the Court shall form a quorum.
- 6.4.5 Special Meetings to exercise any of the powers of the Court may be convened at any time by the Chancellor; the Council; or 25 members of the Court subject to the Chancellor having the authority to postpone business to the next Annual General Meeting of the Court if there has already been one special meeting in the previous twelve months. Notice of a Special Meeting shall be circulated by the Secretary to the Court at least twenty-one days before the date of each meeting, and an agenda and supporting papers shall be circulated to members at least seven days before the Special Meeting, and no business other than that specified on such agenda shall be considered.
- 6.4.6 Any recommendation to the Council from the Court shall require the assent of the majority of members present at the meeting.
- 6.4.7 The proceedings of meetings of the Court shall be conducted at the discretion of the Chair in general accordance with the Regulations for the Conduct of Meetings, as approved by Council.



**Swansea University**  
**Prifysgol Abertawe**

## **Ordinance 7 – Committees**

### **7.1 University-Level Committees**

- (i) The Council and the Senate may establish and dis-establish University-level committees.
- (ii) Each committee shall have a designated body or committee to which it shall report (the reporting body), as determined by the relevant establishing body.
- (iii) Each committee shall have terms of reference which shall be prescribed by the relevant reporting body.
- (iv) Each committee shall have a constitution which shall be prescribed by the relevant reporting body.
- (v) Other than in the case of ex officio members, the members of each committee shall be appointed by the relevant reporting body.

### **7.2 Faculty-Level Committees**

- (i) Faculties may establish and dis-establish committees in accordance with the requirements and guidance issued from time-to-time by the Council and the Senate.



### **Ordinance 8 – Conduct of Meetings**

The [regulations for the conduct of meetings](#) shall be prescribed by Council and shall apply to all meetings of the Council, the Senate, the committees established by these bodies and the Court.



## **Ordinance 9**

### **9. Faculties**

#### **9.1 Approved Faculties**

Under the provisions of Article 15 in the Charter, the Council is able to constitute bodies within the University, while under the terms of Statute 5.2(xix), the Council is empowered to determine the overall organisational structure of the University.

- (i) The following Faculties have been constituted, some of which have constituent departments, as set out below:
  - Faculty of Humanities & Social Sciences;
  - Faculty of Medicine, Health & Life Science;
  - Faculty of Science & Engineering.
- (ii) Academic units which are constituent elements of the Faculties will be given such titles as deemed appropriate by the Senior Leadership Team.
- (iii) In accordance with Articles 5(h) and 5(i) of the Supplemental Charter, and subject to the approval of the Council, joint venture colleges with other organisations may be constituted and which shall be regulated by procedures agreed by the relevant University bodies and committees. The following joint venture college has been constituted:
  - The College, Swansea University.

#### **9.2 Appointment and duties of Heads of Faculties**

- (i) Each Faculty, as the Academic Unit recognised by Council under Statute 5.2(xix) as having primary responsibilities, shall have a head who is a Pro Vice Chancellor/Executive Dean and the procedure for their appointment shall be the same as that set out in Ordinance 2.6.
- (ii) The Pro Vice Chancellor/Executive Dean will be responsible for the leadership and strategic development of the Faculty in accordance with the strategy and policies of the University. In addition to these duties, the Vice-Chancellor may assign other responsibilities which may change periodically.

### **9.3 Staff Meetings**

- (i) Each Faculty has a Staff Meeting that shall consist of all members of staff in the Faculty and, with the consent of the Chair, such other members as the meeting shall from time to time determine.
- (ii) Staff Meetings shall normally be held at least once a term and shall be convened by the Chair.
- (iii) Further meetings shall be convened by the Chair either at his/her own instance or on the request of one third of the members.
- (iv) Normally the relevant Pro Vice Chancellor/Executive Dean shall be Chair of the Staff Meeting.
- (v) The Staff Meeting shall have power to make recommendations to the relevant Pro Vice Chancellor/Executive Dean in respect of:
  - The regulation, subject to the powers of the Senate, of the teaching and study of the subject or subjects taught in the Faculty, and the allocation of other duties connected therewith;
  - The staffing needs of the Faculty;
  - The general policy for the allocation of the funds and resources of the Faculty.
- (vi) The conduct of business in Staff Meetings shall be in general accordance with the Regulations for Conduct of Meetings, as determined by the Council.

### **9.4 Staff Student Forum**

Each Faculty shall have Staff Student Forums that are managed at a School level.

### **9.5 Faculty Committees**

Each Faculty will maintain a specified number of Faculty-level Committees in accordance with the requirements and guidance issued by the Senate and the Council.



**Swansea University**  
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## **Ordinance 10 - Academic Staff – Appointment**

### **10.1 Professors**

- (i) The holders of all Chair appointments shall be entitled to the title 'Professor'.
- (ii) Academic staff may be promoted to Professors following consideration of a case by the Professors Committee of the Senior Leadership Team, for which there are separate procedures.
- (iii) Except with the specific consent of the Council, all new posts designated as Professors shall be advertised externally.
- (iv) Other than via promotion, for each Professor, a Selection Committee shall be established in accordance with the relevant University procedures and constituted in accordance with the University's Regulations.
- (v) The Senior Leadership Team empowers a Selection Committee to act on its behalf in making an appointment.
- (vi) The appointment shall be made by the Selection Committee in accordance with relevant University policies and reported to the Council and the Senate.
- (vii) In the event that the Selection Committee considers it to be in the best interests of the University to appoint more than one candidate, the Selection Committee may do so in exceptional circumstances, subject to the approval of the Vice-Chancellor.

### **10.2 Consultant-Level Appointments in the Faculty of Medicine, Health & Life Science**

- (i) All factors connected with making clinical appointments shall be fully considered before embarking on the appointment process, and the University and the appropriate NHS body shall have agreed the following: the funding of the post; the terms of the appointment; the lines of accountability; job description; further particulars and duties of the post; and the appointment procedure.
- (ii) The appointment shall be made in accordance with relevant University procedures and reported to the Council and the Senate.

- (iii) The appointment of selection committees for clinical academic posts involving honorary consultant appointments shall comply with NHS regulations for consultant appointments as well as those of the University.
- (iv) Selection Committees for clinical (consultant-level) academic appointments shall be constituted as follows.
  - (a) The Vice-Chancellor or his/her nominee (Chair).
  - (b) The Pro-Vice-Chancellor (Faculty of Medicine, Health and Life Science) or his/her nominee.
  - (c) Up to two members of the Academic Staff of the Faculty of Medicine, Health & Life Science.
  - (d) Not more than four persons, of whom one shall be medically qualified from the appropriate Royal College/Professional Body, and three from the relevant NHS body or other body (of whom at least one should be medically qualified), who shall be full voting members of the Committee.

### **10.3 Other Academic Appointments**

- (i) Academic staff appointments shall be made by Appointments Committees specifically convened for the purpose, in accordance with relevant University procedures, and reported to the Council and the Senate.

## **Ordinance 11.1 – Redundancy**

### **Part I - Application**

- I. The University recognises the contribution made by colleagues to the achievement of its aims and objectives. It also recognises the importance of security of employment for colleagues and the desirability of avoiding redundancy.
- II. As far as possible, the University is committed to protecting the employment of colleagues. However, there may be occasions when the University is subject to a range of internal and external factors, such as economic pressures, decreased student numbers/demand, expiry or changes to funding, academic, organisational or technological developments, which influence and may reduce its staffing requirements.
- III. This Ordinance does not affect any colleague's statutory rights.

### **Part II - General Principles**

- I. Compulsory Redundancy is covered by legislation and the University will ensure that any potential redundancies are managed in line with statutory requirements.
- II. The University shall ensure security and continuity of employment for as many colleagues as is reasonably practicable.
- III. Every reasonable effort will be made to avoid redundancies and minimise their impact where possible.
- IV. The University will make every effort to avoid compulsory redundancies and will ensure all other options are considered before redundancy, which is seen as a last resort. The University is committed to supporting colleagues at risk of potential redundancy in a fair, equitable, consistent and sensitive manner.
- V. Any selection for redundancy will be made using appropriate, fair and transparent criteria.
- VI. The University is committed to redeploying colleagues into other suitable alternative roles, rather than making them redundant, where this is possible.
- VII. Fixed Term and Permanent colleagues must be treated equally, and the University will not treat fixed term colleagues less favourably than colleagues on permanent contracts doing the same or a similar job. In the case of Fixed Term colleagues with less than 24 months service, the Fixed Term Ordinance will apply.
- VIII. Equality of opportunity is reflected in all aspects of employment. Selection for redundancy should be free of bias and not discriminate on the grounds of any protected characteristic, in line with the Equality Act 2010.
- IX. The University shall adhere to ACAS guidelines and Code of Practice.



## **Part III – Scope**

- I. This Ordinance will apply to all colleagues on permanent contracts and all colleagues on fixed term contracts who have worked continually with the University for 24 months or more, including those on maternity, sickness and other types of leave and to those who are seconded to other organisations but retain their substantive employment with the University. This Ordinance will not apply to colleagues on Fixed Term Contracts with less than 24 months continuous service, as they will be subject to the Fixed Term Ordinance.
- II. The Redundancy Policy and Procedure will not apply to colleagues in Honorary or Emeritus positions, neither does it apply to 'workers'. A worker who is not an employee works under a contract whereby the individual "undertakes to do or perform personally any work or services for another party to the contract whose status is not ... that of a client or customer" (s.230(3) of the Employment Rights Act 1996).

## **Stages**

There are up to five stages to the University's redundancy procedure:

- Stage 1: Redundancy Review Panel
- Stage 2: Redundancy Notification and Consultation
- Stage 3: Outcome of Selection Process
- Stage 4: Formal Notice of Termination
- Stage 5: Appeal

## **Definition of Redundancy**

The Employment Rights Act 1996 section 139 states redundancy occurs if employees are dismissed due to one of the following reasons:

- the employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was so employed
- the employer has ceased, or intends to cease, to carry on the business in the place where the employee was so employed
- the requirements of the business for employees to carry out work of a particular kind has ceased or diminished or are expected to cease or diminish
- the requirements of the business for the employees to carry out work of a particular kind, in the place where they were so employed, has ceased or diminished or are expected to cease or diminish.

## Stage 1

### Redundancy Review Panel

- I. The Vice Chancellor or Provost or agreed member of the University Senior Leadership Team, supported by the People Services Director or agreed member of the People Services Senior Leadership Team and the Finance Director or agreed member of the Finance Senior Leadership Team, will meet monthly to consider the recommendations from the relevant Pro-Vice-Chancellor /Director regarding two separate agenda items:
  - a. any situation where Fixed Term Contracts with more than 24 months service which may be coming to an end and no further funding has been identified
  - b. any situation where there is a potential risk of redundancy due to the reasons stipulated in the Employment Rights Act 1996 (see above)
- II. In circumstances where a member of the Panel may be impacted by potential redundancy, then the Panel will be agreed with the support of Council.
- III. The recommendations will be set out in the Business Case which will be completed by the line manager and approved by the relevant Pro-Vice-Chancellor Head of School/ Director.
- IV. The Business Case will set out:
  - a. Any potential risk of redundancy, including Fixed Term Contracts with more than 24 months service which may be coming to an end and no further funding has been identified. In the case of Fixed Term colleagues with less than 24 months service, the Fixed Term Ordinance will apply.
  - b. The Faculty/School/ Directorate affected by the restructuring proposal
  - c. a description of the proposed restructuring and the rationale for that proposal;
  - d. other options which have been considered;
  - e. the current and proposed new structures;
  - f. the total number of potential redundancies;
  - g. the reason for the proposed redundancies;
  - h. the categories or descriptions of staff at risk of dismissal for redundancy and the number of dismissals proposed in each category;
  - i. the total numbers of staff employed of each such category or description;
  - j. the proposed timescale over which it is proposed that redundancies may take place;
  - k. the proposed pool for selection and the proposed process for selection (or a proposal that a certain post or posts be selected on the grounds that the positions are unique and no longer required);
  - l. the impact on students.
  - m. an equality impact assessment
- V. The Panel must ensure that every reasonable effort to avoid potential redundancies, including all possible alternative approaches have been considered.
- VI. The Panel will review the recommendation and either approve or decline this.
- VII. Voluntary redundancy may be considered where there is a pool, which will normally be based on statutory redundancy terms, as set out below.
- VIII. The Panel shall decide whether or not it is appropriate to invite applications for

voluntary redundancy and if so, on what basis these would be accepted. The panel will fully consider the circumstances/business case in doing so.

- IX. The Panel will also agree how they will proceed if voluntary redundancy is not appropriate or if there are insufficient agreed voluntary redundancies, i.e. if selection for redundancy is required.
- X. The Panel will agree and set out the next steps.

The Business Plan will need to consider:

### **Selection Pool**

- I. In some cases, the role may be unique and there will not be a pool, in which case there is no selection decision to be made and the individual may be provisionally selected for redundancy on the basis that the position is unique.
- II. In other cases, there may be a pool of colleagues from which they will be selected for redundancy (the selection pool). In identifying whether there is a pool for selection, consideration will be given to the following:
  - a. Colleagues who undertake the same / a similar type of work
  - b. Colleagues who work in a particular department / project
  - c. Colleagues who work at a relevant location, where appropriate
  - d. Colleagues whose work has ceased / reduced, or is expected to do so.

### **Selection Process and Criteria**

Selection will be based on objective criteria, which may include any of the following:

- I. Skills, competencies, experience and qualifications
- II. Performance records
- III. Competitive application and interview process
- IV. Disciplinary records

An employee will not be selected because of their:

- I. Age
- II. Disability
- III. Gender reassignment
- IV. Marriage or civil partnership status
- V. Pregnancy or maternity leave
- VI. Religion or belief
- VII. Gender
- VIII. Sexual orientation
- IX. Family related leave – for example parental, paternity or adoption leave
- X. Role as an employee or trade union representative
- XI. Membership of a trade union
- XII. Part-time or fixed-term employee status
- XIII. Pay and working hours, including the Working Time Regulations, annual leave and the National Minimum Wage

Candidates will be scored objectively against the selection criteria, and this must be documented.

## **Stage 2**

### **Redundancy Notification**

- I. There is a statutory requirement for the government to help employees facing redundancy. In order to do this, advance notification of potential redundancies is required from employers. Failure to comply with the statutory notification requirements may result in prosecution and a fine.
- II. The Redundancy Payments Service (RPS) collects the information and distributes it to the appropriate government departments and agencies who offer job brokering services and/or training services. The information is confidential and may be used only for the purpose of assisting those facing redundancy.
- III. Notification must be given to RPS in line with agreed timeframes depending on the number of potential redundancies:
  - a. For between 20 and 99 potential redundancies - 30 days before the first redundancy
  - b. For 100 or more potential redundancies - 45 days before the first redundancy

### **Consultation**

- I. Where there is a possibility that staff may be made redundant, consultation must take place between the University and appropriate staff representatives at the earliest opportunity, as required by section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992.
- II. The aim of the Trade Union consultation shall be:
  - a. to avoid dismissal if possible, for example, by redeployment,

- b. to reduce the number of staff to be dismissed if redundancy is unavoidable, and
  - c. to mitigate the consequences of any dismissals.
- III. Collective consultation should be completed before any notices are issued and before individual consultation starts.
- IV. Throughout the process efforts shall be made to find suitable alternative employment.

### **Collective Consultation**

- I. The Trade Union and Labour Relations (Consolidation) Act 1992 states a collective redundancy situation arises where the University proposes to make between 20 - 99 colleagues redundant over a period of 90 days or less.
- II. In such cases, there must be a minimum period of at least 30 days collective consultation before the first dismissal.
- III. For 100 or more proposed redundancies over a period of 90 days or fewer, the legislation states there must be a minimum period of at least 45 days collective consultation before the first dismissal.
- IV. In order for meaningful consultation to take place, Swansea University will provide the Unions with the following information:
  - a. the reason for the redundancy dismissals
  - b. the number of proposed redundancies and their job types
  - c. the total number of employees affected
  - d. the proposed methods of selection
  - e. the procedure to be followed in dealing with the redundancies
  - f. the method of calculating redundancy payment.

### **Individual Consultation**

- I. Consultation shall also take place between the University and colleagues who may be affected.
- II. At this meeting, the colleague will be entitled to be accompanied by a Union Representative or a work colleague.
- III. The purpose of this meeting is to discuss:
  - the reason for potential redundancies
  - the number of proposed redundancies and their job types
  - the total number of employees affected
  - confirm whether the colleague is not impacted, is impacted but not at risk, or is at risk
  - if the colleague is at risk, confirmation whether there is a unique role or a selection pool
  - the proposed methods of selection and the timeframes (if appropriate)
  - if the colleague is not at risk but is impacted, confirmation of how they may be impacted
  - the right to redundancy payment and method of calculation (if appropriate)
  - signpost additional support available, including staff counselling

- discuss all possible alternative positions or options
  - information regarding reasonable time off for training or job searches
  - answer any questions the colleague may have
  - confirm the next steps
- IV. An accurate record of this consultation meeting must be made by the Line Manager, signed by the colleague and returned to People Services.

### Stage 3

#### Outcome of Selection Process

- I. Within 7 working days of the selection process being completed, the Line Manager will write to the 'at risk' colleague to set up a face-to-face meeting to confirm the outcome of the selection process.
- II. The colleague will be entitled to be accompanied by a Union Representative or a work colleague.
- III. At this meeting, they will also provide the colleague with the written outcome.
- IV. Every reasonable effort will be made to avoid redundancies and therefore colleagues will be considered for suitable alternative roles where appropriate,
- V. Any colleague on maternity leave will be given preference for suitable alternative roles over other colleagues, in line with legal requirements.

### Stage 4

#### Formal Notice of Termination

- I. Where the outcome is that employment will terminate, this notice of termination letter provided by the line manager will contain details of the colleague's right to appeal.
- II. Formal notice of termination must be given in line with the colleague's terms and conditions of appointment:

| Grade                                           | Contractual Notice                                                                                                                                                                                            |
|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Professional Services Staff 1 – 6               | 1 month<br>The length of notice to which employees are entitled increases by one additional week for each completed year of service up to a maximum of twelve weeks notice for twelve or more years' service. |
| Staff Grade 7 – 10a (excluding Academic)        | 3 months                                                                                                                                                                                                      |
| Academic (Grades 7 -10a) and Professorial Staff | A full term's notice                                                                                                                                                                                          |

- III. Any employee who is under notice of dismissal by redundancy has the right to take

reasonable paid time off during working hours to look for new employment or make arrangements for training for future employment. This should be requested through the normal departmental routes and every effort should be made to grant this, in line with ACAS guidelines.

- IV. Attempts will continue throughout the whole redundancy process to find alternatives to compulsory redundancy.

### **Redundancy Payment**

- I. Redundancy pay is calculated according to statutory guidelines.

### **Extension to Notice period**

- I. In limited circumstances, during a notice period, funding may be identified (in consultation with the appropriate Academic/ professional Services Leader, Finance Business Partner and People Services), which enables the Faculty / Directorate to extend the notice period.
- II. If the extension is 6 months or less then notice is deemed to be served when the extension is issued in writing, this does not need to be considered again by the Panel.
- III. Any reissuing of successive short-term extensions will be monitored to ensure fair and equitable treatment of colleagues.

## **Stage 5**

### **Appeal**

- I. A colleague has the right to appeal the outcome made within this procedure, in line with the University's Appeals Ordinance.

## **Ordinance 11.2 – Appointment and Termination of Fixed Term Contracts**

### **Part I - Application**

- I. All colleagues must be treated fairly and offered opportunities to pursue and develop their careers.
- II. The University aims to balance organisational efficiency, fair treatment and secure employment for colleagues.
- III. The University depends on a range of funding, some of which is time limited. The University therefore needs to make full use of modern, flexible work arrangements and to adopt patterns of work that will fit the current challenges and those of the future, whilst treating colleagues equitably and in a way that is legally compliant.

### **Part II - General Principles**

- I. Permanent contracts are the expected form of employment.
- II. Pro-Vice-Chancellor/Head of School/ Directors should give consideration wherever possible to incorporating recurrent external funding into their Business Plan, with a view to securing the on-going permanent employment of colleagues.
- III. Equality of opportunity is reflected in all aspects of employment. Appointment to fixed term contracts should be free of bias and not discriminate on the grounds of any protected characteristic, in line with the Equality Act 2010.
- IV. Staff will only be placed on fixed-term contracts where this is justified for transparent and objective reasons.
- V. Fixed Term contracts will only be used when the position will be limited either by time, for example covering maternity leave, by purpose, for example the completion of a project, or to provide specialist expertise on a short-term basis, to manage short-term fluctuations in business demand, where demand is uncertain, or where the work is externally funded for a limited period.
- VI. All positions must be confirmed via the University's Employment Request (ER) process, which will include an assessment of the appropriate contract type to be issued.
- VII. The University will not treat fixed term colleagues less favourably than colleagues on permanent contracts doing the same or a similar job.
- VIII. Fixed term colleagues who work continually with the University for 24 months or more will have the same redundancy rights as colleagues holding permanent contracts and will therefore be managed under the Redundancy Ordinance.
- IX. Colleagues on successive fixed term contracts will be transferred to a permanent contract under the Fixed Term Ordinance by no later than the date they reach 48 months continuous service.



- X. Where the fixed term contract comes to its end on the given date and this is prior to the colleague achieving 24 months continuous service, Swansea University is not required to provide any notice period. This is because the notice is effectively written into the contract. Whilst notice is not required, Swansea University will however provide appropriate reminders to those terminating before 24 months.
- XI. Fixed Term contracts will terminate when they reach the agreed end date or project / task completion, unless further funding is secured. Any further funding would need to be discussed and agreed by the Line Manager, Pro-Vice-Chancellor/Head of School/Director, Finance Business Partner and People Services.
- XII. Where a colleague's fixed term contract is subject to external funding, the employment will terminate at the end of that funding, unless further funding is secured.
- XIII. Where a colleague's fixed term contract is subject to external funding, should the external funding be removed for any reason then the employment may terminate early unless further funding is secured.
- XIV. Colleagues on fixed term contracts must be given equal opportunity with other staff to develop performance and career prospects through staff development, training and professional development review.
- XV. Colleagues on fixed term contracts will be given information on, and the opportunity to apply for, more secure positions,
- XVI. Colleagues on fixed term may at any time request the fixed term nature of their appointment be reviewed by raising this with the Faculty / Directorate via their Line Manager and setting out their objective reasons for this.
- XVII. With regard to externally funded, time-limited research projects where the prospect of continued funding is unlikely, the University's commitments under The Concordat to Support the Career Development of Researcher 2008 will apply.
- XVIII. Continuous service/employment is when an employee has worked for one employer without a break. Continuous employment is calculated from the first day of work.

### **Part III – Scope**

- I. This policy applies to the appointment of all colleagues employed on fixed term contracts.
- II. The policy applies to the termination of fixed term contracts of colleagues with less than 24 months continuous service at contract end date.
- III. Where the fixed term contract comes to an end on the given date, and this is prior to the colleague achieving 24 months continuous service, Swansea University is not required to provide any notice period. This is because the notice is effectively written into the contract. Swansea University will however provide appropriate reminders to those terminating before 24 months.
- IV. If a fixed term contract of a colleague with 24 months or more continuous service comes to an end for reasons stated within Employment Rights Act 1996 section 139, then the Redundancy Policy will apply.
- V. A colleague may at any time request the fixed term nature of their appointment be reviewed by raising this with the Faculty / Directorate via their Line Manager and

setting out their objective reasons for this.

## **Stages**

There are up to three stages to the University's fixed term employment procedure for colleagues under 24 month's service:

Stage 1: Appointment

Stage 2: End of Fixed Term Contract

Stage 3: Possible Renewal of Fixed Term Contract

## **Stage 1**

### **Appointment**

- I. Fixed Term contracts will only be used when the position is limited either by time, for example covering maternity leave, or by purpose, for example the completion of a project, or to provide specialist expertise on a short term basis, to manage short-term fluctuations in business demand, where the demand is uncertain or where the work is externally funded for a limited period.
- II. Fixed term contracts will be provided where funding is not permanent and a contract will not be renewed unless further funding is secured.
- III. Appointment to fixed term contracts should be made in accordance with the Equality Act and Recruitment and Selection Policy, in respect of advertising, selection and appointment, except in circumstances where this would not be practical due to the very short duration of the post, i.e. 3 months or less.
- IV. Once an appointment has been confirmed, and prior to the start date of the appointment Line Managers will provide written confirmation of the appointment; for colleagues on fixed term contracts this will include a statement regarding the nature of the funding (i.e. whether internally or externally funded), the source of funding and the duration of their contract. People Services will provide the template and support the Line Manager with the required information.
- V. Colleagues employed on fixed term contracts will be entitled to the same Terms and Conditions as other colleagues of the University on comparable grades, unless the difference is justifiable for a transparent and objective reason. Where there is a difference in the employment conditions from those of comparable permanent contracts, the fixed term colleague may request in writing to the Line Manager and People Services, a written response detailing the objective reasons for these differences. This must be provided in writing within 21 days of receipt of the request.
- VI. All appointments, whether fixed term or permanent, will be probationary in accordance with normal Swansea University practice.
- VII. All colleagues, whether fixed term or permanent, will participate in the professional review scheme.
- VIII. All colleagues are eligible to be considered for Promotion/Merit Awards/Contribution Awards by the application of the appropriate policy, subject to the rules of the scheme in question.

## **Stage 2**

### **Ending a Fixed Term Contract**

- I. Where the fixed term contract comes to its end on the given date, and the appointment will end prior to the colleague achieving 24 months continuous service, Swansea University is not required to provide any notice period. This is because the notice is effectively written into the contract. The University will however provide reminders to those with less than 24 months service on termination.
- II. During the period of the fixed term contract, it is the responsibility of the Line Manager, alongside the Pro-Vice-Chancellor/Head of School/ Director and Finance Business Partner to regularly review whether further funding is available.
- III. No later than 2 months prior to the end of the appointment expiry, an e-mail will be sent from People Services to the Line Manager to remind them that the fixed term contract is coming to an end
- IV. If additional/continued funding is identified, the appointment must be confirmed via the University's Employment Request (ER), which will include an assessment of the appropriate contract type to be issued. If no additional/continued funding is identified, the Line Manager must meet with the colleague to confirm that the fixed term contract will be coming to its end on the given date or upon the agreed action or task being completed. Consulting with the People Services as appropriate.
- V. During the meeting, the Line Manager must:
  - remind the colleague of their contract end date,
  - outline the current funding position,
  - outline the options considered
  - advise the colleague that all University vacancies are advertised within the
- VI. University job pages,
  - signpost additional support available
- VII. An accurate record of this meeting must be documented by the Line Manager, and signed by the colleague before being returned to People Services,
- VIII. Within 7 working days of this meeting, the Line Manager must issue a letter to the colleague using the template to confirm the contract is coming to its natural end.
- IX. Where a colleague whose contract is coming to an end requests reasonable time off for activities such as attending interviews, or training courses, this should be requested through the normal departmental routes.

## **Stage 3**

### **Renewal / Extension of a Fixed Term Contracts**

- I. In some circumstances, where additional funds are identified which enable an extension to the fixed term contract.
- II. The Line Manager must meet with the Pro-Vice-Chancellor/Head of School/ Director, Finance Business Partner and People Services to review the funding position and the financial impact of this decision before renewing / extending the contract.
- III. If it is agreed, the Line Manager must meet with the colleague to confirm that the fixed term contract will be extended past the given date.

- IV. During the meeting, the Line Manager must:
  - a. detail how long the contract will be extended for,
  - b. provide the new end date,
  - c. outline the reason for the contract extension,
  - d. understand whether the colleague want to extend the contract
- V. An accurate record of this meeting must be documented by the Line Manager and signed by the colleague before being returned to the relevant People Services.
- VI. Within 7 working days of this meeting, the Line Manager must issue a letter to the colleague to confirm the contract is being extended, if this is what the colleague wishes to do.
- VII. If the colleague will have less than 24 months continuous service at the end of the extension, they will be deemed to have been served notice upon the commencement of their reappointment.
- VIII. If the contract extension means that the colleague has 24 months or more continuous service at the end of the extension, the Redundancy Ordinance and process will need to be followed.

**Renewing / Extending a Fixed Term Contract where the colleague will have more than 4 years continuous service.**

- I. Colleagues on successive fixed term contracts will be transferred to a permanent contract under the Fixed Term Ordinance by no later than the date they reach 48 months continuous service.
- II. The employment will be considered as continuous if there have been breaks in service of less than ten working days or where breaks form a clear pattern e.g. a regular pattern of not working during the summer vacation.
- III. For Term Time Workers, breaks of service must be considered in line with the contract.
- IV. If a renewal / extension of a fixed term contract would mean the colleague has four years or more continuous service, the Line Manager must meet with the Pro-Vice-Chancellor/Head of School/ Director, Finance Business Partner and People Services to review the funding position and the financial impact of this decision before renewing / extending the contract.
- V. If it is agreed that the renewal goes ahead then the colleague will be issued with a permanent contract.
- VI. If the renewal does not go ahead then the reasons must be detailed.
- VII. If a fixed term contract of a colleague with 24 months or more continuous service, comes to an end and there is a risk of redundancy then the Redundancy Policy will apply
- VIII. Where a colleague is transferred to a permanent contract that is funded externally, the Line Manager and People Services will continue to monitor the post's funding. Where such funding ends, and there is a risk of redundancy, the Redundancy Ordinance and process will need to be followed.

**Research Staff**

- I. As recognised in the UK Concordat to Support the Career Development of Researchers 2008, a large proportion of research staff are employed on fixed term funding. Special provision to support and improve professional skills is included in the Concordat.

## **Ordinance 11.3 – Conduct and Disciplinary Proceedings**

### **Part I – Application and scope**

This Ordinance shall apply in circumstances where a member of staff's conduct is to be reviewed or where dismissal of the member of staff for 'some other substantial reason' within the meaning of the Employment Rights Act 1996 is contemplated.

1. Where at any stage of proceedings being taken under this ordinance it emerges that the member of staff's performance or capability may have been wholly or partly influenced by a clinical condition, the person(s) or panel dealing with the matter may, at their discretion and if they consider it appropriate, adjourn any meeting or hearing in order to obtain such reports and advice as they may deem necessary. They may also, at their discretion, determine whether:
  - (i) to halt the proceedings under this ordinance and transfer the matter to the appropriate stage of the Rules and ordinance for the review of members of staff demonstrating incapacity on health grounds; or
  - (ii) to continue with the proceedings under this ordinance, taking into account as appropriate the member of staff's clinical condition. In such circumstances, the person(s) or panel dealing with the matter may invite to any meeting or hearing, for the purpose of advising him/her/it, an appropriately clinically qualified person who has had no previous involvement with the case under consideration. Such person shall be appointed by the People Services Director or a member of the People Services Senior Leadership Team, having first consulted an appropriate medical officer, through the Occupational Health Service.
2. Issues of unsatisfactory conduct will normally be dealt with through management and staff review, and this ordinance will be used only where the failure to reach a satisfactory level of conduct has become a disciplinary issue. Investigations into potential disciplinary matters should be conducted in a fair and reasonable manner. The nature and extent of the investigation will depend on the seriousness of the matter. Investigatory meetings should be confined to establishing the facts of the case. Disciplinary action should not be considered at an investigatory meeting. Investigations of potential disciplinary matters should be carried out without unreasonable delay. In some cases this will require the holding of an investigatory meeting with the person concerned or with other members of staff before proceeding to any disciplinary hearing. In others, the investigatory stage will be largely the collation of evidence for use at any disciplinary hearing. Where interviews are held with witnesses, notes should be made and if potentially they are to be used in disciplinary meetings, agreed with the members of staff concerned.

## **Part II – Informal Procedure**

3. When a member of staff's conduct is called into question, his/her line manager or the appropriate member of the Faculty Leadership Team/ Directorate Leadership Team will discuss the problem with the member of staff informally. The discussion shall be informal and constructive to allow the member of staff an opportunity to express his or her opinion and for the line manager or the appropriate member of the Faculty Leadership Team/ Directorate Leadership Team to identify the issue and consider its causes and possible solutions.
4. If the line manager or the appropriate member of the Faculty Leadership Team/ Directorate Leadership Team still has concerns about the member of staff's conduct after such informal discussion, the line manager or the appropriate member of the Faculty Leadership Team/ Directorate Leadership Team shall make a brief note of the discussion and confirm the main points, including future expectations and the potential consequences of a failure to improve.

## **Part III - Formal Procedure**

5. Save as provided otherwise, members of staff who are the subject of a formal meeting or appeal hearing under the procedures that follow have the right to be accompanied at such meeting or hearing by a certified trade union representative or work colleague reasonably chosen by the member of staff. There is no right to legal representation, except in specific exceptional cases (and only at the dismissal stage of proceedings) namely where:
  - i) it is a reasonable adjustment under the Disability Discrimination Act 1995,
  - ii) professional registration might be at risk (for example in the case of medicine or nursing),
  - iii) when the employee is facing a simultaneous criminal charge.

### **Stage 1 -**

6. Where informal discussions have not led to improved conduct, or where there is a prima facie case that alleged misconduct is of such seriousness that informal discussion is considered to be inappropriate, the member of staff's relevant Pro-Vice-Chancellor/Head of School/ Director or other organisational unit, as appropriate, or a manager designated by him/her (the 'Disciplinary Manager') may consider taking formal action under Stage 1 of those procedures. The Disciplinary Manager may, if he or she consider it appropriate, designate another person to investigate the circumstances of the case (the 'Investigating Manager') and shall inform the member of staff accordingly.

For minor corrections and issues – and for most informal investigations and corrections – the Pro-Vice-Chancellor/Head of School/ Director may not need to appoint an Investigating Officer. However in cases where the Pro Vice Chancellor/ Head of School/ Director is involved (e.g. a complaint against him or her) or where the matter may be or become serious, an Investigating Officer should be appointed and the Disciplinary Manager should be a person other than the Pro Vice Chancellor/ Head of School/ Director.

Where the Disciplinary Manager appoints an Investigating Manager, the Investigating Manager shall undertake such enquiries as he or she deem to be appropriate with a view to obtaining information and assembling evidence as to the nature and likely causes of the alleged misconduct. The Investigating Manager shall normally interview the member of staff. The person concerned should be given advance warning of the meeting with

sufficient time to prepare and may be accompanied by a colleague or trade union representative at the meeting.

The Investigating Manager shall report his/her findings to the Disciplinary Manager, who shall determine whether or not there are grounds to indicate that an act of misconduct may have occurred. If not, the Disciplinary Manager shall inform the member of staff, in writing, accordingly.

7. If the Disciplinary Manager decides that there are grounds to indicate that an act of misconduct may have occurred, the Disciplinary Manager shall write to the member of staff to invite them to a formal meeting. The Disciplinary Manager shall inform the member of staff in writing that there is to be a meeting. The letter shall include:
  - (i) a statement of the grounds that have led to the meeting being called including full details of the alleged misconduct;
  - (ii) any supporting information and evidence and notes or report (if any) of the Investigating Manager;
  - (iii) the date, time and location of the meeting;
  - (iv) The name of any person accompanying the Disciplinary Manager (e.g. a member of the People Services Directorate);
  - (v) the fact that the meeting is taking place under Stage 1 of these procedures;
  - (vi) the right of the member of staff to be accompanied by a work colleague or a trade union representative;
  - (vii) a copy of this ordinance.
8. At such meeting, where an Investigating Manager has been appointed, the report of the Investigating Manager shall be made available to the member of staff and if requested to do so either by the Disciplinary Manager or by the member of staff, the Investigating Manager shall explain the substance of the alleged misconduct to the member of staff. The member of staff shall be given a fair opportunity to respond and state his or her case. If, having considered the evidence, the Disciplinary Manager is satisfied that the member of staff has committed an act of misconduct, the Disciplinary Manager shall write to the member of staff informing him/her:-
  - (i) of his/her finding and the basis for such finding;
  - (ii) whether it is appropriate for a formal disciplinary warning to be given (oral or written) under these procedures and, if such warning is given, the period during which the warning will remain active (which will be in accordance with ACAS guidance from time to time);
  - (iii) the standard of conduct expected, the time during which this improvement must be achieved and the consequences of any repetition, or if appropriate, failure to improve, within such timescale (such consequences may include referral to Stage 2 or 3 (as considered appropriate) of these procedures);
  - (iv) whether any further measures designed to assist in resolving the matter should be taken (e.g. any training or support which may be available);
  - (v) of his/her right of appeal against the decision in accordance with paragraph 26 below.
9. If, having considered the evidence, the Disciplinary Manager is satisfied that a formal disciplinary warning is not appropriate; he or she shall so inform the member of staff and shall confirm this by letter.



## Stage 2

10. If the member of staff does not meet the required standard of conduct set out under Stage 1, or where there is a prima facie case that the alleged misconduct is such that it is appropriate to dispense with Stage 1, the Disciplinary Manager may consider taking formal action under Stage 2 of these procedures.
11. Before any decision is taken to proceed with formal action under Stage 2, the Disciplinary Manager shall designate another person to investigate the circumstances of the case (the 'Investigating Manager') and shall inform the member of staff accordingly.
12. The Investigating Manager shall undertake such enquiries as he or she deems to be appropriate with a view to obtaining information and assembling evidence as to the nature and likely causes of the alleged misconduct. The Investigating Manager shall normally interview the member of staff. The Investigating Manager shall report his/her findings to the Disciplinary Manager, who shall determine whether or not there are grounds to indicate that an act of misconduct may have occurred. If not, the Disciplinary Manager shall inform the member of staff, in writing, accordingly.
13. If the Disciplinary Manager decides that there are grounds to indicate that an act of misconduct may have occurred, the Disciplinary Manager shall write to the member of staff to invite them to a formal meeting. The Disciplinary Manager shall inform the member of staff in writing in advance that there is to be a meeting. The letter shall include:
  - (i) a statement of the grounds that have led to the meeting being called including full details of the alleged misconduct;
  - (ii) any supporting information and evidence and the report of the Investigating Manager;
  - (iii) the date, time and location of the meeting;
  - (iv) the name of any person accompanying the Disciplinary Manager (e.g. a member of the People Services Directorate.)
  - (v) the fact that the meeting is taking place under Stage 2 of these procedures;
  - (vi) the right of the member of staff to be accompanied by a work colleague or a trade union representative;
  - (vii) a copy of this ordinance.
14. Where an Investigating Manager has been appointed, the report of the Investigating Manager shall be made available to the member of staff prior to any disciplinary hearing and if requested to do so either by the Disciplinary Manager or the member of staff the Investigating Manager shall explain the substance of the alleged misconduct to the member of staff. The member of staff shall be given a fair opportunity to respond and state his or her case. If, having considered the evidence, the Disciplinary Manager is satisfied that the member of staff has committed an act of misconduct, the Disciplinary Manager shall write to the member of staff informing him/her:-
  - (i) of his/her finding and the basis for such finding;
  - (ii) that a formal disciplinary warning (written or final written) will be given under these procedures and, if such warning is given, the period during which the warning will remain active (which will be in accordance with ACAS guidance from time to time);
  - (iii) the standard of conduct expected, the time during which this improvement must be achieved and the consequences of any repetition, or if appropriate, failure to improve, within such timescale (such consequences may include referral to Stage 3 of these procedures);

- (iv) whether any further measures designed to assist in resolving the matter should be taken (e.g. any training or support which may be available);
  - (v) information about the member of staff's right of appeal against the decision in accordance with paragraph 26 below.
15. If, having considered the evidence, the Disciplinary Manager is satisfied that a formal disciplinary warning is not appropriate; he or she shall so inform the member of staff and shall confirm this by letter. Alternatively, the Disciplinary Manager may instead issue a disciplinary warning as set out under Stage 1 of these procedures.

### *Stage 3*

16. If the member of staff does not improve as specified in the formal disciplinary warning issued under Stage 2 of these procedures the Pro-Vice-Chancellor/Head of School/ Director will refer the matter for consideration to the Vice-Chancellor or an appropriate senior officer appointed by the Vice-Chancellor. In the case of a member of staff being a Pro-Vice-Chancellor/Head of School/ Director the Vice-Chancellor or an appropriate senior officer appointed by the Vice-Chancellor may themselves institute proceedings set out in Stage 3.

This stage will also apply (i) where there is a *prima facie* case that the alleged misconduct is such that it is appropriate to dispense with Stages 1 and 2; or (ii) where *prima facie* evidence of gross misconduct (as defined in Appendix 1) or of termination of employment on grounds of "some other substantial reason" is contemplated by the Vice-Chancellor or an appropriate senior officer appointed by the Vice-Chancellor.

17. Before any decision is taken to proceed with formal action under Stage 3, the Vice-Chancellor or an appropriate senior officer appointed by the Vice-Chancellor (Disciplinary Manager) shall designate another person to review the circumstances of the case and conduct an investigation (the 'Investigating Manager') and shall inform the member of staff accordingly. The Investigating Manager may be a member of staff, a lay member of Council or a person external to the University with no previous involvement with the issue and no personal links to the parties involved.
18. The Investigating Manager shall undertake such enquiries as he or she deems to be appropriate with a view to obtaining information and assembling evidence as to the nature and likely causes of the alleged misconduct or in relation to the alleged "some other substantial reason" for termination. The Investigating Manager shall normally interview the member of staff. The Investigating Manager shall report his/her findings to the appropriate Disciplinary Manager who shall determine whether or not there are grounds to indicate that an act of misconduct may have occurred or to indicate that there is "some other substantial reason" to terminate the employment. If not, the Disciplinary Manager shall inform the member of staff, in writing, accordingly and may if appropriate refer the matter to the relevant Pro-Vice-Chancellor/Head of School/ Director to be progressed under Stage 2 of these procedures.

If the Disciplinary Manager decides that there are grounds to indicate that an act of misconduct may have occurred, or that there may be a case to terminate on grounds of "some other substantial reason", the Disciplinary Manager shall pass the matter to the People Services Director, who shall write to the member of staff and invite them to a formal meeting of the Disciplinary Panel (if in a case where the Disciplinary Manager is the People Services Director the matter shall be passed to the Head of Employment Relations and Reward, who shall write to the member of staff). The letter shall include:

- (i) a statement of the grounds that have led to the meeting being called including full details of the alleged misconduct or alleged “substantial reason” for termination of employment;
  - (ii) the report of the Investigating Manager and any supporting information and evidence;
  - (iii) the date, time and location of the meeting;
  - (iv) the fact that the meeting is taking place under Stage 3 of these procedures;
  - (v) the right of the member of staff to be accompanied by a work colleague or a trade union representative;
  - (vi) a copy of this ordinance.
20. The Disciplinary Panel shall consist of up to three members, including a senior officer as Chair, who shall be nominated by the Disciplinary Manager and up to two other members nominated by the Chair, who may be members of staff, members of Council or external members.
21. The Disciplinary Manager and/or the Investigating Manager will be asked to attend the Disciplinary Panel to explain why s/he has recommended that the matter be referred for consideration by a Disciplinary Panel. The member of staff will be given the opportunity to state his or her case and raise any factors which he/she wishes to have considered.
22. Subject to the above, the conduct of the hearing before the Disciplinary Panel and any adjournments will be at the discretion of the Chair of the Disciplinary Panel.
23. The Disciplinary Panel will deliberate in private. Normally a unanimous decision will be expected, but if the members of the Disciplinary Panel cannot agree, the decision of the Panel shall be that of the majority of its members. The Disciplinary Panel shall give a reasoned decision in writing, which shall be sent to the member of staff as soon as possible and within 14 days or otherwise as soon as is reasonably practical.
24. The Disciplinary Panel may impose the following sanctions (and in relation to (i) to (v) below, in any combination):
- (i) a written warning or final written warning: if such warning is given, the period during which the warning will remain active shall be determined at the time of the hearing and shall be notified in writing to the member of staff;
  - (ii) as an agreed alternative to dismissal, the award of a reasonable sum by way of compensation, either to the University or to an individual, in respect of identified and quantified loss;
  - (iii) withholding any forthcoming increment of salary;
  - (iv) the demotion to a post of lower grading;
  - (v) the removal of any title or office held in addition to the substantive appointment;
  - (vi) a discussion between the Investigation Authorising Officer or other appropriate person and the member of staff concerned in order to give advice as to future conduct
  - (vii) dismissal (without notice in the case of gross misconduct).

The decision and sanction of the Disciplinary Panel will be communicated by letter from the Disciplinary Manager to the member of staff. The Disciplinary Manager shall append to its letter notification to the member of staff of his/her right of appeal.

25. If, having considered the evidence, the Disciplinary Panel is satisfied that no action is appropriate; the Chair shall so inform the member of staff and shall confirm this by letter.

### **Stage 3 as applicable to Senior Members of staff**

26. This section shall apply where the dismissal of a member of staff, within the meaning of the Employment Rights Act 1996, is contemplated and where the member of staff holds a senior position in the University, normally at grade 11. **For the purposes of this section if the Grade 11 member of staff is a member of the University Senior Leadership Team then either the Provost, Vice Chancellor or Chair of Council will determine the Disciplinary Manager as appropriate..**

27. The Disciplinary Manager is accountable to the Council for deciding whether or not dismissal is being contemplated.

Where the Disciplinary Manager makes such a decision to proceed with formal action he or she will inform the member of staff concerned.

28. The Disciplinary Manager will appoint an Investigation Manager who may be a member of staff, a Council member or an external person, to undertake such enquiries as s/he deem to be appropriate with a view to obtaining information and assembling evidence. The Disciplinary Manager will inform the member of staff of that appointment.

The Investigating Manager will report findings to the Disciplinary Manager who shall decide whether or not a Disciplinary Panel shall be convened. If not, the Disciplinary Manager shall inform the member of staff, in writing, accordingly and may if appropriate refer the matter to the relevant Pro-Vice-Chancellor/Head of School/ Director to be progressed under Stage 2 of these procedures.

29. The Disciplinary Manager will inform the member of staff of that decision and shall write to the member of staff and invite them to a formal meeting of the Disciplinary Panel. The letter shall include:

- (i) a statement of the grounds that have led to the meeting being called including full details of the alleged misconduct or alleged "substantial reason" for termination of employment;
- (ii) the report of the Investigating Manager and any supporting information and evidence;
- (iii) the date, time and location of the meeting;
- (iv) the fact that the meeting is taking place under Stage 3 of these procedures;
- (v) the right of the member of staff to be accompanied by a work colleague or a trade union representative;
- (vi) a copy of this ordinance.

30. The Disciplinary Panel shall consist of up to three members, including a senior member of staff (Grade 11) or a lay member of Council nominated by the Disciplinary Manager as Chair, and up to two other members nominated by the Chair, who shall normally be senior members of staff, lay members of Council or external members

31. The Disciplinary Manager and/or the Investigating Manager will be asked to attend the Disciplinary Panel to explain why s/he has recommended that the matter be referred for consideration by a Disciplinary Panel. The member of staff will be given the opportunity to state his or her case and raise any factors which he/she wishes to have considered.
32. Subject to the above, the conduct of the hearing before the Disciplinary Panel and any adjournments will be at the discretion of the Chair of the Disciplinary Panel.
33. The Disciplinary Panel will deliberate in private. The Disciplinary Panel shall recommend to the Disciplinary Manager what sanction(s) if any the Disciplinary Manager should impose on the member of staff. The sanctions may include those set out in paragraph 24 above.
34. The Disciplinary Manager will be accountable to Council for any decision under this section.
35. The decision and sanction of the Disciplinary Manager will be communicated by letter from the Disciplinary Manager to the member of staff. The Disciplinary Manager shall append to its letter notification to the member of staff of his/her right of appeal.

## **Part IV - Appeals**

36. The member of staff will have the right to appeal against any decision made under this ordinance. The grounds for appeal must be in writing and must be sent to the Vice-Chancellor's Office. All appeals shall be lodged and conducted in accordance with the University's ordinance for appeals.

## **Part V - Suspension**

37. At any stage in the disciplinary process, where there may be a prima facie case for action under stages 2 or 3, if appropriate, the member of staff may be suspended from work on full pay by the Vice-Chancellor or an appropriate senior officer appointed by Vice-Chancellor (the Suspension Officer). Suspension is not a disciplinary penalty and is not an indication of culpability. The suspension shall be reviewed regularly by the acting Suspension Officer and/or in conjunction with People Services as appropriate, regularly thereafter. The member of staff shall be given the opportunity to make representations in writing to the acting Suspension Officer before any such review takes place.
38. During any period of suspension, the member of staff will be required to co-operate fully with any investigation and to be available for interview during normal office hours. During such period of suspension, the member of staff will not be entitled to access any University premises (except to attend meetings at the University's request or with the University's expressed permission accompanied by his/her trade union representative or other approved member of staff). The member of staff shall not be entitled to use part or all of the University's internet/intranet.
39. As an alternative to suspension to facilitate the proper investigation of a complaint and to avoid the possibility of further exacerbation of the situation, the University may require, without prejudice, one or more parties to work in or from a different location during the period of investigation, where this is practical. It may not be possible for all of the duties of the post to be performed.
40. Where there is a prima facie case of alleged serious misconduct under Stage 3 of the Procedures, the Vice-Chancellor or an appropriate senior officer appointed by the Vice-Chancellor must give consideration to, and decide, whether or not the member of staff shall be suspended. The Vice-Chancellor or an appropriate senior officer appointed by the Vice-Chancellor shall inform the member of staff of the decision and will set out the terms of any suspension in writing to the member of staff. Such terms may include, but are not limited to:
- a. Limits of access by the member of staff to the University's premises, employees, and intranet/internet facilities
  - b. A statement of explanation for colleagues which shall be confidential to those members of staff
  - c. A statement of explanation relevant third parties,
  - d. Initial term for suspension and review arrangements.

## **Appendix 1 - Gross Misconduct**

Employment may be terminated without notice in the event of a finding of gross misconduct. Examples of behaviour which may constitute gross misconduct include (but are not limited to):-

- theft or fraud
- physical violence or bullying
- deliberate damage to property
- criminal acts
- misuse of the University's property or name
- deliberately accessing internet sites containing pornographic, offensive or obscene material
- serious insubordination
- unlawful discrimination or harassment
- bringing the organisation into serious disrepute
- incapability at work brought on by alcohol or illegal drugs
- causing loss, damage or injury through negligence
- a serious breach of health and safety rules
- a fundamental breach in the relationship of trust and confidence
- a serious breach of the University's codes of conduct, regulations, rules, policies and ordinances.

## **Ordinance 11.4 – Capability and Performance**

### **Part I – Application and scope**

This Ordinance shall apply in circumstances where a member of staff's capability or performance in undertaking his or her role are to be reviewed.

The length of any warning that may be issued pursuant to this procedure will be in accordance with ACAS guidance from time to time.

1. Where at any stage of proceedings being taken under this ordinance it emerges that the member of staff's performance or capability may have been wholly or partly influenced by a clinical condition, the person(s) dealing with the matter may, at their discretion and if they consider it appropriate, adjourn any meeting or hearing in order to obtain such reports and advice as they may deem necessary. They may also, at their discretion, determine whether:
  - (i) to halt the proceedings under this ordinance and transfer the matter to the appropriate stage of the ordinance for the review of members of staff demonstrating incapacity on health grounds; or
  - (ii) to continue with the proceedings under this ordinance, taking into account as appropriate the member of staff's clinical condition. In such circumstances, the person(s) dealing with the matter may invite to any meeting or hearing, for the purpose of advising him/her, an appropriately clinically qualified person who has had no previous involvement with the case under consideration. Such person shall be appointed by the People Services Director or a member of the People Services Senior Leadership Team, having first consulted an appropriate member of the Occupational Health Service.
2. Issues of unsatisfactory performance will normally be dealt with through review and discussion between the line manager and the member of staff, and this ordinance will be used only where the failure to reach a satisfactory level of performance is significant or persistent.

### **Part II – Informal Procedure**

3. When a member of staff's performance gives rise for concern, his/her line manager will conduct such investigation as is considered necessary. In exceptional



circumstances this may be conducted by a more senior leader within the Faculty/ Directorate. The line manager, or in exceptional circumstances a more senior leader within the Faculty/ Directorate, shall inform the member of staff that an investigation is taking place and shall normally interview the member of staff. The purpose of the investigation shall be to obtain information and assemble evidence as to the nature and likely causes of the poor performance.

4. In cases of minor lapses in performance, or lapses identified on investigation as being uncharacteristic, transitory or arising from misunderstood expectations, the line manager or in exceptional circumstances a more senior leader within the Faculty/ Directorate may issue informal advice and guidance to the member of staff. This may include identifying appropriate training, support and mentoring to help the member of staff improve their performance. This discussion and its outcome should be noted. Notes should not be kept longer than necessary, once improvements have been made.
5. If the line manager or in exceptional circumstances a more senior leader within the Faculty/ Directorate still has concerns about the member of staff's performance or where lapses in performance are more serious, he/she shall bring the matter to the member of staff's attention and a review shall be conducted. A meeting will take place with a view to securing improvement to the standards required.
6. The meeting shall be informal and constructive to allow the member of staff an opportunity to express his/her opinion and for the line manager or in exceptional circumstances a more senior leader within the Faculty/ Directorate to determine whether there are any external factors which may be contributing to the poor performance.
7. After the meeting an agreed action plan shall be provided in writing to the member of staff. The plan shall contain a summary of the improvement(s) required, the target(s) and timescales(s) over which these are expected to be achieved and any appropriate training or support that will be provided, as well as the potential consequences of not achieving the targets in the required timescales, for example moving to the formal procedure.
8. Continued monitoring shall take place by the line manager or in exceptional circumstances a more senior leader within the Faculty/ Directorate for a period of time, normally up to three months depending on the requirements to improve performance. It is anticipated that in the majority of cases, no further action will be necessary.

## **Part III - Formal Procedure**

### ***Stage 1 - Capability Meeting***

9. Where the line manager or in exceptional circumstances a more senior leader within the Faculty/ Directorate's investigation suggests that the member of staff's poor performance is such as to warrant a formal approach (in, for example, cases where poor performance may be deemed dangerous) or where the normal process of informal action or counselling have proved ineffective, the line manager or in exceptional circumstances a more senior leader within the Faculty/ Directorate shall convene a formal capability meeting with the member of staff.

10. The line manager or in exceptional circumstances a more senior leader within the Faculty/ Directorate shall write to the member of staff inviting him/her to the meeting. The letter shall include:-
  - (i) a statement of the grounds that have led to the requirement for the meeting, including full details of the perceived inadequate performance;
  - (ii) any supporting information and evidence;
  - (iii) the date, time and location of the meeting;
  - (iv) The name of any person accompanying the manager (e.g. a member of the People Services Directorate);
  - (v) the fact that the meeting is taking place under Stage 1 of these procedures;
  - (vi) the right of the member of staff to attend and to be accompanied by a work colleague or a trade union representative;
  - (vii) a copy of this ordinance.
11. The purpose of the capability meeting shall be to explain the shortcomings in the performance of the member of staff, to identify those factors contributing to the inadequate performance and to establish a timetable and targets for improvement supported by a plan of action. This may include identifying appropriate training, support and mentoring to help the member of staff improve their performance. The member of staff will be given an opportunity to give their opinion before a decision as to what action should be taken is made.
12. After the meeting, and if deemed appropriate, the line manager or in exceptional circumstances a more senior leader within the Faculty/ Directorate shall issue an oral or written warning to the member of staff that makes it clear that his/her job is at risk if improvement is not achieved and providing details of any support that will be given. A plan of action will normally set out the improvements required. The potential consequences of not achieving the targets in the required timescales, for example moving to Stage 2 of the formal procedure will be explained.
13. This warning and action plan shall be recorded in writing with a copy to be sent to the member of staff. Copies will also be placed in the member of staff's personal file.

### ***Stage 2 - Capability Review Meeting***

14. If it is considered that the member of staff has not met the required improvements by the conclusion of the review period (or sooner if the inadequate performance is worsening), the line manager or in exceptional circumstances a more senior leader within the Faculty/ Directorate shall write to the member of staff inviting him/her to a capability review meeting. The member of staff will receive notice in writing of

this meeting and its purpose. The line manager's letter shall include details corresponding to those set out in clause 10 above appropriately modified to reflect the position at stage 2.

15. At the conclusion of the capability review meeting, the line manager or in exceptional circumstances a more senior leader within the Faculty/ Directorate decide what action, if any, needs to be taken and will confirm their decision in writing to the member of staff.
16. Where there continues to be a significant shortfall from the performance improvement targets set by the line manager or in exceptional circumstances a more senior leader within the Faculty/ Directorate may have recourse to the University's conduct ordinance where it is believed that the continuing poor performance is as a result of the conduct or wilful non-achievement of the member of staff. Where it is believed that a lack of capability continues to underlie the member of staff's poor performance, the line manager or in exceptional circumstances a more senior leader within the Faculty/ Directorate will issue a final written warning referring to the member of staff's possible termination of employment, together with a further plan of action and period of review. The potential consequences of not achieving the targets in the required timescales, for example moving to Stage 3 of these procedures will be explained. This will be recorded in writing to the member of staff.

### ***Stage 3 - Further Capability Review Meeting***

17. If the member of staff does not improve as specified in the final written warning issued under Part III Stage 2 above, the line manager or in exceptional circumstances a more senior leader within the Faculty/ Directorate may refer the matter for consideration to the Vice-Chancellor or an appropriate senior officer appointed by the Vice-Chancellor. (N.B. Matters relating to gross negligence should be dealt with through the conduct ordinance.)
18. Before any decision is taken to proceed with formal action under Stage 3, the Vice-Chancellor or an appropriate senior officer appointed by the Vice-Chancellor shall designate another person to review the circumstances of the case (the 'Investigating Manager') and shall inform the member of staff accordingly.
19. The Investigating Manager shall undertake such enquiries as he or she deems to be appropriate with a view to obtaining information and assembling evidence as to the nature and likely causes of the alleged poor performance. The Investigating Manager shall normally interview the member of staff. The Investigating Manager shall report his/her findings to the Vice-Chancellor or an appropriate senior officer appointed by the Vice-Chancellor, who shall determine whether or not there are grounds to continue with this stage of the procedures. If not, the Vice-Chancellor

or an appropriate senior officer appointed by the Vice-Chancellor shall inform the member of staff, in writing, accordingly.

20. If the Vice-Chancellor or an appropriate senior officer appointed by the Vice-Chancellor decides that there are grounds to do so, the Vice-Chancellor or an appropriate senior officer appointed by the Vice-Chancellor shall invite the member of staff to the the Formal Capability Panel meeting in writing in advance. The letter shall include:
  - (i) a statement of the grounds that have led to the meeting being called including full details of the alleged poor performance;
  - (ii) any supporting information and evidence;
  - (iii) the date, time and location of the meeting;
  - (iv) the fact that the meeting is taking place under Stage 3 of these procedures;
  - (v) the right of the member of staff to be accompanied by a work colleague or a trade union representative;
  - (vi) a copy of this ordinance.
21. The Formal Capability Panel shall consist of up to three members, including a senior officer nominated by the Vice-Chancellor as Chair, and up to two other members nominated by the Chair, who may be members of staff, members of Council or external members.
22. The Vice-Chancellor or an appropriate senior officer appointed by the Vice-Chancellor and/or the Investigating Manager will be asked to attend the Formal Capability Panel to explain why s/he has recommended that the matter be referred for consideration by a Formal Capability Panel. The member of staff will be given the opportunity to state his or her case and raise any factors which he/she wishes to have considered.
23. Subject to the above, the conduct of the hearing before the Formal Capability Panel and any adjournments will be at the discretion of the Chair of the Formal Capability Panel.
24. The Formal Capability Panel will deliberate in private. Normally a unanimous decision will be expected, but if the members of the Formal Capability Panel cannot agree, the decision of the Panel shall be that of the majority of its members. The Formal Capability Panel shall give a reasoned decision in writing, which shall be sent to the member of staff within 14 days or otherwise as soon as is reasonably practical.

25. The Formal Capability Panel may impose the following sanctions (and in relation to (i) to (v) below, in any combination):
- (i) a written warning or final written warning: if such warning is given, the period during which the warning will remain active shall be determined at the time of the hearing and shall be notified in writing to the member of staff;
  - (ii) as an agreed alternative to dismissal, the award of a reasonable sum by way of compensation, either to the University or to an individual, in respect of identified and quantified loss;
  - (iii) the withholding of any forthcoming increment of salary;
  - (iv) the demotion to a post of lower grading;
  - (v) the removal of any title or office held in addition to the substantive appointment;
  - (vi) dismissal (without notice in the case of gross negligence);
  - (vii) a discussion between the Vice-Chancellor or appropriate senior officer appointed by the Vice-Chancellor and the member of staff concerned in order to give advice as to future performance.

The decision and sanction of the Formal Capability Panel will be communicated in writing to the member of staff by the Panel Chair with the right of appeal also explained.

26. If, having considered the evidence, the Formal Capability Panel is satisfied that no action is appropriate, the Chair shall so inform the member of staff and shall confirm this by letter.

#### **Part IV - Appeals**

27. The member of staff will have the right to appeal against any decision made under this ordinance. The grounds for appeal must be in writing and must be sent to the Vice-Chancellor's Office. All appeals shall be lodged and conducted in accordance with the University's ordinance for appeals.

## **Ordinance 11.5 – Incapacity on Health Grounds**

### **Part I – Application and Scope**

1. This ordinance shall normally apply only in instances where a member of staff is unable to fulfil the duties of his or her appointment in the University as a result of prolonged or repetitive absence from work, for which the cause is an underlying clinical condition (or combination of conditions) in respect of which there is no remedy and/or no improvement likely within a reasonable time. High levels of short-term sickness absence, or incapacity on health grounds which does not lead to absence from work, shall normally be dealt with under the University's Capability and Performance and/or Conduct Ordinances.
2. Nothing in this ordinance, however, shall preclude the University, where in its absolute discretion it considers it appropriate to do so, from seeking to resolve matters by informal means, or by other processes, rather than through use of this ordinance.

### **Part II - General provisions**

3. This ordinance should be read in conjunction with the University's Absence Management Policy, which deals with constructive approaches to return to work, the Disability Discrimination Act 1995 and long-term absence.
4. References to "health grounds" in this ordinance are to physical and/or mental health conditions that have an adverse impact on the capacity of a member of staff to contribute to the University and/or to perform some or all of the duties of the post to which he or she is appointed.
5. Where the University receives medical advice that taking any step or steps under this ordinance entails a risk of exacerbating a medical condition, the appropriate senior officer appointed by the Vice-Chancellor may apply this ordinance with such amendments as he or she consider appropriate with a view to reducing any such risk.

### **Part III – Prolonged Sickness Absence**

6. The line manager or in exceptional circumstances a more senior leader within the Faculty/ Directorate will maintain contact with the member of staff concerned at regular intervals. Where appropriate, they may request a meeting or investigation through the People Services Directorate and Occupational Health with the member of staff when the absence extends beyond six weeks, or sooner if appropriate in accordance with the University's Sickness and Absence Management Policy.
7. At any time, the University may require the member of staff to attend a medical examination through the Occupational Health Service or by an appropriately medically qualified person nominated by the People Services Director or a member of the People Services Senior Leadership Team so that a medical report can be obtained. The member of staff may also be asked to consent to his or her own doctor providing a report for the University or any such qualified person. The medical reports will be considered by the line manager or in exceptional circumstances a more senior leader within the Faculty/ Directorate or an appropriate representative of the People Services Directorate, in the context of all other known facts, including the anticipated recovery period and the business needs of the University.
8. Where the medical report intimates that the member of staff should be fit to return to work within a reasonable time, the Occupational Health Service, in conjunction with the line manager or in exceptional circumstances a more senior leader within the Faculty/ Directorate , may recommend, where appropriate, a temporary or permanent adjustment, e.g. to duties and responsibilities, working hours, location, or physical/ergonomic aspects of the workstation as this may facilitate an earlier return to work.
9. Where medical reports indicate that the member of staff is unfit to return to his/her post, the line manager or in exceptional circumstances a more senior leader within the Faculty/ Directorate, in consultation with the appropriate member of People Services and the member of staff concerned, will consider, where appropriate and if possible, a permanent change to working hours, duties and responsibilities or redeployment to a different post. Alternatively, where appropriate, the member of staff may apply for early retirement on the grounds of ill-health in accordance with the regulations of the appropriate Superannuation Scheme.
10. If a return to work is not feasible within a reasonable time, the People Services Director or member of the People Services Senior Leadership Team in consultation with the line manager or in exceptional circumstances a more senior leader within the Faculty/ Directorate, , having taken into consideration the relevant facts, including for example :-
  - (a) medical reports where available;
  - (b) any evidence relating to the health grounds and the surrounding circumstances considered relevant; and
  - (c) any steps already taken to address the issues, whether formally or informally,



shall write to the member of staff, advise him/her that there appear to be grounds to justify the termination of his/her employment on health grounds and request a meeting with the member of staff and the appropriate member of People Services. This meeting may, by mutual agreement, be at the member of staff's normal place of work or at another agreed location. If there is medical advice stating a meeting is not appropriate due to the health of the member of staff alternatives should be considered.

11. At the meeting, the member of staff will be invited to respond and raise any factors which he/she wishes to have considered. The conduct of the meeting and any adjournments will be at the discretion of the line manager or in exceptional circumstances a more senior leader within the Faculty/ Directorate.
12. The member of staff will receive notification from the line manager or in exceptional circumstances a more senior leader within the Faculty/ Directorate of the decision and the reasons for it in writing and will be notified of the right of appeal under this ordinance.

#### **Part IV – Appeals**

13. The member of staff will have the right to appeal against any decision that dismissal should be given on health grounds. The grounds of appeal should be in writing and sent to the Vice-Chancellor's Office. All appeals shall be lodged and conducted in accordance with the University's ordinance for appeals.

## Ordinance 11.6 – Termination of Probationary Appointments

### Part I - Application and Scope

1. The provisions of this ordinance shall apply, as set out below, to those members of staff ("Probationers") who have been appointed subject to review after a period of probationary service ("the Probationary Period"), for the purpose of determining whether, at the end of such period, the appointment should be confirmed as one of indefinite duration, or, in the case of fixed term appointments, for the remaining period of the appointment, or whether the appointment should not be so confirmed and, in consequence, terminate.
2. This ordinance shall be without prejudice to the ability of the University to dismiss Probationers on grounds other than those set out in Part II below.

### Part II - General Provisions

3. References to "Grounds for Non-Confirmation" are to:
  - (a) performance or capability which is considered to be unsatisfactory or inadequate; or
  - (b) conduct at, in connection with, or relevant to, work for the University which is considered to be unsatisfactory; or
  - (c) an attendance or punctuality record which (after taking into account any appropriate adjustments in respect of any disability within the meaning of the Disability Discrimination Act 1995) is unsatisfactory; or
  - (d) any other reasonable grounds which are considered to be relevant to the suitability of the Probationer to be confirmed in post.
4. This ordinance should be read in conjunction with the University's detailed procedures that apply to the following groups of staff:
  - a) Academic Staff (other than Professors) (subject to a 3-year probationary period)
  - b) Academic Related Staff (subject to a one year probationary period)
  - c) Support Staff (subject to a six month probationary period)For the purposes of this ordinance the relevant staff groups are defined as follows:  
**Academic:** - Those in the Academic job family with teaching and Research Role profiles.  
**Academic Related:** - Those in the Academic job family either with Research Role Profiles or with Teaching and Scholarship Role Profiles and those in the Administrative Professional and Managerial job family.

**Support Staff:** – All other members of staff who are subject to probation.

The purpose of these procedures is to identify any weaknesses or areas for improvement and to provide the necessary support to members of staff during probation.

N.B. probation will normally be waived for lecturers and senior lecturers on appointment in cases where evidence is obtained that a new staff member has successfully completed a probationary period in a similar role and grade in another University.

### **Part III - Grounds for Non-Confirmation - formal meetings**

5. If at any time during the Probationer's Probationary Period, the Probationary Supervisor considers that there may be grounds for non-confirmation, and specifically where set out in the University's detailed procedures for the groups of staff listed above, the Probationary Supervisor will prepare a statement identifying those grounds and summarising the steps previously taken to procure improvement. Copies of relevant documents may be appended to the statement.
6. The Probationary Supervisor will send the statement (and any appended documents) to the Probationer and the (Pro-Vice-Chancellor)/Head of School/Director or staffing committee.
7. The Pro-Vice-Chancellor/Head of School/Director or staffing committee will send a written notification to the Probationer giving at least 7 days' notice of a formal meeting to consider the statement, informing the Probationer that he or she has a right to be accompanied at the meeting and/or to make written representations. to the Pro-Vice-Chancellor/Head of School/Director or staffing committee. If the Pro-Vice-Chancellor/Head of School Department/Director or staffing committee considers on the basis of the statement that there may be Grounds for Non-Confirmation, he or she will also inform the Probationer in writing that the formal meeting could result in non-confirmation and termination of the employment of the Probationer.
8. The Probationary Supervisor will be asked to attend the formal meeting to explain the case set out in the statement and answer any relevant questions which may be raised by the Probationer or the Pro-Vice-Chancellor/Head of School/Director or staffing committee. The Probationer will be given the opportunity to state his or her case.
9. Subject to the above, the conduct of the formal meeting and any adjournments will be at the discretion of the Pro-Vice-Chancellor/Head of School/Director or chair of the staffing committee.

## **Part IV – Decisions**

10. The decision of the Pro-Vice-Chancellor/Head of School/Director or staff committee may include (but will not be limited to) the following:
  - (a) that a formal probationary warning should be given to the Probationer, identifying improvements or objectives which the Probationer must make or achieve and, if appropriate, the relevant timescale for such improvements or objectives, failing which the employment of the Probationer may be terminated under this ordinance; and/or
  - (b) that the Probationary Period should be extended for a further final period (which may be coupled with a formal probationary warning); or
  - (c) that the Probationer should be given notice of termination of employment by reason of one or more Grounds for Non-Confirmation.
11. The Pro-Vice-Chancellor/Head of School/Director/staffing committee will not normally decide that the Probationer should be given notice of termination of the probationary employment by reason of one or more Grounds for Non-Confirmation unless at least one formal probationary warning has previously been given to the Probationer (N.B. acts of gross negligence will be dealt with under the Conduct Ordinance.)
12. The decision and the reasons for it will be confirmed to the Probationer from the Pro-Vice-Chancellor/Head of School/Director or Chair of the relevant staffing committee as soon as possible after the end of the formal meeting.
13. If the decision is to give notice to terminate the employment of the Probationer, the Pro-Vice-Chancellor/Head of School/Director, Chair of the relevant staffing committee, Chief Operating Officer, or the People Services Director will write to the Probationer and notify the Probationer of the right of appeal under this ordinance at the same time as providing the decision.

## **Part V - Appeals**

14. The Probationer will have the right to appeal against any decision to issue a formal probationary warning or terminate his or her employment under this ordinance. Notification of appeal must be lodged within 7 days, with a further 18 days to submit grounds for appeal. The grounds of appeal must be in writing and must be sent to the Vice-Chancellor's office. All appeals shall be lodged and conducted in accordance with the University's Ordinance for appeals.

## **Ordinance 11.8 – Termination On Grounds of Illegality**

### **Part I – Application and scope**

1. This ordinance is designed to be used where the University is obliged to terminate the employment of a member of staff on grounds of illegality. It prescribes the procedures to be followed:  
where the member of staff cannot continue to work in the position which he or she holds without contravention (either on his or her part or on that of the University) of a duty or restriction imposed by or under an enactment ("illegality") (referred to in this ordinance as "illegality")
2. Nothing in this ordinance however shall preclude the University where in its absolute discretion it considers it appropriate to do so from seeking to resolve issues by informal means or by other processes rather than through use of this procedure and ordinance.

### **Part II - The Procedure**

3. Where there are concerns that the member of staff may not be entitled to be employed on grounds of illegality the People Services Director or an agreed member of the People Services Senior Leadership Team will arrange for an appropriate person (the Investigating Officer) to carry out such investigation as he or she may consider appropriate. This will include meeting the member of staff concerned and may include taking expert legal advice in appropriate cases.
4. If after the matter has been fully investigated, the Investigating Officer considers that there are no grounds to terminate employment, he or she will refer the matter to the People Services Director or agreed member of the People Services Senior Leadership Team or such person delegated to act with his/her authority with his/her recommendation to this effect. The People Services Director or agreed member of the People Services Senior Leadership Team shall then notify the member of staff in writing accordingly.
5. If the Investigating Officer considers that there may be grounds to dismiss the member of staff for illegality he or she will refer the matter to the People Services Director or agreed member of the People Services Senior Leadership Team with his/her recommendation that the member of staff should be dismissed or that the illegality should be rectified (if possible) or that other measures should be taken (if appropriate) to avoid the dismissal. The People Services Director or agreed member of the People Services Senior Leadership Team shall write to the member of staff, advise him/her that there appear to be grounds to justify the termination of the member of staff's employment, setting out the reasons for this conclusion, and request a formal meeting with the member of staff. The member of staff

may be provided with copies of any relevant evidence in advance of the formal meeting.

6. The report of the Investigating Officer shall be made available to the member of staff and, if requested to do so either by the People Services Director or agreed member of the People Services Senior Leadership Team or by the member of staff, the Investigating Officer shall attend the formal meeting to explain their findings and proposals and to answer any relevant questions. The member of staff will be given the opportunity to state his or her case and raise any factors which he/she wishes to have considered.
7. Subject to the above, the conduct of the formal meeting and any adjournments will be at the discretion of the People Services Director or agreed member of the People Services Senior Leadership Team.
8. The decision of the People Services Director or agreed member of the People Services Senior Leadership Team may include (but will not be limited to) the following:
  - (i) that the member of staff should be dismissed on grounds of illegality, either in accordance with the terms of employment or summarily, in which case the employment of the member of staff will be terminated accordingly;
  - (ii) that there should be no dismissal at that stage and that the University in conjunction with the member of staff should make such amendments to the member of staff's terms and conditions of employment and/or adjustments to his/her role as are appropriate;
  - (iii) that there should be no dismissal at that stage but that the member of staff should take immediate steps to resolve the potential illegality. In appropriate cases the University will provide reasonable assistance. The member of staff must keep the People Services Director or agreed member of the People Services Senior Leadership Team informed as agreed.
9. The People Services Director or agreed member of the People Services Senior Leadership Team will write to the member of staff informing him/her of his/her decision and the reasons for it and will notify the member of staff of the right of appeal under this ordinance.

### **Part III - Appeal**

10. The member of staff will have the right to appeal against any decision to terminate his or her employment under this ordinance. The grounds of appeal must be in writing and must be sent to the Vice-Chancellor's office. Appeals shall be lodged and conducted in accordance with the University's ordinance for appeals.



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## **Ordinance 11.9 - Termination of non-substantive positions**

### **Part I – Application and scope**

1. This ordinance shall apply only to the removal, or for fixed term appointments the early removal, from an appointment to which a member of staff (the 'Postholder') has been appointed and which is distinct from the Postholder's substantive appointment in the University, where dismissal from the substantive appointment is not contemplated. If a member of staff is appointed to one of these posts as his/her substantive post, the University's conduct, performance, redundancy, retirement, illegality and ill-health ordinances shall apply.
2. In the case of non-substantive posts within the University Senior Leadership Team, the Vice-Chancellor shall have the power to determine that there are possible grounds for terminating early the appointment of a Postholder. In the case of non-substantive posts outside the University Senior Leadership Team, the relevant member of the University Senior Leadership team or Director shall have that power.
3. Upon the removal of a member of staff from his or her substantive appointment, any appointment referred to in paragraph 1 above shall lapse automatically and the procedure described hereunder shall not, therefore, be applicable.

### **Part II – Procedure**

4. In any instance in which the Vice-Chancellor or the relevant member of the University Senior Leadership team or Director, as applicable, has determined that there are possible grounds for terminating the appointment of a Postholder prior to the prescribed or normal termination date for the appointment in question, they shall write to the Postholder to inform him or her:
  - (i) of the reasons for the proposed early termination of the appointment; and
  - (ii) of his or her right to attend a hearing by a Panel to make representations;
  - (iii) that he/she may be accompanied and represented by a work colleague or union representative at the hearing.
5. The Panel appointed shall comprise up to three persons, selected as follows:
  - (a) a senior member of staff appointed by the Vice-Chancellor or the relevant member of the University Senior Leadership team or in the case of the possible termination of a member of the University Senior

Leadership Team appointment of a lay member of the Council, nominated by the Chair of the Council, who shall act as Chair of the Panel;

- (b) where it is considered appropriate by the Chair (which decision is in the sole discretion of the Chair) two members of the academic staff, nominated by the Vice-Chancellor or the relevant member of the University Senior Leadership team, with, in the case of the possible termination of a member of the University Senior leadership Team, the concurrence of the Chair of Council.
6. The Vice Chancellor or the relevant member of the University Senior Leadership team will be asked to attend the Panel hearing to explain why s/he has recommended that the matter be referred for consideration by the Panel. The Postholder will be given the opportunity to state his or her case and raise any factors which he/she wishes to have considered.
  7. Subject to the above, the conduct of the hearing before the Panel and any adjournments will be at the discretion of the Panel.
  8. The Panel will deliberate in private. Normally a unanimous decision will be expected, but if the members of the Panel cannot agree, the decision of the Panel shall be that of the majority of its members. The Panel shall give a reasoned decision in writing, which shall be sent to the Postholder by the Chair of the Panel. Notification of the Postholder's right to appeal against the decision shall be appended to the Panel's decision.

### **Part III - Appeal**

9. The Postholder will have the right to appeal against any decision to terminate early their appointment under this ordinance. The grounds of appeal must be in writing and must be sent to the Vice-Chancellor's office within 14 days. Appeals shall be lodged and conducted in accordance with the University's ordinance for appeals.



## **11.10 Staff grievances**

### **Part I - Application and scope**

1. At any stage of the grievance ordinance, the person(s) or panel dealing with the grievance at that stage may, at his, her or its discretion, defer consideration of the grievance if other proceedings under Statute [6] concerning the member of staff raising the grievance, and which are relevant to the substance of the grievance, are pending or are in progress.
2. This ordinance will apply 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 (including, but not limited to, issues of harassment or unlawful discrimination). A grievance may be raised about matters concerning work or the conditions of employment except:
  - actions or decisions taken under the disciplinary, capability/performance, probation, redundancy, incapacity or retirement ordinances or other dismissal ordinances or the initiation of those ordinances. Complaints about these matters should be considered at hearings under these ordinances;
  - grading decisions, which will be managed through the appropriate grading appeal procedure;
  - collective disputes;
  - grievances raised by former employees: this ordinance shall not apply to any grievance raised by an employee after termination of his/her employment. This ordinance shall cease to apply if, during the course of the ordinance, the employment of the employee terminates. In such circumstances, the University shall notify the former employee of the appropriate procedure, if any, to be followed.

### **Part II - General Principles**

3. The member of staff should, as far as is reasonably possible and appropriate, aim to resolve the grievance informally through discussions. These should normally involve the member of staff's immediate line manager, and, where appropriate, any person or persons to whose conduct the grievance relates. As an alternative, and if the grievance relates to his/her line manager, the member of staff can discuss the matter on an informal basis with a member of the People Services Directorate, a senior manager within their Faculty or Directorate. If the grievance cannot be resolved, normally after meaningful and thorough attempts, then the procedures below should be followed.
4. Where appropriate any member of staff against whom a grievance is raised will be advised as soon as reasonably practicable of the nature of the grievance raised against him/her and be given the opportunity during the investigation and/or at any formal meeting or hearing where appropriate to state his/her case. The member of staff may be

accompanied at any such meeting or hearing by a work colleague or trade union representative. To facilitate the proper investigation of a complaint and to avoid the possibility of further exacerbation of the situation through continued contact, the University may require, without prejudice, one or more parties to work in or from a different location during the period of investigation, where this is practical. It may not be possible for all of the duties of the post to be performed.

### **Part III - The Procedures**

5. The intention of the procedures detailed below is to investigate and seek to resolve the grievance and identify any actions that may need to be taken as a consequence.

#### **Stage 1**

6. If the member of staff's grievance remains unresolved, or if he/she is unable to raise the matter informally, he or she shall write to his/her immediate line manager, using the Notification of Grievance Form giving full details and indicating the remedy sought. If the grievance concerns the immediate line manager, the member of staff should write to their relevant Director or Pro Vice Chancellor. If the grievance concerns the relevant /Director or Pro Vice Chancellor the member of staff should write to the Provost (academic staff) or the Chief Operating Officer (professional services staff). If the grievance concerns, the Provost or the Chief Operating Officer, the member of staff should write to the Vice Chancellor. If the grievance concerns the Vice Chancellor, the member of staff should write to the Chair of Council.
7. The member of staff shall also provide clarification on any aspect of the grievance if requested to do so by the person they sent their Grievance to (the "Relevant Postholder"), who shall normally investigate the substance of the grievance and, unless he or she deems it to be inappropriate or the member of staff refuses his or her consent, discuss it with any person to whose conduct the grievance relates. It should be recognised by the person bringing the grievance however that refusal of consent may limit the scope and outcome of the investigation. Any such concerns should be raised at the earliest opportunity.
8. The Relevant Postholder may appoint another appropriate person to investigate the grievance on his/her behalf (the "Investigating Manager"). The Relevant Postholder or the Investigating Manager shall invite the member of staff to attend a meeting to discuss the grievance with a view to resolving it.
9. The Relevant Postholder or the Investigating Manager will gather any relevant evidence from witnesses and may interview such witnesses, unless the Relevant Postholder deems it to be inappropriate or the member of staff refuses his or her consent. The written statement of grievance and any written evidence adduced shall be circulated to

witnesses and the Relevant Postholder or the Investigating Manager shall allow proper time for consideration and response.

10. After such meeting the Relevant Postholder or the Investigating Manager shall inform the member of staff, in writing, of his or her response to the grievance. In the event of further investigation being necessary, the member of staff will be notified of any delay. The Relevant Postholder's or the Investigating Manager's response shall indicate the procedure for the member of staff to proceed to Stage 2 if he or she is not satisfied with such response.

## ***Stage 2 - Appeal***

11. If the member of staff is not satisfied with the Relevant Postholder or the Investigating Manager response, he or she should write to the Vice-Chancellor's office, within 14 days of the Relevant Postholder's or the Investigating Manager's notification, setting out his/her Grounds of Appeal, including:
  - (i) full details of the grievance and indicating the remedy sought;
  - (ii) details of the steps he or she has taken in attempting to resolve the grievance thus far, enclosing copies of all relevant correspondence;
  - (iii) the reasons why he or she is dissatisfied with the outcome of Stage 1 of the ordinance.
12. The Vice-Chancellor or an appropriate senior officer nominated by the Vice-Chancellor will pass a copy of the Grounds of Appeal to a person (the "Chair of the Grievance Appeals Panel") who may be a member of staff, a Council member or an external member appointed by the Vice-Chancellor (academic staff) or by the Chief Operating Officer (professional services staff) or the Chair of Council (in cases where the grievance lies against the Vice-Chancellor) to hear the appeal. The Chair at his or her discretion may nominate up to two other members, who may be members of staff, officers, members of Council or external members.
13. The Vice-Chancellor or an appropriate senior officer nominated by the Vice-Chancellor will invite the member of staff to attend an appeal hearing to discuss the grievance normally within 25 working days of receiving the member of staff's Grounds of Appeal.
14. The conduct of the grievance appeal shall be at the discretion of the Chair of the Grievance Appeals Panel. The Chair of the panel will decide whether the appeal is to be conducted by way of a hearing or by correspondence having due regard to any statutory requirement that a meeting should be held in any particular circumstances.
15. Where the Chair has nominated up to two other members, normally a unanimous decision will be expected but if the members of the Grievance Appeals Panel cannot agree, the decision of the Grievance Appeals Panel shall be that of the majority of its members.

### **Mediation**

16. At any stage in this ordinance the University (via the People Services Director or a member of the People Services Senior Leadership Team) or the member of staff may request that this matter be dealt with via referral to the University's mediation policy. Mediation is voluntary and will take place only if all parties agree. However, the University hopes that staff will be amenable to any suggestion made by the University to refer grievances to mediation and hope that staff will co-operate with all efforts to resolve a complaint. Mediation may involve external or internal mediators but external mediation will only be available with the express permission of the Chief Operating Officer or People Services Director.
17. If both parties agree to mediation, the grievance ordinance will be put on hold whilst the mediation takes place. If the grievance is resolved through mediation, the mediator will assist the parties to draft a written agreement that will be signed by both parties as acceptance of its terms. This should include an express confirmation that the grievance has been satisfactorily resolved.
18. In the event that no mutually acceptable solution is reached through the mediation process, with the permission of the complainant, the grievance ordinance will be reconvened.
19. If a member of staff leaves the University when a Grievance has been lodged the Relevant Postholder may continue to investigate the substance of the grievance if he or she deems it appropriate. In these circumstances the relevant post holder may set out his/her response in writing. This response shall be sent to the former member of staff normally within 25 days of receipt of his or her grievance.
20. If a member of staff wishes to raise a grievance after the termination of his/her employment the University may follow the above procedure where appropriate. Complaints from former members of staff will not be considered as grievances if they are lodged more than 3 months after the end of their employment with the University.



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### **Ordinance 11.11 – Appeals**

1. All appeals under this ordinance must be made by the member of staff in writing to the relevant Officer as set out in the relevant ordinance.
2. Appeals will be dealt with in person or in correspondence, depending on the circumstances of the case and giving due regard to any statutory requirement or guidance that a meeting should be held in any particular circumstance. The relevant Officer shall have discretion as to the conduct of any appeal and the remaining terms of this ordinance are subject to this discretion.
3. Any person designated to hear an appeal under this Ordinance cannot be involved in any previous appeal or hearing relating to their own decision in a given case. This means that they cannot sit in judgement on their own decision. Persons previously involved with the case may however attend the hearing to give evidence about their decision to the person hearing the appeal.

#### ***Appeals against penalties or measures other than dismissal including warnings and final written warnings***

4. Appeals against penalties or measures other than dismissal will be dealt with by an appropriate senior officer appointed by the Vice-Chancellor or Provost.
5. If the appeal is to be dealt with by way of a hearing:
  - (i) The relevant postholder(s) (with previous knowledge of and/or involvement in the matter which is the subject of the appeal, which may be the disciplining manager and/or investigating manager) will be asked to attend to explain the grounds for his/her decision and to answer any relevant questions which may be raised by the member of staff or the senior officer appointed by the Vice-Chancellor or Provost ;
  - (ii) The member of staff will be given an opportunity to state the grounds of the appeal. Subject to the above, the conduct of the appeal hearing and any adjournments will be at the discretion of the senior officer appointed by the Vice-Chancellor or Provost . There is no requirement for a full re-hearing of the case. The Appeal Panel should have access to the original evidence (so far as the original evidence is relevant to the grounds of appeal).
6. If the appeal is to be dealt with by correspondence, the Relevant Postholder(s) (with previous knowledge of and/or involvement in the matter the subject of the appeal) will be asked to explain in writing the grounds for his/her decision and to answer any relevant points raised by the member of staff in their grounds of appeal.

7. The senior officer appointed by the Vice-Chancellor or Provost's decision may include (but will not be limited to) the following:
  - (i) that the original decision should stand;
  - (ii) that the appeal against the original decision should be upheld and that no further action should be taken against the member of staff;
  - (iii) that the appeal against the original decision should be upheld but that the decision should be substituted by a different sanction or measure.
  - (v) that the case should be remitted to be considered further by the body or persons whose decision is being appealed against
8. The senior officer appointed by the Vice-Chancellor or Provost will write to the member of staff informing him/her of the decision and the reasons for it.
9. The decision of the senior officer appointed by the Vice-Chancellor or Provost shall be final and cannot be further appealed unless it falls within paragraph 7(iv) above and the senior officer appointed by the Vice-Chancellor or Provost has decided that it shall not be final.

***Appeals against dismissal or against termination of a non-substantive position***

10. Appeals against dismissal will be dealt with by an Appeals Panel consisting of up to three members, including a senior officer nominated by the Vice-Chancellor or Provost or the Chair of Council, as Chair, and, where the Appeal Panel will consist of more than one person, up to two other members nominated by the Chair, who may be members of staff, members of Council or external members. Where dismissal is being challenged as the outcome of action under the Conduct or Capability and Performance Ordinances, the appeal should be heard by a panel of not less than three persons drawn from a list of members nominated by Council/Senate who may be members of staff, members of Council or external members.
11. If the appeal is to be dealt with by way of a hearing:
  - (i) The Relevant Postholder(s) (with previous knowledge of and/or involvement in the matter which is the subject of the appeal which may be the chair of the disciplinary panel and/or the investigating manager) will be asked to attend to explain the grounds for his/her decision and to answer any relevant questions which may be raised by the member of staff or the Appeals Panel;
  - (ii) The member of staff will be given an opportunity to state the grounds of the appeal. Subject to the above, the conduct of the appeal hearing and any adjournments will be at the discretion of the Appeals Panel. There is no requirement for a full re-hearing of the case.
12. If the appeal is to be dealt with by correspondence, the relevant postholder(s) (with previous knowledge of and/or involvement in the matter the subject of the appeal) will be asked to explain in writing the grounds for his/her decision and to answer any relevant points raised by the member of staff in their grounds of appeal.
13. The Appeals Panel shall deliberate in private. Normally a unanimous decision will be expected but if, where the Appeals Panel comprises of more than one

member, the members of the Appeals Panel cannot agree, the decision of the Appeals Panel shall be that of the majority of its members. The decision may include (but will not be limited to) the following:

- (i) that the decision to terminate the member of staff's employment should stand, in which case the termination of employment will stand; (or in the case of termination of a non-substantive position that the decision to terminate early the member of staff's non-substantive position should be upheld, in which case the termination will stand);
- (ii) that the appeal should be upheld;
- (iii) that the appeal should be upheld but that the decision should be substituted by a less severe sanction.
- (iv) that the case should be remitted to be considered further by the body or persons whose decision is being appealed against.

- 14. The senior officer appointed by the Vice-Chancellor or Provost will write to the member of staff informing him/her of the decision and the reasons for it.
- 15. The decision shall be final and cannot be further appealed unless it falls within paragraph 13(iv) above and the Appeals Panel has decided that it shall not be final.

## **Ordinance 11.12 General Provisions Applicable to all Ordinances Under Statute 6**

### **Part I – Application and Scope**

1. The application and scope of the *Ordinances*<sup>1</sup> that follow derives from Statute 6, and should give effect to, and be consistent with, the guiding principles set out in Clause 2 of that Statute. Nothing in these Ordinances, however, shall preclude the University, where in its absolute discretion it considers it appropriate to do so, from seeking to resolve matters by informal means, or by other processes, rather than through use of these Ordinances.

### **Part II - General Provisions**

2. At all stages of proceedings initiated under these Ordinances, the People Services Director or an appropriate member of the People Services staff should be consulted by the appropriate officer/head of the relevant organisational unit. He or she may attend any meeting or hearing.
3. Save as provided otherwise, members of staff who are the subject of a formal meeting or appeal hearing under the ordinances that follow have the right to be accompanied at such meeting or hearing by a certified trade union representative or work colleague reasonably chosen by the member of staff. There is no right to legal representation, except in specific exceptional cases (and only at the dismissal stage of proceedings) namely where:

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<sup>1</sup> (1) Redundancy;

- (2) Non-renewal of fixed term contracts and redundancy by way of termination of specific fixed term funding streams;
- (3) Conduct and other substantial reasons for dismissal;
- (4) Capability and performance;
- (5) Incapacity on health grounds;
- (6) Termination of probationary appointments;
- (7) Termination on grounds of illegality;
- (8) Termination of non-substantive positions;
- (9) Staff grievances;
- (10) Appeals.



- i) it is a reasonable adjustment under the Equality Act 2010,
- ii) professional registration might be at risk (for example in the case of medicine or nursing),
- iii) when the employee is facing a simultaneous criminal charge.

This does not affect the right of an employee to be represented by a trades union or workplace representative if that representative is legally qualified.

The member of staff's chosen companion can act as a witness, take a note of the proceedings, address the meeting/hearing and confer with the member of staff but may not answer questions on his/her behalf. It is recognised however, that if a companion is attending under clause 3 (i) above there may be a requirement for them to speak on behalf of the employee, if this is a requirement then it should be raised with the relevant People Services representative. It is the member of staff's responsibility to ensure that his or her chosen companion is willing to act and is available to attend the meeting. If the member of staff's chosen companion is unavailable on the proposed date of the meeting/appeal hearing, the meeting/appeal hearing may be postponed by up to five working days at the member of staff's request and subject to the member of staff proposing an alternative time and date within five working days of the original date or otherwise by mutual agreement.

- 4. All stages of proceedings initiated under these ordinances, all notices and/or all meetings and/or steps should be held, given and/or taken (as appropriate) as soon as possible normally within 25 working days depending on the particular circumstances unless otherwise stated in individual Ordinances or varied by mutual agreement.

#### **“Without prejudice and subject to contract” discussions.**

- 6. Section 111A of the Employment Rights Act 1996 allows for “without prejudice and subject to contract” discussions to take place in order to negotiate Settlement Agreements between the University and the employee as a way to avoid lengthy formal processes.
- 7. Such discussions and subsequent agreements can be used to bring an employment relationship to an end in a mutually agreed way, in situations where the University and the employee feel that their employment relationship is no longer working and a ‘clean break’ is the best way forward. Such discussions can also be used to reach an agreed and final conclusion to a workplace dispute or issue which does not result in an end to the employment relationship but a mutually agreed position between the parties.
- 8. In such circumstances and where such discussions are in the interests of the University, the Chief Operating Officer is accountable to the Chair of Council for the conduct of all

such "without prejudice and subject to contract" discussions, and any subsequent settlement agreements reached.

### **Part III - Definitions**

9. "Academic Staff", as set out in Clause 3(iii) of the Statute are defined as those members of staff on Grades 7 to 11 of Swansea University's Staff Grading Scheme.

### **Part IV – Changes**

10. No proposal for a change to any Ordinance under statute 6 or to statute 6 shall be put to Council without a prior meaningful consultation with relevant representatives of the trades unions. Should Council approve any proposed change to an Ordinance, then such change shall not be implemented for a period 28 days from the date of the meeting of Council.



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### **Ordinance 12 - Honorary Awards**

- 12.1 The Council shall prescribe regulations for the conferment of Honorary Degrees, Honorary Fellowships and other Honorary Awards.
- 12.2 All Honorary Degrees, Honorary Fellowships and other Honorary Awards shall be made on the joint recommendation of the Council and the Senate.
- 12.3 Honorary Degrees, Honorary Fellowships and Honorary Awards shall be conferred at the Degree Congregations and other Awards Ceremonies of the University and may, with the approval of the Chancellor, also be conferred on other occasions.
- 12.3 Exceptionally, and for good cause (and subject to the rules of natural justice and the right of appeal to the Chancellor), Honorary Degrees, Honorary Fellowships and other Honorary Awards may be removed on the joint recommendation of the Council and the Senate.
- 12.4 “Good cause” for the purpose of this Ordinance shall mean conduct of an illegal, immoral, scandalous or disgraceful nature and as deemed by the Council and the Senate as incompatible with the holding of an Honorary Award of the University.



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### **Ordinance 13 - Removal of Lay Members**

- 13.1 Any lay member of the Court or of the Council or of any University committee may be removed from such bodies for good cause by the Council, subject to the rules of natural justice and a right of appeal to the Chancellor.
- 13.2 “Good cause” shall for the purpose of this Ordinance mean:
- (i) conviction for an offence which may be deemed by the Council to be such as to render the person convicted unfit for the execution of the duties of the office; or
  - (ii) conduct of an immoral, scandalous or disgraceful nature incompatible with the duties of office; or
  - (iii) conduct constituting failure or persistent refusal or neglect or inability to perform the duties or comply with the conditions of office, including persistent non-attendance at meetings of Council and / or University committees.



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#### **Ordinance 14 - Retirement and Resignation of Staff**

14.1 (Rescinded)

14.2 The Vice-Chancellor, each professor, associate professor, senior lecturer, or holders of such other salaried posts of Swansea University as the Council may from time to time determine shall be at liberty to resign their appointments and terminate their engagements with the Council on giving to the Council in writing at least three months' notice to expire at the end of one of Swansea University's terms or of the long vacation.



### **Ordinance 15 – Common Seal of the University**

- 15.1 All deeds, instruments, and writings to which the Common Seal of Swansea University shall be required, and the authorisation of the transactions contained therein, shall be approved and attested by signature by two authorised officers of the University, on behalf of Council. A report of the transactions and sealing shall be made annually to Council.
- 15.2 The Authorised officers shall be any two of the following: the Chair of Council, the Treasurer, the Vice-Chancellor, the Chief Operating Officer, the Provost, the Chief Financial Officer and any one of the Pro-Vice-Chancellors.
- 15.3 Normally, the sealing and approval of a document shall take place as soon as circumstances demand, but exceptional circumstances, to be determined by the Secretary to Council, may warrant the authorisation of the sealing to take place at a Council meeting.
- 15.4 The Seal shall remain in the custody of the Secretary to the Council.



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### **Ordinance 16 – Contracts**

- 16.1 Contracts made by or on behalf of Swansea University shall be validly made and binding on the University if made as follows:-
- (i) Any contract which, if made between private persons would be by law required to be in writing, and if made according to law to be under Seal, may be made on behalf of Swansea University in writing under its Common Seal, and such contract may in the same manner be varied or discharged.
  - (ii) Any contract which, if made between private persons would be by law required to be in writing and signed by the parties to be charged therewith, may be made on behalf of Swansea University in writing, signed by any person acting under the authority of the Council and in accordance with the University's Financial Regulations, and such contract may in the same manner be varied or discharged.
  - (iii) Any contract which, if made between private persons would by law be valid, although made verbally only and not in writing, may be made either in writing or verbally on behalf of Swansea University by any person acting under the authority of the Council and in accordance with the University's Financial Regulations, and such contract may be in the same way varied or discharged.



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### **Ordinance 17 - Service of Notices and Documents**

- 17.1 Any notice or document required to be given or sent by the University to a member may be given or sent, either personally or by sending it by post or electronically, to the last address (physical or electronic) registered by the University in respect of such member.
- 17.2 Where a notice or other document is sent by post or by electronic media, its service shall be deemed to have been properly effected by properly addressing and posting, or electronically transmitting, it.
- 17.3 The accidental omission to give notice or send a document to, or the non-receipt of a notice or document by, any person entitled to receive the same shall not invalidate the proceedings consequent upon such notice or document.





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**Ordinance 18 - Acts During Vacancies**

- 18.1 No act or resolution of the statutory bodies of the University or of any University committees shall be invalid only by reason of any vacancy in their membership or invalidity of the appointment of any member.



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### **Ordinance 19 – Delegation**

- 19.1 The Council or the Senate or the Officers of Swansea University may delegate functions and authority subject that:
- (i) The delegation shall not be repugnant to the terms of the Charter, Statutes, Ordinances and Regulations of the University.
  - (ii) The terms of the delegated authority shall be clearly set out in writing to the delegate.
  - (iii) In the case of delegation to a committee, the delegated authority shall be set out in the terms of reference of that committee, as approved by the relevant body, or by resolution on the part of the delegating body.



### **Ordinance 20 - Restricted Business**

- 20.1 Student members shall be required to withdraw from meetings of statutory bodies and University committees when issues under Section D (Restricted Items) of agenda are discussed and shall not return to the meeting until the discussion of the restricted area of business is concluded.
- 20.2 Restricted areas of business include details of staff promotions, staff remuneration and the selection, progress, assessment and personal affairs of individual students.
- 20.3 Minutes and other records which relate to the discussion of restricted business shall not at any time be made available to student members.
- 20.4 Minutes and other records which relate to matters deemed by the Chairs of statutory bodies and University committees to be of commercial sensitivity may also be restricted from general publication to the extent permitted by legislation.

## **Ordinance 21 – Role of the Secretary to the Council**

### **1. Appointment**

- (i) The Secretary to Council shall be appointed to that role by the Council itself, and in accordance with the provisions (if any) of the University's legal instruments of governance.
- (ii) The Council shall ensure that the Secretary to Council has the appropriate level of seniority and independence to undertake the role effectively.

### **2. Removal**

- (i) The Secretary to Council may be removed from this role for good cause by the Council.
- (ii) “Good cause” for the purpose of this Ordinance shall mean conduct of an illegal, immoral, scandalous or disgraceful nature and as deemed by the Council as incompatible with the role of Secretary to Council.

### **3. Reporting**

- (i) Irrespective of any other responsibilities the appointee may hold, when acting as Secretary to Council the appointee shall be responsible solely to the Council, shall report direct to the Chair of Council in relation to Council business as defined below, and shall be appraised in accordance with a process established by the Council.

### **4. Guidance and Advice**

- (i) The Secretary to Council shall ensure that the Council is provided with authoritative guidance on its responsibilities under the Charter, Statutes, Ordinances, Regulations, policies and

procedures of the University to which it is subject, including legislation and the requirements of Medr and any relevant regulators, and on how these responsibilities should be discharged.

- (ii) The Secretary to Council shall ensure that new or revised responsibilities for the Council (e.g. arising from new legislation) are drawn to the Council's attention.
- (iii) The Secretary shall manage Public Interest Disclosures on behalf of the Council.
- (iv) The Secretary to Council normally has sole responsibility for providing legal advice to or obtaining it for the Council and shall be provided with a budget for that purpose, and for advising the Council on all matters of procedure.
- (v) The Secretary (working with members of the Executive) shall ensure that all information and documentation provided to members of the Council is concise and its content is appropriate to enable the Council to exercise its powers and responsibilities.
- (vi) The Secretary has a responsibility to alert the Council if it appears that any proposed action would exceed the powers of the Council or be contrary to legislation or to the requirements of Medr or other regulators.
- (vii) The Secretary to Council shall be responsible for advising Council in relation to formal serious incident reporting to the Charity Commission and other regulators as appropriate.
- (viii) The Secretary shall advise the Council if it appears that any proposed action would result in the Council or any of its members becoming overly involved in the operational, executive or management functions of the University, other than as permitted under the Ordinances and Regulations.
- (ix) Any member of Council may seek the advice of its Secretary on any matters relating to their obligations and duties as members of the University Council.
- (x) The Secretary shall be responsible for arranging an induction programme for new members of the Council and shall draw the attention of Council members to training activities arranged internally and by appropriate external providers, and to advisory and other guidance materials and provide regular updates.

- (xi) The Secretary shall facilitate communication on Council matters between the Chair of the Council, the Vice-Chancellor and senior staff in the University.

## **5. Working Relationships and Conflict of Interest**

- (i) The Secretary to Council may combine the function of Secretary to Council with a senior administrative or management role in the University and shall exercise care in separating these two functions. The Council shall review, at least every three years, whether the independence of the Secretary's position is at risk of being compromised.
- (ii) If the Secretary to Council perceives any conflict of interest between the separate functions, the Secretary shall report it forthwith to the Council. If the Council believes it has identified a conflict of interest of this nature, the Secretary to Council (and the Vice-Chancellor) shall be offered an opportunity to respond to any such question.
- (iii) The Secretary to Council shall be required to form effective working relationships with the Chair of Council and the Vice-Chancellor. The Secretary to Council shall consult and inform the Vice-Chancellor about any appropriate matter relating to Council business.
- (iv) The Secretary to Council shall be required to advise the Chair in respect to any matters where conflict, potential or real, may occur between the Council and the Vice-Chancellor.
- (v) The Secretary to Council shall be required to form effective working relationships with other senior managers in the University to facilitate the effective conduct of Council business. Irrespective of the Secretary's wider role within the University, it is expected that the Secretary to Council's involvement in strategic discussions within the University will be sufficient to enable them to provide guidance for the Council as required.
- (vi) The Secretary to Council shall make a full and timely disclosure of personal interests in the Register.
- (vii) The Council shall safeguard the Secretary to Council's ability to carry out role.

## **6. Council Committees**

- (i) The Secretary shall also act as Secretary to Committees of the Council or be responsible for ensuring that adequate clerical support is provided to Council Committees and shall be provided with a budget for that purpose.

## **7. Other Duties**

- (i) The Secretary shall maintain the Register of Interests of the members of the Council and of any other persons from whom the Council requires a statement of interests. *Whilst members and others are responsible for declaring their conflicts and or potential conflicts, the Secretary to Council shall be responsible and accountable for highlighting issues of independence or conflict to the Chair of Council.*
- (ii) The Secretary shall be responsible for the custody of the University Seal and for its proper use.
- (iii) The Secretary shall arrange for the re-imbusement to members of the Council of the expenses they incur when discharging the business of the Council and shall be provided with a budget for the purpose.
- (iv) The Secretary shall act as correspondent for the Council.
- (v) The Secretary shall act as correspondent for the Chair of Council and shall provide appropriate administrative support for the Chair, including maintaining the Chair's diary of University commitments.
- (vi) The Secretary shall keep the Ordinances and associated materials under review and shall advise Council as and when amendments may be required.
- (vii) In consultation with the Chair of Council, the Secretary shall oversee the arrangements for periodic reviews of the effectiveness of Council and its members.

## **8. Other matters**

- (i) The Secretary shall have a good understanding of and commitment to the values, aims and objectives of the University.

- (ii) The Secretary shall act in accordance with accepted standards of behaviour in public life, embracing selflessness, integrity, objectivity, accountability, openness, honesty and leadership, and maintain confidentiality as appropriate.
- (iii) The Secretary shall participate in procedures established by the Council for the regular appraisal/review of performance. These procedures will be separate from procedures for the appraisal/review of any other responsibilities the Secretary may hold and should be reported to the appropriate Council committee.
- (iv) The Secretary shall engage proactively in appropriate professional development activities and in sector networks relevant to the role and will be appointed by the University as a member of the Association of Heads of University Administrations.