



# Ordinance 31

## Disciplinary and Grievance Procedures relating to the Vice-Chancellor, Deputy Vice-Chancellor and Pro Vice-Chancellors

**Approving Body:** Council

**Date of Approval:** 21 September 2018

**Policy owner:** University Secretary

**Policy contact:** Geraint Pugh, [gop2@aber.ac.uk](mailto:gop2@aber.ac.uk) / 01970 62 2114

**Policy status:** Revised

**Version:** 2.0

**Last review date:** September 2018

**Review date:** September 2020

## **ORDINANCE 31**

### **DISCIPLINARY AND GRIEVANCE PROCEDURES RELATING TO THE VICE-CHANCELLOR, DEPUTY VICE-CHANCELLOR AND PRO VICE-CHANCELLORS**

1. This Ordinance sets out the applicable procedure to consider grievances and disciplinary matters in relation to the Vice-Chancellor, Deputy Vice-Chancellor and Pro Vice-Chancellors.
2. Given the seniority of the post, the Ordinances for other University staff covering, discipline, suspension, dismissal and grievance are considered inappropriate.
3. Grievance
  1. The Vice-Chancellor may raise a grievance in relation to his / her employment in writing with the Chair of Council. Every effort will be made to resolve it informally. However, if necessary, the Chair of Council will establish as soon as practicable a panel of Council members to adjudicate on the matter and decide on the appropriate action to be taken.
  2. A Deputy Vice-Chancellor or Pro Vice-Chancellor may raise a grievance in relation to his / her employment in writing with the Vice-Chancellor. Every effort will be made to resolve it informally. However, if necessary, the Vice-Chancellor will, in turn, request that the Chair of Council establishes as soon as practicable a panel of Council members to adjudicate on the matter and decide on the appropriate action to be taken. Should the grievance be about the Vice-Chancellor, it may be raised directly with the Chair of Council in writing.
  3. The Vice-Chancellor, Deputy Vice-Chancellor and Pro Vice-Chancellors may appeal against a decision taken by the panel of Council members, and in that event the Chair of Council will establish a different panel of Council members to hear and determine the appeal.
4. Performance
  1. Issues of performance will be raised with the Vice-Chancellor by the Chair of Council, who will establish the improvement required and the timescale for improvement. If adequate improvement is not achieved, the matter may result in disciplinary action being taken.
  2. Such matters relating to a Deputy Vice-Chancellor or a Pro Vice-Chancellor will be raised with them by the Vice Chancellor. If adequate improvement is not achieved, the matter may result in disciplinary action being taken.
5. Dismissal

Issues which do not relate to performance or conduct but which may lead to dismissal (for example redundancy, illegality of appointment, or 'some other substantial reason') will be raised with the Vice-Chancellor by the Chair of Council, who will decide the necessary steps to be taken to deal with the matter. Such matters relating to a Deputy Vice-Chancellor or Pro Vice-Chancellor will be raised with them by the Vice Chancellor with the necessary steps to be taken to deal with the matter agreed in consultation with the Chair of Council.
6. Discipline
  1. Should any disciplinary matter arise, every effort will be made to resolve it informally. However, if necessary, the Chair of Council will establish as soon as practicable a disciplinary panel of Council members to investigate and recommend to Council the appropriate action to be taken. The Chair of Council may also establish a second panel to hear an appeal should this prove necessary. The Clerk to the Council shall act as Secretary to the panels.

2. Where in the judgment of the Chair of Council and one Pro-Chancellor that it is felt that the presence of the Vice-Chancellor, Deputy Vice-Chancellor or Pro Vice-Chancellor may inhibit the investigation, they may be suspended on full pay at any stage of the disciplinary process. Suspension will be a no-blame suspension and would allow the investigation to take place without unreasonable delay or in circumstances where it is considered inappropriate by the Chair of Council and one Pro-Chancellor for the Vice-Chancellor, Deputy Vice-Chancellor or Pro Vice-Chancellor to attend work. Suspension will be subject to regular review. Notice of suspension will be confirmed in writing by the Clerk to the Council.
3. The disciplinary and appeal panels should comprise of three independent members of Council, one of whom shall be a Pro-Chancellor who will chair the panel. Those on an appeal panel should not have previously been involved in the case. The Chair of Council will not be a member of either panel.
4. At any meeting of the disciplinary or appeal panels, the Vice-Chancellor, Deputy Vice-Chancellor or Pro Vice-Chancellor will be invited to attend and present to the panel before a decision is made. They may be accompanied by a trade union representative or colleague. The Pro-Chancellor chairing the panel may request the Vice-Chancellor, Deputy Vice-Chancellor or Pro Vice-Chancellor to absent him / herself from any part of that meeting.
5. The disciplinary panel may decide by a simple majority of those present to recommend to Council that no further action is taken, or to recommend an appropriate penalty. The decision of the disciplinary panel may include a recommendation to Council for the dismissal of the Vice-Chancellor, Deputy Vice-Chancellor or Pro Vice-Chancellor and to remove him / her from office or from employment in the University, and whether such dismissal should be a summary dismissal (i.e. without notice or payment in lieu of notice) or a dismissal on notice or with a payment in lieu of notice.
6. Where the decision of the disciplinary panel is to recommend dismissal and removal from the office of the Vice-Chancellor, Deputy Vice-Chancellor or Pro Vice-Chancellor, he / she shall be informed of the panel's recommendation to Council and receive a copy of the related report within 10 working days of the panel reaching its decision.
7. Within 10 working days of notification of the panel's decision the Vice-Chancellor, Deputy Vice-Chancellor or Pro Vice-Chancellor has the right to appeal the decision of the disciplinary panel. The appeal shall be made in writing to the Chair of Council who shall convene the appeal panel to hear the appeal in advance of Council receiving the disciplinary panel's decision.
8. The appeal panel shall review the process and the reasonableness of the disciplinary panel's recommendation(s) to Council; it shall not re-hear the case save in relation to any additional information which has come to light and which was not considered by the disciplinary panel. The appeal panel shall provide a report to the Chair of Council. The Vice-Chancellor, Deputy Vice-Chancellor or Pro Vice-Chancellor shall be informed of the appeal panel's findings within 10 working days of the panel reaching a conclusion.
9. The Chair of Council will convene a special meeting of Council to consider the report(s) from the disciplinary panel and the appeal panel (in the event that an appeal panel has been convened) and decide the appropriate action to be taken. The quoracy requirements shall be identical to any other Council meeting with independent members in the majority.
10. At any special meeting of the Council at which the report(s) from the disciplinary panel and the appeal panel (where relevant) are to be considered, the Vice-Chancellor, Deputy Vice-Chancellor or Pro Vice-Chancellor will be invited to attend and present to Council before a decision is made

and may be accompanied by a representative. The Chair of Council may request the Vice-Chancellor, Deputy Vice-Chancellor or Pro Vice-Chancellor to absent him / herself from any part of the meeting.

11. A decision to accept the recommendation(s) in full or in part, or decide alternative appropriate action(s), shall be made by a majority of all Council members, within which there shall be a majority of independent members. If the vote shall be equally divided for and against, the Chair of Council shall have a second and casting vote.
12. The decision of the Council shall be final.

7. Welsh Language – Employee Rights

In accordance with the Welsh Language Standards that came into effect on 1 April 2018 employees have the right to use the Welsh language to

- (a) make a complaint
- (b) respond to a complaint or allegation

and employees also have the right to use the Welsh language in meetings where they are the subject of

- (c) complaints and allegations (or have made the complaint)
- (d) disciplinary proceedings
- (e) effective contribution scheme discussions
- (f) individual consultation meetings

A simultaneous translation service from Welsh to English will be provided at the meeting when the meeting cannot be conducted solely in Welsh.

The university has, in conjunction with its recognised trade unions, incorporated the above requirements into all relevant HR policy and procedural documents.