

**COU15D040**

**Title:** Special Resolution: Statute 7  
**Date:** 2 March 2016  
**Circulation:** Council -14 March 2016  
**Agenda:** COU15A007  
**Version:** Final  
**Status:** Open

---

**Issue**

At the last meeting of Council it was agreed to forward the attached revised Statute to BIS and the Privy Council for comment before approving it by Special Resolution at this meeting. Both have said that they have no comments to make. The Privy Council has indicated in correspondence that it might be sensible for them to approve the Statute, but stay its implementation until we have agreed the Ordinances required under the new Statute, which will hopefully be at the July meeting.

**Recommendation**

Given the absence of any comment from BIS, Council is invited to approve by Special Resolution the deletion of the current Statute 7 to be replaced by the attached revised Statute, subject to the approval of the Privy Council and any minor amendments which might be required by the Privy Council which do not materially affect the substance of the revised Statute.

**Resource Implications**

N/A

**Risk Implications**

N/A

**Equality and Diversity**

The revised Statute makes provision for consideration of issues of Equality and Diversity.

**Timing of decisions**

The revised Statute will be submitted to the Privy Council and assuming it is approved it will be implemented once the Ordinances have been considered in July.

**Further Information**

Further information is available from the Registrar and Secretary, Mr Brian Summers, tel. 01603 592208, email [b.summers@uea.ac.uk](mailto:b.summers@uea.ac.uk)

**Attachments**

Revised Statute

## DRAFT REVISED STATUTE 7

1. This Statute applies to the academic staff. For the purposes of this Statute the academic staff are:
  - 1.1 persons employed by the University under Academic Teaching and Research (ATR) or Academic Teaching and Scholarship (ATS) terms and conditions of employment;
  - 1.2 members of the management and senior administrative staff employed under Administrative, Library and Computer (ALC) terms and conditions of employment; and
  - 1.3 such other members of staff as may be determined by the Council from time to time.
2. Additionally, the guiding principle set out in sub-paragraph 4.1 will apply in the case of persons employed by the University under Research and Analogous staff terms and conditions of employment or Associate Tutor terms and conditions of employment in respect of any procedures of the nature of those referred to in paragraph 6 which apply to such persons.
3. The Council shall ensure that there are in place procedures governing the employment relationship with academic staff including:
  - 3.1 the appointment, development and reward of staff; and
  - 3.2 the ordinances described in paragraph 6 which shall apply to members of the academic staff other than the Vice-Chancellor; and
  - 3.3 an ordinance for the dismissal and removal from office of the Vice-Chancellor.
4. The Council shall approve ordinances to be adopted under paragraph 6 and shall apply the following guiding principles:
  - 4.1 ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges (Academic Freedom);
  - 4.2 enable the University to deliver its mission, vision and associated activities, efficiently and economically;
  - 4.3 apply the principles of justice and fairness; and
  - 4.4 seek to advance the principles of equality and diversity.
5. Any policy or procedure made under paragraph 3, or paragraph 6, shall be construed in its application to give effect to the guiding principles set out in paragraph 4 and for the avoidance of doubt any member of staff to whom this statute applies may raise the principle of Academic Freedom as an issue to be taken into account in any investigation, hearing or appeal in circumstances where these are relevant to the possibility of dismissal or a loss of privileges.
6. The ordinances referred to in sub-paragraph 3.2 are procedures for:
  - 6.1 the handling of disciplinary cases including the dismissal of academic staff for reasons of misconduct and for appeals against disciplinary action. Such procedures shall provide adequate opportunities for improvement including the use of warnings, with summary dismissal only in cases of gross misconduct. Where suspension is considered appropriate, it shall be for no longer than is necessary and will be subject to regular review;
  - 6.2 the dismissal of members of academic staff by reason of redundancy and appeals against such dismissals; any such procedure shall provide for measures which seek to mitigate the requirement for compulsory redundancies and make provision for collective consultation, where appropriate;
  - 6.3 the dismissal of members of academic staff (following confirmation in post after any applicable probationary period) by reason of incapability and appeals against such dismissals; such procedures shall provide adequate opportunities for improvement including the use of warnings;
  - 6.4 the dismissal of members of academic staff on the grounds of ill health or medical incapacity and appeals against such dismissals. In all cases where the dismissal of a

- member of staff is a possibility, the panel shall give due consideration to advice obtained from the University's occupational health advisers, medical evidence submitted by the staff member from a qualified medical practitioner involved in their treatment and any additional medical evidence (including independent medical evidence) that may be requested by the panel;
- 6.5 the review of performance and progress of academic staff during any probationary period to which their appointment or employment is subject, and for the dismissal of such staff during or at the end of their probationary period in the event of unacceptable progress or performance, and appeals against such dismissals. The primary purpose of the procedure shall be to enable the member of staff to become effective in the role and where necessary to bring about a sustained improvement in performance and ensure the member of staff has adequate opportunity to achieve this;
  - 6.6 the dismissal of members of academic staff for any reason other than the reasons specified in sub-paragraphs 6.1 to 6.5 and appeals against such dismissals;
  - 6.7 the handling of grievances raised by members of academic staff and appeals against grievance outcomes.
7. The following principles shall be incorporated in the ordinances referred to in paragraph 6:
- 7.1 procedures shall be applied to enable issues to be resolved informally where appropriate and within a reasonable timescale;
  - 7.2 procedures shall be based upon the principles of natural justice;
  - 7.3 in all cases where dismissal is a possibility, an internal panel shall be convened to determine the case which shall comprise:
    - 7.3.1 a Chair
    - 7.3.2 one senior manager; and
    - 7.3.3 one member of the Senate, or a member of the academic staff nominated by the Senate, each being a person whom the member of academic staff facing dismissal could not reasonably perceive to be biased or prejudiced;
  - 7.4 redundancy dismissals arising from departmental closure or significant organisational restructure shall only occur where Council or a committee appointed by Council has approved the proposal;
  - 7.5 appeals against dismissal shall be heard by a panel of three persons which shall include:
    - 7.5.1 one independent member of Council, or another independent person not being a person employed by the University; and
    - 7.5.2 a member of the Senate, or a member of academic staff nominated by the Senate, each being a person whom the member of academic staff facing dismissal could not reasonably perceive to be biased or prejudiced.
8. The provisions of this Statute will be applied only insofar as they are not in conflict with legislation which is current for the time being or with any regulations, codes or guidance issued in accordance with the provisions of such legislation.