

# Ordinance XXXV

**IMPORTANT:** This is an archived version of this ordinance, and parts of it may not apply to current practice.

## **Tribunals for hearing Charges under Statute XXI Part III (Discipline, Dismissal and Removal from Office)**

*(Version effective from 14 July 1993 to 31 July 2011)*

1. Formal disciplinary warnings in accordance with clause 13 of Statute XXI shall be given by the Head of Department. Where a Head of Department is the subject of warnings these will be given by the Vice-Chancellor. A member of the academic staff facing disciplinary action shall be notified at least three days in advance of the time, date and reason for the requested disciplinary interview. During the interview the issues giving rise to the meeting should be discussed, the members of staff given the opportunity to respond and any remedial or other actions identified. The member of staff may be accompanied by a colleague or a trade union representative and the Head of Department by a colleague, who may be a member of the administrative staff. Any written warning must indicate that failure to achieve the required improvement may lead to charges being presented to a Tribunal which would have the power to recommend dismissal.

2. A Tribunal to hear a charge in connection with the conduct or performance of a member of the academic staff shall be appointed by Council and shall comprise:

(a) a Chair; and

(b) one member of the Council, not being a person employed by the University; and

(c) one member of the academic staff nominated by the Senate.

No member of the Tribunal shall have been directly connected with the case previously.

The Chair of Council shall make recommendations on the membership of the Tribunal. With the prior permission of the member of staff the Loughborough AUT shall be consulted before their recommendations are made.

3. A charge shall not be determined without an oral hearing at which the member of the academic staff concerned and any representative appointed by the member are entitled to be present. The member of staff and a representative shall be entitled to attend all meetings of the Tribunal at which witnesses are present or evidence heard.

4. Written details of the charge or charges against the member as formulated by the Registrar or other officer in charge of the proceedings together with any other relevant documents will be sent to the members concerned. The member shall be invited to supply a written statement or produce documents within 10 working days. The charge against the member and any documents produced by the member will be sent to the

Tribunal no less than 10 working days prior to the first meeting of the Tribunal. The Chair of the Tribunal shall have the discretion to postpone the hearing if requested by the member concerned or the officer in charge of the proceedings because of exceptional circumstances. At least 5 working days notice will be given before the Tribunal re-convenes.

5. The Registrar, or other officer in charge of the proceedings, shall have the right to present or arrange for the presentation by a legally qualified person of the charge or charges before the Tribunal.

6. The member of the academic staff concerned shall be entitled to be represented by another person, whether such person be legally qualified or not, in connection with and at any hearing of charges by the Tribunal. This representative may be a member of the AUT.

7. The member of staff concerned, or the member's representative, and the officer in charge of the proceedings or a representative, shall be able to call witnesses and may question witnesses upon the evidence on which the case is based.

8. The Tribunal shall have the power to adjourn the hearing in order to call witnesses and seek other information as it sees fit. Any written information will be sent to the Tribunal, the member concerned and the officer in charge of the proceedings not less than 5 working days before the Tribunal re-convenes.

9. The Tribunal shall at its absolute discretion decide on all matters of procedure and evidence, and shall give such rulings and direction as are necessary for the efficient and effective conduct of the hearing.

10. A member of the administrative staff of the University, not having had previous involvement with the case, shall attend each meeting to provide secretarial and administrative support. A verbatim record of the proceedings will be kept and made available to all parties.

11. At the end of the hearing the Tribunal shall meet in private to reach its conclusions. The Tribunal shall have the power to dismiss the charge or charges for want of prosecution, or to remit the charge or charges to the Vice-Chancellor for further consideration and for the correction of accidental errors, or to find that good cause for dismissal or removal from office has been established or to find that a serious complaint relating to the members appointment or employment has been established. The Tribunal shall have the power to recommend an appropriate penalty, which may include dismissal. A majority opinion of the Tribunal members will be conclusive.

12. The Tribunal shall send its decision on any charge referred to it (together with its findings of fact and the reasons for its decisions regarding the charge and its recommendations, if any, as to the appropriate penalty) to the Vice-Chancellor and to each party to the proceedings. A copy of the Appeals procedure set out in Statute XXI Part V shall be sent with each copy of its decision.

(made July 1993)