

ORDINANCE 32

PROCEDURE FOR DISMISSAL ON THE EXPIRY OF A FIXED-TERM CONTRACT

Part I: PRINCIPLES AND STANDARDS

- 1 The following principles and standards apply to all procedures detailed in these Ordinances.
- 2 These procedures apply to all members of staff except those engaged on a claims basis and Graduate Teaching Fellowships.
- 3 Where there is an issue as to the meaning of 'academic freedom' in any proceedings under these Ordinances, regard shall be had to the agreement with the University and College Union regarding the definition of academic freedom dated 31 July 2009.
- 4 The decision of the appropriate manager/panel on which procedure is to be followed shall be final.
- 5 The application of these Ordinances/Procedures may be modified by the Director of Human Resources in cases where a member of staff employed by the University works in, or is managed by employees of, a third party organisation, including in cases of secondment. In particular:
 - the Director of Human Resources may authorise managers employed by the partner organisation to take action under these procedures, in conjunction with, or in substitution for, appropriate University Managers;
 - where a member of staff raises a complaint about his/her treatment by a partner organisation or any of its employees, the University shall endeavour to deal with the complaint within the spirit of the Grievance Procedure, as far as is practicable to do so;
 - for the avoidance of doubt, action under these procedures may be taken in respect of the member of staff's conduct or performance during his/her work for the partner organisation.
- 6 An employee has the right to be accompanied by a fellow worker or trade union representative at any meeting under the formal stages of these procedures.
- 7 An employee may ask for meetings under the formal stages of these procedures to be postponed for up to one week, on one occasion only. Following such a postponement, the University reserves the right to proceed with the meeting in the employee's absence.
- 8 The Director of Human Resources must be involved at all formal stages of these procedures. References to the Director of Human Resources include a designate of the Director of Human Resources.
- 9 Time limits (other than those for prior notification of meetings/disclosure of documentation before meetings) are indicative – there may be circumstances, particularly in the case of complex cases, where these are not realistic. If it is not possible to respond or take action within the time limits referred to in this Procedure, the employee should be given an explanation for the delay and told when a response can be expected. The time limits may be varied by mutual agreement in individual cases.
- 10 References to academic managers in these procedures means staff in the academic job families with line management responsibility.

Part VI: PROCEDURE FOR NON-RENEWAL OF A FIXED TERM CONTRACT

1 Purpose and Principles

- 1.1. The purpose of this procedure is to ensure that decisions made on the expiry of fixed term contracts are taken consistently and fairly in every case, taking account of relevant employment law and good employment practice.
- 1.2. The University will consider redeployment for staff who are identified as being 'at risk' through the application of the Procedure for non-renewal of a fixed term contract, in accordance with the University's Redeployment Procedure, until their employment with the University ends.

2 Scope and definitions

- 2.1 This procedure applies to all staff employed by the University of Exeter on a fixed term basis, except those engaged on a claims basis and Graduate Teaching Fellowships, who will have completed one year's service on or before the expiry of their fixed term employment where the reason for the proposed dismissal is the non-renewal of the fixed-term contract on its expiry.
- 2.2 This procedure does not apply where the grounds for the proposed dismissal are discipline, capability/performance, ill health/incapacity, retirement or circumstances covered by the procedure for dismissal on other grounds or to dismissals taken under the procedure for probation.
- 2.3 For the purposes of this Procedure, a fixed-term contract is a contract which is not of indefinite duration and which contains provision for the contract to terminate on a specified date or by virtue of the expiry of a fixed-term, or on the performance of a specific task or on the occurrence of an event or the failure of a specified event to occur.
- 2.4 This Procedure shall not apply to the removal from appointment as Deputy-Vice Chancellor, Dean or College Dean or such other posts as have been designated by the Council to which an employee has been elected or appointed and which is distinct from that individual's substantive post, where dismissal from the substantive post is not contemplated.
- 2.5 UK Employment Law defines the ending, ie non-renewal, of a fixed-term appointment on its expiry as a dismissal: consequently, this procedure uses the term 'dismissal'.

3 Stages in the Procedure

- 3.1 At least one month before the notice period, the nominated manager in the College/Service will write to the employee explaining the circumstances which may result in their dismissal and invite them to a meeting to discuss the issue. Normally there should be a minimum of two weeks' notice of the meeting but this time limit may be varied by mutual agreement. The nominated manager may be accompanied by a representative from Human Resources. The employee has the right to be accompanied by a fellow worker or trade union representative.
- 3.2 The purpose of the meeting is to review the circumstances which may result in the employee's dismissal and for the employee to make any representations before a decision is made.
- 3.3 Following the meeting, the manager may determine that the employment should be terminated in accordance with the employee's current contract or take any other action other than dismissal which is justified by the circumstances.
- 3.4 Normally within one week of the meeting, the University will confirm the decision in writing to the employee. The letter will specify the decision and (where the decision is that the employment should be terminated) that the employee has the right of appeal and how to exercise that right.

4 Appeal

- 4.1 An employee has a right of appeal against a decision made under this procedure to terminate their employment. The appeal will be a review of the decision appealed against.
- 4.2 The right of appeal must be exercised within two weeks of the date of the letter confirming the decision taken by the nominated manager. The appeal, stating the grounds on which it is made, must be in writing addressed to the Director of Human Resources.
- 4.3 An appeal will be heard by the College Dean/Head of Service or other senior manager not previously involved. The University will aim for an appeal to be heard within four weeks of the appeal being lodged, unless otherwise agreed between the parties.
- 4.4 The manager hearing the appeal may confirm that the employment should be terminated in accordance with the employee's current contract or take any other action other than dismissal which is justified by the circumstances.
- 4.5 The decision of the appeal body shall be final within the procedures of the University.
- 4.6 The procedure to be followed at appeal hearings is detailed in Ordinance 33.

ORDINANCE 33

PROCEDURE TO BE FOLLOWED BY APPEAL PANELS

The following procedure shall be followed at appeal hearings in respect of appeals made under the following procedures:

- Disciplinary Procedure
 - Capability/Performance Procedure
 - Ill Health/Incapacity Procedure
 - Redundancy Procedure
 - Fixed Term Contract Procedure
 - Procedure for Dismissal on Other Grounds
1. The University's representative shall put the case in the presence of the appellant and their representative.
 2. The appellant (or their representative) may ask questions of the University's representative.
 3. The appeal panel may ask questions of the University's representative.
 4. The appellant (or their representative) shall put their case in the presence of the University's representative.
 5. The University's representative may ask questions of the appellant.
 6. The appeal panel may ask questions of the appellant.
 7. The University's representative may sum up the University's case.
 8. The appellant (or their representative) may sum up the appellant's case.
 9. The University's representative and the appellant and their representative shall withdraw.
 10. The appeal body shall deliberate in private, but may recall both the University's representative and the appellant (and their representative) to clear points of uncertainty on evidence already given.

(Note: reference to the University's representative above includes both the manager who took the formal action under the procedure which is being appealed against and any other person appointed by the University to present the University's case.)