



Amendment to Statute 16

Noting the approval of the Senate at its meeting on 30 November 2016, the following changes to Statute 16 were approved in principle by the Court at its meeting on 12 December 2016, subject to formal ratification at a second meeting of the Court on 14 February 2017, and the formal approval by, and any additional changes required by the Pricy Council.

Statute 16 - Staff of the University

- (1) This Statute and any Ordinance, policy or procedure adopted under paragraphs (2) and (3) shall in every case be construed to give effect to the following guiding principles, that is to say
 - (a) to avoid unlawful discrimination and promote equality of opportunity, dignity at work and good relations within the University;
 - (b) to ensure the academic freedom of any member of staff who is engaged in teaching, the provision of learning or research. Academic freedom is taken to be the freedom to **hold and express opinions**, question and test **established ideas or** received wisdom, **develop and advance new ideas or innovative proposals**, ~~and to put forward new ideas and present~~ controversial or unpopular **points of view opinions**, without placing oneself in jeopardy of losing one's job or privileges, provided always that such freedom is exercised lawfully and respects the academic freedom of others;
 - (c) to enable the University to provide education, promote learning and engage in research efficiently and economically; and
 - (d) to apply the principles of justice and fairness.
- (2) The Court shall, following consultation with the Senatus, approve and maintain in Ordinance the procedures which apply to any member of staff engaged in teaching, the provision of learning or research who believes their freedom, as defined in sub-paragraph (1b) above, has been adversely affected.
- (3) In relation to the University's staff, the Court shall approve and maintain policies and procedures for:
 - (a) the handling of disciplinary cases and appeals against disciplinary action;
 - (b) the handling of grievances raised by members of staff and appeals against the outcome of grievance proceedings;
 - (c) the avoidance of redundancy; and
 - (d) the dismissal of members of staff, whether by virtue of redundancy, unsatisfactory performance, capability, misconduct, ill health or medical incapacity, and appeals against such dismissals.
- (4) In approving Ordinances, policies and procedures under paragraphs (2) and (3), the University Court shall:
 - (a) undertake to consult with the recognised Trade Unions with a view to reaching agreement with them;
 - (b) ensure that such policies and procedures are at all times compliant with any requirement contained in employment legislation which is in force at the time. In the event that any such policy or procedure is not so compliant, the relevant employment legislation shall prevail;

- (c) ensure that such policies and procedures shall provide the right to a panel hearing of two or more persons at the final appeal;
 - (d) ensure that any panel convened to hear a case brought by or against a member of staff engaged in teaching, the provision of learning or research shall include amongst its members another such member of staff not connected with the case brought;
 - (e) oversee all cases of dismissal on the ground of redundancy of a person who is engaged in teaching or the provision of research or learning;
 - (f) ensure that panels taking decisions on dismissals on medical grounds have available to them appropriate expert medical advice;
 - (g) ensure that appeals against dismissal from a member of staff engaged in teaching, the provision of learning or research are heard by a panel that includes a lay member of the University Court as Convener.
- (5) In any case of conflict, the provisions of this Statute along with the provisions of any Ordinance, Regulation, Policy or Procedure made under this Statute shall prevail over those of any other Statute and over those of any other Ordinance, Regulation, Policy or Procedure.
- (6) Notwithstanding paragraph (5) above, any Ordinance, policy or procedure adopted under this Statute shall not be repugnant to the general aims provisions of this or other Statutes or of the Charter.