

## Flysheet on Graces 1 and 2 of 17 February 2010

### Joint Report of the Council and the General Board on disciplinary, dismissal, and grievance procedures

It is widely accepted that the University's procedures for dealing with grievances need refinement because of the delays often suffered by staff members. However, this is not the issue on which the Regent House is being asked to vote. Instead, the need for relatively minor reforms is being used as a Trojan horse to repeal Statute U and replace it with controversial new procedures that will remove important safeguards from our discipline, dismissal and redundancy mechanisms. The present checks and balances are important practical ingredients in preserving academic freedom and the University's democratic processes. Assurances of academic freedom need to be supported by legislation that is sufficiently tightly drawn that it cannot be abused by any future administration.

Statute U was composed 25 years ago following passage of the Education Reform Act 1988 which allowed academics to be made redundant. It provides a number of safeguards to protect both academic freedom and our democratic processes. Many of these would be repealed, as illustrated by the following examples.

First, if the Regent House decides that there should be redundancies, Statute U provides for the selection of individuals by a redundancy committee of defined composition that includes members of both the (mostly elected) Council and the (appointed) General Board. The new proposals give the selection to the 'competent authority' (in almost all cases the General Board), although the Report suggests that the task will be delegated; a significant weakness is that such delegation will be entirely unregulated.

Second, Statute U requires the approval by Regent House of a second Grace ratifying the final selection. This requirement has been much criticised since the Regent House would be voting on named individuals. However, the proposed new procedure is vague on detail; precisely when Regent House would vote and on what terms is unclear. Moreover, once a 'redundancy situation' is accepted by Grace, the details of scope and extent could lie with the competent authority not the Regent House.

Third, appeal to the Septemviri is replaced, for redundancy, by appeal to a 3-person panel appointed by the administration. Further the time window for submitting all appeals is reduced from 28 days to 10 working days after the date of the notice of selection; this is too short given that only arguments produced at the time of appeal will ordinarily be considered.

In addition to the changes to redundancy procedures, there are also notable changes to dismissal procedures. The devil is again in the detail and a number of examples could be given. For instance at present a charge leading to dismissal must be proved beyond reasonable doubt, but under the new procedures this standard of proof is no longer required. Further, the 'good causes' for which an officer can be dismissed have been widened. The current test of 'conduct of an immoral, scandalous, or disgraceful nature incompatible with the duties of the office or employment' has been replaced by 'gross misconduct' and a vague list of disciplinary offences approved by the Council including 'unreasonable refusal to carry out a reasonable instruction' (apparently only once) and the catch-all 'any other act of serious misconduct'.

The abolition of Statute U is unnecessary. We would support legislative amendments that provided fair and effective grievance and disciplinary procedures. However the proposed wholesale repeal of Statute U would be a serious step backwards; we therefore urge members of the Regent House to **vote Non Placet to both Graces 1 and 2.**

**Please return to the Registry,** signed and with your name in BLOCK CAPITALS, either by mail to The Old Schools, Cambridge CB2 1TN, or by fax to 01223 332332.

**Deadline: 1pm on Friday 12 March 2010.**

**P.T.O.**

**Signature**

**Name in BLOCK CAPITALS**