



The  
University  
Of  
Sheffield.

Human  
Resources

## Schedule The Statutes of the University

### SECTION 6:

#### Staff

1. This section shall apply to all Staff.
2. The Council shall be responsible for ensuring that there are in place procedures governing the whole of the employment relationship, including the appointment, development and reward of Staff.
3. The Council shall also ensure that:
  - a) there are in place employment procedures for the staffing matters listed in paragraph 5 of this section; and
  - b) there is a Regulation for the removal from office and dismissal of the vice chancellor of the University.
4. In determining the procedures to be adopted under paragraph 3, the Council shall apply the following guiding principles:
  - a) ensure that Academic Staff, Teaching Staff and Research 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;
  - b) enable the University to deliver its mission, vision and associated activities, efficiently and economically;
  - c) apply the principles of justice and fairness; and
  - d) seek to advance the principles of equality and diversity.
5. The procedures referred to in paragraph 3 are employment procedures for all Staff regarding:
  - a) the handling of disciplinary cases including the dismissal of such members of Staff by reason 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 available in cases of gross misconduct. Suspension shall be applied in the limited circumstances set out in the University's employment procedures, subject to regular review and only applied where no alternative is considered appropriate or practicable;
  - b) the dismissal of members of Staff by reason of redundancy and appeals against such dismissals; any such procedure shall be aimed at consideration of measures to avoid compulsory redundancy with provisions for collective consultation;
  - c) the dismissal of members of Staff (following confirmation in post after any applicable probationary period) by reason of incapability relating to work performance and appeals against such dismissals; such procedures shall provide adequate opportunities for improvement including the use of warnings;
  - d) the dismissal of members of 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 an option, the disciplinary panel shall give due consideration to advice 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 that may be requested by the disciplinary panel where appropriate;
  - e) the dismissal of members of Staff for any reason other than the reasons specified in sub-paragraphs (a) – (d) and (g) and appeals against such dismissals;
  - f) the handling of grievances raised by members of Staff and appeals against grievance outcomes;

Additionally, the following are employment procedures for Academic Staff, Teaching Staff and Research Staff only:

- g) the review of performance and progress of such 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;
  - h) the removal of a member of such Staff from any role that is not defined within that member of Staff's contract of employment by reason of incapability relating to work performance or misconduct and appeals against such removal; and
  - i) the investigation and response to allegations of research misconduct against members of such Staff.
6. The following principles shall be incorporated into the procedures for all Staff:
  - a) procedures shall be applied to enable issues to be resolved informally where appropriate and wherever possible close to the time of origin, and within a reasonable timescale, including by mediation with the agreement of both parties; and
  - b) procedures shall be based upon the principles of natural justice.
7. Additionally, the following principles shall only apply to Academic Staff, Teaching Staff and Research Staff (and in this section the term "Officer" shall only include any senior academic member of Staff of the University as defined in the relevant employment procedures, including any deputy appointed in accordance with such procedures):
  - a) in all cases where dismissal is an option, an internal panel shall be convened to determine the case which shall include at least one Officer, being a person not subject to or otherwise connected with the proceedings;
  - b) redundancy dismissals arising from departmental closure or significant organisational restructure shall only occur where Council has both approved the plans and authorised their implementation;
  - c) under any procedure in this section, where the member of Staff exercises the right of appeal the panel shall include an Officer, being a person not subject to or otherwise connected with the proceedings; and
  - d) appeals against any dismissal shall be heard by a panel which shall include an independent professional or academic nominated by Council, who is not employed by the University as a member of Staff, and an Officer, being a person not subject to or otherwise connected with the proceedings.
8. Any employment policy and procedure made under paragraph 3 or 5 of this section shall be construed in every case to give effect to the guiding principles in paragraph 4. For the avoidance of doubt, a member of Academic Staff, Teaching Staff and Research Staff may raise the principle of academic freedom as an issue to be taken into account in any investigation of the facts; in any hearing or appeal which could lead to dismissal, the imposition of any penalty or sanction or removal or restriction of privileges; and in any decision or appeal in relation to any grievance.