

Approved by (U)F&GPC May 2004
Effective August 1, 2005
Clause 2(a)(iv) amended by Council June 2007
Open Campus amendments approved by F&GPC October 2008

ORDINANCE 8

ORDINANCE 8 - POWERS OF APPOINTMENT, PROMOTION AND DISMISSAL

Definitions

For the purposes of this Ordinance

1. (a) the “relevant officer” is the person designated for this purpose by the relevant Finance and General Purposes Committee or in the absence of such designation, the relevant Registrar.

- (b)
 - (i) Level I is a rank equivalent to that of Assistant Lecturer;
 - (ii) Level II is a rank equivalent to that of Lecturer below the Bar;
 - (iii) Level III is a rank equivalent to that of Lecturer above the Bar;
 - (iv) Senior Level I is a rank equivalent to that of Senior Lecturer below the Bar;
 - (v) Senior Level II is a rank equivalent to that of Senior Lecturer above the Bar;
 - (vi) Senior Level III is a rank equivalent to that of Professor.

- (c)
 - (i) “appraisal” means a process of scrutiny of the record of performance of the member of the Academic staff appraised under the condition that the record of that scrutiny is to be communicated to the member of the Academic staff to assist that member of the Academic staff in improving the record of performance - such appraisal shall not however form part of the record on the basis of which that member of the Academic staff is to be evaluated;
 - (ii) “assessment” means a process of scrutiny of the record of performance of the member of the Senior Administrative staff or Professional staff assessed under the condition that the record of that scrutiny is to be communicated to the member of the Senior Administrative staff or Professional staff to assist that member of staff in improving the record of performance which would form part of the record on the basis of which that member of staff is to be evaluated;
 - (iii) “evaluation” means a process of scrutiny for the purposes of a decision related to renewal of contract, promotion or continuation or termination of appointment.

PART 1 - APPOINTMENTS

2. (a) There shall be a University Appointments Committee of the Council comprising the following persons:-
 - (i) the Vice Chancellor;
 - (ii) the Campus Principals;
 - (iii) the Dean or Deans of any Faculty of which a person whose appointment under 3(a) is being considered would, if appointed, be a member under Statute 31.4 ;
 - (iv) any Pro Vice Chancellor with special responsibility for research or graduate studies, or both;
 - (v) one Professor from each campus; and
 - (vi) one other Professor.
 - (b) For the purposes of this clause, the reference to a Professor includes a reference to a Director with the rank of a Professor.
 - (c) In the exercise of its functions in relation to Senior Administrative staff and Professional staff, the University Registrar, the University Bursar or the University Librarian, as the occasion requires, shall take the place of the additional Professor on the Committee referred to in 2(a)(vi).
 - (d) The quorum for meetings of the University Appointments Committee shall be the Chair and four other members.
3. (a) (i) The University Appointments Committee shall exercise the powers of the Council under Statutes 20.1(a) and 35 to make appointments of Professors and Senior Administrative staff and Professional staff at Senior Level III and members of staff appointed to a Department or Unit other than one designated under Statute 20.1(g) as a Department of a Campus or created by a Campus Council.
 - (ii) In considering whether or not to appoint a Professor, the University Appointments Committee shall have regard, *inter alia*, to its judgement of the extent to which the proposed appointee satisfies the criteria in clause 22(a)(ii) provided that the criterion of enhancement of the reputation of the University under clause 22(a) (ii) (C) shall, where the candidate is not appointed from among the staff of the University, apply to the candidate's own work environment.
 - (b) All other appointments of Academic staff up to the rank of Senior Lecturer and Senior Administrative staff and Professional staff up to the rank of Senior Level II except in the case of the Open Campus shall be made by the Campus Appointments

Committee of the Campus Council comprising the following persons:-

- (i) the Campus Principal;
 - (ii) the Deputy Campus Principal;
 - (iii) the Deans on the Campus;
 - (iv) three other members of the staff of the University selected by the Campus Principal, being persons not below the rank of Senior Lecturer in the case of appointments of members of the Academic staff, or two members of the Senior Administrative staff in the case of appointments of Senior Administrative Staff, or two members of the Professional staff in the case of appointments of Professional staff.
- (c) The University Registrar shall report to the Council decisions of the University Appointments Committee in exercise of its powers under clause 3(a).
- (d) The Campus Registrar shall report to the Campus Council decisions of the Campus Appointments Committee in exercise of its powers under clause 3(b).
- (e) In this clause, a reference to the power to make appointments includes a reference to the power to make appointments on promotion to an office, to extend or renew an appointment and to make an evaluation of performance in an office.
- (f) The quorum for meetings of the Campus Appointments Committee shall except in the case of the Open Campus, be the Chair and four other members, of whom at least two shall be Deans.
- (g) The Campus Appointments Committee in the case of the Open Campus shall comprise the same categories as in clause 3 (b), save that persons holding the title of Director by virtue of functions related to the Open Campus and designated by Council for the purpose of this sub clause shall be deemed to be included in clause 3 (b)(iii).
- (h) The quorum for the meetings of the Campus Appointments Committee of the Open Campus shall be the Chair and four other members, of whom at least two shall be Deans or designated Directors under clause 3 (g).

Normal Appointments

4. A staff member, other than a Professor or a Head of Department, shall, unless the University Appointments Committee or the Campus Appointments Committee for special reasons decides otherwise, be appointed for not more than three years initially and the appointment may be renewed.

Temporary Appointments

5. (a) For the purposes of this clause, a temporary appointment means an appointment for a period not exceeding two years and renewable for a further period not exceeding two years.
- (b) Subject to clause 5(d), a temporary appointment to a Department designated under Statute 20.1(g) as a Department of a Campus or created by a Campus Council may be made by the Campus Principal on the recommendation of the Head of that Department with the concurrence of the relevant Dean.
- (c) The Campus Principal may appoint a Committee to advise on the making of temporary appointments under clause 5(a).
- (d) No temporary appointment may be made under clause 5(b) to any post of higher rank than that of Senior Lecturer or Senior Level II, except with the prior approval of the Vice Chancellor.
- (e) Every temporary appointment made under clause 5(b) shall be reported to the Campus Appointments Committee and such report shall include the curriculum vitae of the person appointed.
- (f) Any temporary appointment to which clause 5(b) does not apply may be made by the Vice-Chancellor, provided that a temporary appointment to a post of or above the rank of Senior Lecturer or Senior Level II under this sub-clause shall be reported to the University Appointments Committee and such report shall include the *curriculum vitae* of the person appointed.

Part-time Appointments

6. (a) A part-time appointment to a Department designated under Statute 20.1(g) as a Department of a Campus or created by a Campus Council may be made by the Dean on the recommendation of the Head of that Department.
- (b) Any part-time appointment to which clause 6(a) does not apply may be made by the Vice-Chancellor.

Headships of Departments

7. (a) Heads of Department shall be appointed by the University Appointments Committee or the Campus Appointments Committee as appropriate after such consultations and in such manner as the Committee may deem fit.
- (b) Members of staff below the rank of Senior Lecturer shall not, save in very

exceptional circumstances, be eligible for appointment as Head of Department.

- (c) The period of appointment as a Head of Department shall not be less than three years nor more than five years initially and it may be renewed for a further period provided that the total period shall not exceed eight years. However, a person who has served as Head for two consecutive terms shall not be disqualified for appointment after the expiration of an intervening term of office of another person as Head.
- (d) If a vacancy occurs in the office of Head of a Department a person may be appointed to act as Head of Department by the Vice-Chancellor or the Campus Principal, as appropriate, for not longer than one year without prejudice to the making of a substantive appointment to the office.
- (e) Where it is proved to the satisfaction of the relevant Disciplinary Committee that the manner or extent of the performance of duties by a Head of Department or the relationship between the Head of Department and other members of the Department has caused and either is causing or is likely to continue to cause disruption in or has had and either is having or is likely to continue to have adverse effects on the smooth administration of the Department, the Disciplinary Committee may recommend to the Campus Appointments Committee that the Head of Department be relieved of duties.

Conferment of Academic Status on Hospital Staff

- 8. The University Appointments Committee may, in any case which it considers appropriate having regard to the merits thereof, confer the status of member of the Academic staff of the University on full-time Senior Medical Officers of the University Hospital or any other hospital recognised for the purposes of teaching for degrees of the University of the West Indies.

Associate Staff

- 9. Part-time staff may, on the recommendation of the Dean of the Faculty concerned and at the discretion of the Campus Appointments Committee, be appointed with Associate status on the staff of the University.

Honorary Appointments

- 10. (a) Visiting Professor
 - (i) The University Appointments Committee may confer the title of Visiting Professor on any University teacher or researcher who is visiting a Department for a fixed period and is a full Professor in the University

where that teacher is employed.

- (ii) The University Appointments Committee may confer the title of Visiting Professor on any visiting teacher or researcher appointed by the Committee to a temporary post of professorial status.

(b) Visiting Lecturer or Research Fellow

The University Appointments Committee or a Campus Appointments Committee, as the case may be, may confer the title either of Visiting Lecturer or Visiting Research Fellow on any University teacher or researcher who is visiting a Department for a fixed period and is not a full Professor in the University where that teacher is employed.

(c) Visiting Fellow

The University Appointments Committee or a Campus Appointments Committee, as the case may be, may confer the title of Visiting Fellow on any visitor not qualifying under clause 10(b) who is attached to a Department and making a substantial contribution to its academic life.

(d) (i) Honorary Professor

The University Appointments Committee may confer the title of Honorary Professor on any person who is making a substantial contribution to the academic life of a Department through teaching or research.

(ii) Honorary Lecturer or Research Fellow

The University Appointments Committee or a Campus Appointments Committee, as the case may be, may confer the title either of Honorary Lecturer or of Honorary Research Fellow on any person resident in one of the countries served by the University who is contributing or likely to contribute to the academic life of a department through teaching or research.

(e) Honorary Consultant

The University Appointments Committee may confer the title of Honorary Consultant on any person of Consultant status who is contributing to the academic life of the University through teaching or advice or research, whether or not such a person is resident in any of the countries served by the University.

- (f) Titles from other Universities

In addition to persons qualifying under clause 10(a)(i), visiting teachers or researchers may retain the titles of their posts in their own Universities while teaching or doing research at the University of the West Indies.

- (g) Duration of Appointment

The University Appointments Committee or the Campus Appointments Committee, as the case may be, shall, in each case of conferral of an honorary title under this clause, fix the period for which the title may be used.

Emeritus Professor

11. The Council may confer the title of Emeritus Professor on any person who has retired or has resigned from a Professorship in the University after a period of a least five years of service as a Professor.

PART 2

APPRAISAL, ASSESSMENT, EVALUATION AND PROMOTION

Appraisal and Evaluation of Academic Staff

- 12 (a) The University Appointments Committee shall cause to be conducted annual appraisals of the performance of Academic staff above the rank of Senior Lecturer and of Academic staff not being appointees to an office of a campus, with an evaluation being done in advance of any consideration of the renewal of a contract of a member of staff who is not appointed on indefinite tenure.
- (b) Every member of the Academic staff shall be afforded the opportunity of examining the report of any such appraisal or evaluation of that staff member's performance and of commenting thereon.
- (c) The Campus Appointments Committee shall, in the case of Academic staff in respect of which it exercises powers of appointment pursuant to this Ordinance, exercise like powers as the University Appointments Committee.

Assessment and Evaluation of Senior Administrative Staff and Professional Staff

13. (a) The University Appointments Committee shall cause to be conducted annual assessments of the performance of Senior Administrative staff and Professional staff above the rank of Senior Level II and Senior Administrative staff and Professional

staff not being appointees to an office of a campus, with an evaluation being done in advance of any consideration of the renewal of a contract of a member of staff who is not appointed on indefinite tenure.

- (b) Every member of the Senior Administrative staff and Professional staff shall be afforded the opportunity of examining the report of any such assessment or evaluation of that staff member's performance and of commenting thereon.
- (c) The Campus Appointments Committee shall, in the case of Senior Administrative staff and Professional staff in respect of which it exercises powers of appointment pursuant to this Ordinance, exercise like powers as the University Appointments Committee.

Performance Criteria

- 14 (a) The appropriate Appointments Committee shall not renew the contract of a member of staff completing the first three years of service, unless that member of staff has shown evidence of diligence, competence and integrity.
- (b) In considering whether to renew an appointment under this clause, the appropriate Appointments Committee shall, in respect of Academic staff, Senior Administrative staff and Professional staff, take into account performance in the following areas of activity:-
 - (i) Academic Staff (Teaching)
research, publication, teaching, contribution to University life, public service, scholarly and professional activity ;
 - (ii) Academic Staff (Research)
Research, publication, contribution to University life, public service, scholarly and professional activity;
 - (iii) Academic Staff (Continuing Studies and Extension)
research, publication, teaching, contribution to University life, public service, scholarly and professional activity;
 - (iv) Senior Administrative Staff,
professional competence, industry and productivity, service delivery, leadership, creativity and innovation, outreach and University service;
 - (v) Professional Staff
professional competence, industry and productivity, service delivery, leadership, creativity and innovation, outreach and University service.

Tenure

15. (a) Subject to the provisions of this clause, it shall be possible for members of staff of the University to be appointed with indefinite tenure. Consistent with the principles set out in the Charter, the promotion of academic freedom and the protection against arbitrary decisions or political or other bias guaranteed to all staff are further enhanced by the conferral of tenure. Tenure shall be a mark of distinction which signifies the University's desire and commitment to retain a person in indefinite employment.
- (b) A member of staff on indefinite tenure shall be entitled to continuation of appointment unless that appointment is terminated by virtue of the procedures set out in clause 15(h) or pursuant to the provisions of clause 15(i) or by virtue of retirement under the Statutes.
- (c) Save in the case of a Professor, indefinite tenure may not be conferred on any member of staff who has not served for a minimum period of six (6) years on the staff of the University or in some other institution of higher learning approved by the Appointments Committee for this purpose; provided that six (6) years of service shall not be construed as conferring entitlement to indefinite tenure.
- (d) A person appointed with indefinite tenure shall be subject, in like manner as other members of staff, to annual appraisal or assessment of performance.
- (e) The University Appointments Committee or the relevant Campus Appointments Committee, as the case may be, may subject to 15(f) cause to be conducted an evaluation of a tenured member of staff at intervals of not less than four years from the latest of:-
- (i) the last such evaluation of that member of staff;
- (ii) the date of the appointment on tenure of the member of staff.
- (f) If pursuant to an evaluation under clause 15(e) the performance of the member of staff is found to be unsatisfactory, a first supplemental evaluation of the performance of the member of staff may be undertaken not earlier than one year after the communication to the member of staff of the result of the evaluation. If the performance of the member of staff is found still to be unsatisfactory after the supplemental evaluation, a further second supplemental evaluation may be undertaken at an interval of not less than one year from the communication to the member of staff of the result of the first supplemental evaluation.

- (g) In the exercise of its functions in relation to a member of staff on indefinite tenure under clause 15(d), the Appointments Committee shall take into account performance in the areas of activity specified in clause 14(b) having regard to the different standards of achievement to be expected at different stages of the career of a member of staff.
- (h) The appointment of a member of staff with indefinite tenure may be terminated if, after a second supplemental evaluation under clause 15(f), the Appointments Committee pursuant to such evaluation recommends such termination on grounds of the unsatisfactory performance by the member of staff.
- (i) Nothing in this clause shall preclude the termination of the appointment of a member of staff of the University, including a member of staff on indefinite tenure, in the exercise of the University's rights arising from breach of contract by the member of staff or by virtue of any other provision of the Statutes or Ordinances of the University.

Appeals Committee

- 16
- (a) Where an Appointments Committee recommends the dismissal of a member of staff under clause 15(h) or decides against renewal of the contract of a member of staff under clause 14, the member of staff concerned, by notifying the relevant Registrar within four weeks of receiving notification of the decision, of the intention to appeal under this clause, may have the case reviewed by an Appeals Committee.
 - (b) The Appeals Committee shall comprise a Chair chosen by the Vice Chancellor and one representative from each Academic Board, drawn by lot from a panel chosen by the Academic Board from those who indicate their willingness to serve and who do not fall within the disqualification category in clause 57(h), in addition to one other member of the Academic staff, Senior Administrative staff or Professional staff nominated by the Vice Chancellor. In selecting a nominee the Vice Chancellor shall ensure that there is on the Appeals Committee at least one member who possesses expertise and competence in the discipline of the member of staff whose appeal is to be considered.
 - (c) The member of staff appealing under clause 16(a) shall have the right to appear before the Appeals Committee and may, on request, be represented by a University colleague or a representative of any body recognised by the University consistent with the relevant staff industrial relations agreement. The Appeals Committee shall, in all cases, interview the appellant, the Head of Department of the appellant or the appropriate supervisor and the Dean or relevant officer. Where the Head of Department is the appellant, the Dean of the relevant Faculty or the relevant officer shall be interviewed. The Appeals Committee may, in its discretion, interview the Vice Chancellor or Campus Principal as appropriate.

- (d) The Appeals Committee shall review the decision of the Appointments Committee in the context of evidence presented to that Committee. Additional material evidence shall not be admitted except for the evidence of the appellant. The Committee shall not review the case from the beginning and any new evidence of significance found by the Appeals Committee shall be referred to the Appointments Committee. In particular, any new evidence of significance which emerged after the meeting of the Appointments Committee and before the meeting of the Appeals Committee must be referred to the Appointments Committee, together with the response of the Head of Department or appropriate Supervisor to the new evidence.
- (e) The Appeals Committee shall remit a case to the Appointments Committee for its reconsideration if it considers that the procedures under this Ordinance were not complied with or that information relevant to the case was not considered by the Appointments Committee. The Appeals Committee may allow the appeal if, in its view, the reasons given by the Appointments Committee for the dismissal or non-renewal were erroneous or inadequate. The decision of the Appeals Committee shall be final.
- (f) Where the Appeals Committee remits a case for its reconsideration, the Appointments Committee shall reconsider the case within two months from the date of the notification to the Registrar of the decision of the Appeals Committee.

PROMOTION OF ACADEMIC STAFF

17. Promotion of members of the Academic staff may be to an existing vacancy or, under clauses 20, 21, 22, 23 and 24 on grounds of exceptional or distinguished service and may take one of the following forms:-
- (a) promotion to the Lecturer grade;
 - (b) promotion to the Senior Lecturer grade;
 - (c) promotion to a Professorship
 - (d) conferment of the title of Professor on a Director.
 - (e) special increments in the Assistant Lecturer or Lecturer grade;
 - (f) special increments in the Senior Lecturer grade;
 - (g) crossing the Merit Bar in the Lecturer grade or the Bar in the Senior Lecturer grade;

18. The appropriate Appointments Committee shall consider promotions at least once in each year.
19. Any promotion to a Senior Lectureship, a promotion to a Professorship, or a conferment of a title of Professor on a Director under clause 22(b) must be supported by at least two external assessors selected by the Vice Chancellor after consultation with the Dean of the Faculty.
20. **Promotion to the Lecturer grade -**
 - (a) (i) In considering whether to promote to the Lecturer grade an Assistant Lecturer on the expiration of three years in that grade, the appropriate Appointments Committee shall require evidence that the Assistant Lecturer shows promise of fulfilling the criteria in clause 14(b).
 - (ii) An Assistant Lecturer may be given accelerated promotion to a Lectureship after the first or second year of appointment if he or she has demonstrated ability as a teacher or researcher and has either completed research and can submit evidence of acceptance of publication since appointment or has since appointment been awarded a higher degree.

21. **Promotion to the Senior Lecturer grade**

The criteria for promotion to the grade of Senior Lecturer on the ground of distinguished service shall be as set out in clause 14(b).

22. **Promotion to a Professorship**

- (a) (i) A member of the Academic staff may, subject to clause 59, be promoted to a Professorship if the member of staff has previously held a Senior Lectureship in the University.
- (ii) The criteria to be applied shall be:-
 - (A) a record of distinguished original work;
 - (B) outstanding success in and wide recognition of professional activities;
 - (C) enhancement of the reputation of the University in the field of work of that person through his or her own contribution to the development of the field in areas such as academic leadership, postgraduate studies and other projects or activities.

Conferment of Title of Professor on persons holding Directorship with Professorial Salary

- (b) (i) The title of Professor may, subject to this paragraph and clause 59, be conferred on a person holding the post of Director where that post carries a professorial salary.
- (ii) The criteria to be applied shall be:-
 - (A) a record of distinguished original work;
 - (B) outstanding success in and wide recognition of professional activities;
 - (C) enhancement of the reputation of the University in the field of work of that person through his or her own contribution to the development of the field in areas such as academic leadership, postgraduate studies and other projects or activities.

23 Award of Special Increments

Promotion in the form of special increments shall be granted only in respect of exceptional performance and promise based on the criteria specified in clause 14(b) and only in cases where recognition by means of the award of tenure or of promotion to a higher grade is considered by the appropriate Appointments Committee to be either inadequate or impossible, as the case may be.

24. Crossing the Merit Bar (Lecturers) and Bar (Senior Lecturers)

Lecturers

- (a) (i) The appropriate Appointments Committee shall decide, on the basis of the criteria specified in clause 14(b) whether a Lecturer who has reached the Merit Bar salary shall be permitted to cross the Bar.
- (ii) The appropriate Appointments Committee may accelerate the crossing of the Merit Bar in the case of a member of staff who has exceptional merit.

Senior Lecturers

- (b) (i) A member of the Academic staff who reaches the Bar of the Senior Lecturer's salary

scale shall be permitted to cross the Bar only if the member of staff has either:-

- (A) held one or more qualifying offices in one or more Departments or other unit(s) of teaching or research or administration for a period or periods of at least three years in total and has thereby made a contribution to the University which the Committee regards as sufficient to warrant the member of staff crossing the Bar; or
 - (B) made such a contribution to the advancement of his or her subject or the well-being of the University as the Committee regards as sufficient to warrant the staff member going across the Bar.
- (ii) For the purposes of clause 24 (b) (i)(A) a qualifying office means:-
- (A) headship, however styled, of a Department or other unit of learning and research; or
 - (B) an office performing a coordinating function and so designated by the holder of an office in clause 24(b)(i) (A) within the Department or other unit in which that office is held.

PROMOTION OF SENIOR ADMINISTRATIVE STAFF AND PROFESSIONAL STAFF

25. Promotion of Senior Administrative staff and Professional staff may be to an existing vacancy or under clauses 27, 28, 29, 30 and 31 on the grounds of exceptional or distinguished service and may take one of the following forms:-
- (a) promotion to Level II;
 - (b) promotion to Senior Level I;
 - (c) promotion to Senior Level III;
 - (d) special increments in Levels I, II and III;
 - (e) special increments in Senior Levels I and II;
 - (f) promotion to and Level III and Senior Level II;
26. The appropriate Appointments Committee shall consider promotions at least once in each year.
27. **Promotion to Level II**
- (a) In considering whether to promote to Level II a Level I staff member on the expiration of

three years in that grade, the appropriate Appointments Committee shall require evidence that the staff member at Level I shows promise of fulfilling the criteria in clause 14 ((b).

- (b) A staff member at Level I may be given accelerated promotion to Level II after the first or second year of appointment if he or she has demonstrated exceptional merit or has since appointment been awarded a higher degree.

28. **Promotion to Senior Level I**

The criteria for promotion to Senior Level I on the ground of distinguished service shall be as set out in clause 14(b).

29. **Promotion to Senior Level III**

- (a) A member of the Senior Administrative staff or Professional staff may, subject to clause 59, be promoted to Senior Level III if the member of staff has previously held a position of Senior Level II in the University.
- (b) The criteria to be applied shall be:-
 - (i) a record of distinguished original work;
 - (ii) outstanding success in and wide recognition of professional activities;
 - (iii) enhancement of the reputation of the University in the field of work through that member of staff's contribution to the development of the field in which that member of staff works.

30. **Award of Special increments**

Promotion in the form of special increments shall be granted only in respect of exceptional performance and promise based on the criteria specified in clause 14 (b) and only in cases where recognition by means of the award of tenure or of promotion to a higher grade is considered by the appropriate Appointments Committee to be either inadequate or impossible, as the case may be.

31. **Promotion to Level III and Senior Level II**

Level III

- (a) (i) The appropriate Appointments Committee shall decide, on the basis of the criteria specified in clause 14(b)(iv) and (v) whether a member of the Senior Administrative staff or Professional staff, who has reached the top of the salary scale at Level II, shall be promoted to Level III.

- (ii) The Appropriate Appointments Committee may accelerate the promotion to Level III in the case of a staff member who has exceptional merit.

Senior Level II

- (b) The appropriate Appointments Committee shall decide, on the basis of the criteria specified in clause 14(b)(iv) and (v) whether a member of the Senior Administrative staff or Professional Staff, who has reached the top of the salary scale at Senior Level I, shall be promoted to Senior Level II.

32. EQUALITY OF TREATMENT OF MEMBERS OF STAFF

The appropriate Appointments Committee shall, in making its decisions under this Part, seek to ensure equality of treatment of members of staff.

PART 3

PROVISIONS RELATING TO DISCIPLINE

- 33. (a) There shall be constituted the University Disciplinary Committee comprising the following members appointed by the Vice Chancellor;
 - (i) the Chair;
 - (ii) the Deputy Chair;
 - (iii) three persons selected from among the Deputy Campus Principals and Deans and Heads of Department;
 - (iv) one person of professorial rank;
 - (v) one person not being of professorial rank;
 - (vi) one person of equivalent rank to the staff member whose conduct is under investigation by the Committee.
- (b) In the absence of the Chair, the Deputy Chair shall perform the functions of Chair of the Committee.
- (c) Five members of the Committee including the Chair or Deputy Chair constitute a quorum.
- (d) The University Disciplinary Committee shall have jurisdiction in matters relating to the discipline of Academic staff, Senior Administrative staff and Professional staff :-
 - (i) above the rank of Senior Lecturer or Senior Level II; or

- (ii) otherwise not falling within any of the categories in clause 34(c).
 - (e) The University Appointments Committee may transfer to a Campus Disciplinary Committee of its choice the jurisdiction of the University Disciplinary Committee in relation to any case under 33(d)(ii).
34. (a) There shall be constituted for each campus the Campus Disciplinary Committee consisting of the following members appointed by the Campus Principal:-
- (i) the Chair;
 - (ii) two persons selected from among those holding offices as Deans and Heads of Department of the Campus except that, in the case of the Open Campus, the persons designated Directors under clause 3 (g) shall, for the purposes of this paragraph, be deemed to be included among those holding such offices;
 - (iii) one person of professorial rank;
 - (iv) one person of equivalent rank to the member of staff whose conduct is under investigation.
- (b) Three members of the Committee, including the Chair, constitute a quorum.
- (c) The Campus Disciplinary Committee shall have jurisdiction in matters relating to the discipline of Academic staff, Senior Administrative staff and Professional staff of or below the rank of Senior Lecturer or Senior Level II referred to it by the Campus Principal including members of staff not appointed by the Campus Council who are nevertheless resident, in the case of the Cave Hill, Mona or St. Augustine campuses, in the contributing country in which the Campus is situated, and in the case of the Open Campus, in a contributing country other than Barbados, Jamaica or Trinidad and Tobago.
35. (a) No person shall participate as a member of the University Disciplinary Committee or a Campus Disciplinary Committee if that person has been involved in any significant manner in the institution of a charge of misconduct against a member of staff or if that person for any other reason ought to be disqualified from being a member of the Committee because of the appearance of a substantial likelihood of bias.
- (b) Where, for any reason, a vacancy occurs in the membership of a Disciplinary Committee the Vice Chancellor or the Campus Principal, as the case may be, shall take the necessary steps to fill the vacancy having regard to the categories of persons prescribed by this Ordinance as being eligible for selection as members of a

Disciplinary Committee.

- (c) A person who has served as a member of three successive constituted Disciplinary Committees shall be exempt from further service as a member of a Committee for a period of six months.
36. The Chair of a Disciplinary Committee shall be provided with a legal adviser for the consideration of the allegation of misconduct.
37. (a) An allegation of misconduct against a member of staff shall be in the form of a signed statement addressed to the University Registrar or the Campus Registrar, as the case may be, who shall consult with the Vice Chancellor or Campus Principal, as the case may be, to decide whether further action should be taken.
- (b) If the member of staff admits the allegation, the Vice Chancellor or the Campus Principal, having due regard to the nature of the allegation, may censure the member of staff in writing.
- (c) If further action is to be taken the relevant Registrar shall convene the relevant Disciplinary Committee to consider the allegation and shall inform the member of staff of the date, time and place of meeting.
- (d) The meeting shall take place as soon as practicable but not later than one month after the date of any suspension ordered by the Vice Chancellor or Campus Principal under clause 38(a).
38. (a) The Vice Chancellor or the Campus Principal, as the case may be, has the discretion to suspend the member of staff pending the meeting of the Disciplinary Committee which shall then determine whether or not the suspension shall be continued.
- (b) For the purposes of this clause, suspension entails to the extent the Vice Chancellor or the Campus Principal determines the prohibition of access to students, academic facilities and property of the University without prejudice, however, to the right to emoluments.
39. The member of staff shall be given notice in writing at least fourteen days before the first hearing of the allegation of misconduct under clause 37(a) and, in cases where there has been a suspension the member of staff shall also be given notice of the grounds of the suspension.
40. A Disciplinary Committee shall act only on the evidence adduced before it and any oral or documentary evidence shall be given in the presence of the member of staff.
41. A member of staff shall have the right to appear before a Disciplinary Committee :-

- (a) and to be represented by not more than two persons from among his or her University colleagues; or from any body recognised by the University consistent with the relevant staff industrial relations agreement; or
 - (b) to have legal representation of the staff member's choice at the staff member's expense in which case the relevant Registrar may brief legal representatives to present the case against the member of staff.
42. (a) The member of staff shall have the right to ask questions of witnesses, to call witnesses, to make statements on his or her own behalf, and to make submissions.
- (b) The Chair of the Committee shall ensure that a written record of the hearings of the Committee is kept.
43. Where written documents or submissions are to be received by a Disciplinary Committee, copies shall be given in advance to the member of staff and his or her representatives who shall have the right, so far as is reasonably practicable, to have the maker of the documents or submissions called before the Committee and to question him or her concerning the documents or submissions.
44. (a) The Disciplinary Committee shall prepare a report containing the findings of the relevant facts and its recommendations as to the action that should be taken as well as the reasons for the findings and recommendations.
- (b) Copies of the report shall be sent to the member of staff and to the Vice Chancellor, or the Campus Principal, as the case may be.
45. (a) A Disciplinary Committee may recommend to the University Appointments Committee or the Campus Appointments Committee, as the case may be, the termination of the appointment of a member of staff if it is satisfied that he or she has become physically or mentally unable to perform the duties of office, either permanently or for so extended a period as to make it necessary to make a permanent appointment to carry out those duties:

Provided that where any medical question is involved, the Appointments Committee shall not act, except on the advice of a Committee of not less than three medical advisers.

- (b) The Committee of medical advisers shall be selected by the Chair of the Disciplinary Committee from a panel appointed by the University Appointments Committee or the Campus Appointments Committee, as the case may be.
- (c) Where an appointment is terminated under clause 45(a), the Appointments Committee shall consider making ex gratia payments in addition to any superannuation

payments which are due to the member of staff and his or her dependents.

46. (a) The University Disciplinary Committee or the Campus Disciplinary Committee, as the case may be, may recommend the dismissal of a member of staff if the Committee considers that the misconduct of the member of staff is of such a nature as to warrant dismissal.
- (b) The Disciplinary Committee shall recommend in each case of dismissal under paragraph (a) whether -
- (i) due notice should be given; or
 - (ii) dismissal should be effective immediately with salary paid in lieu of notice; or
 - (iii) dismissal should be effective immediately and without payment of salary in lieu of notice.
- 47 (a) This clause applies where the University Disciplinary Committee or the Campus Disciplinary Committee is satisfied that a member of staff is guilty of misconduct which is not sufficiently serious to warrant dismissal and, in such a case, the Committee may decide as follows:-
- (i) that the member of staff be censured in writing; or
 - (ii) that the member of staff be denied promotion; or
 - (iii) the revocation of an offer of promotion; or
 - (iv) the suspension of the member of staff without pay or with reduced pay;
or
 - (v) the withholding of such number of increments as the Committee may determine.
- (b) The Disciplinary Committee shall, where appropriate, determine the period for which any penalty is to be imposed under this clause.
48. A member of staff shall have a right of appeal:-
- (a) to the Vice Chancellor, from a decision of a Campus Disciplinary Committee;
 - (b) to the Chancellor, from a decision of the University Disciplinary Committee or from a decision of the Vice Chancellor under clause 48 (a).
49. For the purposes of this Part -

"misconduct" means -

- (a) conduct of a nature which shows that a member of staff is unfit to hold office;
- (b) wilful contravention or violation of, or non-compliance with, the Statutes, Ordinances or other rules or regulations for the governance of the University;
- (c) conduct likely to bring the reputation of the University into disrepute.

50. (a) "Misconduct" includes any conduct,

- (i) within the University precincts, that
 - (A) involves an attack or a threat of attack on any person or involves the intimidation or attempted intimidation of any person; or
 - (B) is disorderly, abusive, indecent or obscene; or
 - (C) being wilful, reckless or grossly negligent, obstructs the due conduct of the University; or
 - (D) improperly interferes with any property or facility of the University, or of any person in a manner which is likely to cause injury or to deny or obstruct the rightful use of that property by any person;
 - (E) involves an unauthorized or unjustified interference with the property of any person;
- (ii) whether within or outside the University precincts, that
 - (A) improperly interferes with the orderly conduct of any teaching group of the University; or
 - (B) being wilful, reckless or grossly negligent, involves interference with any property of the University; or
 - (C) involves with malicious intent the publication, distribution or utterance in any way whatever of a false or misleading statement which could affect the academic or financial standing with the University of any member of staff or student; or
 - (D) involves the publication, distribution or utterance in any way whatsoever of a false or grossly offensive statement which exceeds the bounds of fair comment which concerns the University or any member or class of members of the University where the statement

also concerns or affects the good order and government of the University; or

- (E) engages in activities calculated to endanger the peace and security of the Community or otherwise engages in religious, political or racial propaganda of an inflammatory nature; or
- (F) involves the publication, distribution or utterance in any way whatsoever of confidential information obtained by the member of staff in his or her capacity as a member of staff; or
- (G) involves the sexual harassment of any member of the University or of the spouse, parent, brother, sister or child of a member of the University;
- (H) is so gross and/or criminal that it renders the staff member unfit to continue to hold his or her post at the University.

(iii) outside the University precincts, that

- (A) would be misconduct within the University precincts and takes place while the member of staff is representing the University in any academic, cultural, consultative or advisory role; or
- (B) takes place within the precincts of any other educational institution and would be misconduct if it occurred within the University precincts or being wilful, reckless or grossly negligent either obstructs the due conduct of that institution or involves interference with any property of that institution;

(b) "sexual harassment" includes sexual advances, requests for sexual favours, and other similar verbal, or physical conduct of a sexual nature when it is of a persistent nature and is made by a person, whether male or female, who knows or ought reasonably to know that such behaviour is unwanted by the person to whom the conduct is directed; and

(i) such conduct has the purpose or effect of

- (A) interfering with an individual's personal safety, work or academic performance; or
- (B) creating an intimidating, hostile or offensive living, working or academic environment; or

(ii) submission to such conduct is made either explicitly or implicitly a

term or condition of an individual's personal safety, employment status, academic status or academic achievement and certification; or

- (iii) rejection of such conduct by an individual is used as the basis for adverse personal safety, employment, or academic achievement and certification decisions affecting such individual.
 - (c) "University precincts" means the building and grounds of or under the control of the University and includes any other place, whatsoever it is and wheresoever it is situated, when used in any way for a function occasion or activity of the University but does not include houses belonging to the University and let to members of staff except when they are used in a way for a function, occasion, or activity of the University.
51. Clause 7(e) shall apply in like manner to a member of the academic staff who, by virtue of the terms of employment with the University, is required or expected to perform the duties of Director of an Institute or of a post bearing any other title showing that the member of staff has responsibility for the administration and control of a unit of learning or research of the University.
52. Nothing in this Part shall be construed as affecting the right of the University to terminate the services of a member of the Academic staff, Senior Administrative staff or Professional staff of the University for breach of contract.
53. The Statement of Principles and Code of Ethics for Members of the Academic staff, Senior Administrative staff and Professional Staff of the University, as approved by the Council after the conclusion of the process of consultation with relevant bodies within the University, shall have effect as part of this Ordinance and shall, save as the context of its provisions and of other statements of University policy adopted by the Council otherwise indicates, be binding on members of staff.

PART 4

ADMINISTRATION AND PROCEDURE

Advertisement

54. Subject to this Ordinance, every vacancy shall, unless the relevant Appointments Committee in a particular case decides otherwise, be advertised.

Procedure in respect of Honorary Appointments

55. (a) Any proposal whether by the Senate, a Faculty or a Head of Department for the conferment of an honorary title under clause 10 shall be made through the Vice

Chancellor to the University Appointments Committee or through the Campus Principal to the Campus Appointments Committee, as the case may be.

- (b) A proposal for the conferment of an honorary title shall be accompanied by the curriculum vitae of the person for whom the honorary appointment is being sought.

Procedure in respect of Evaluation and Promotion

56. (a) (i) In the first week of March in each year the relevant Registrar shall send to every relevant Dean and Head of Department or relevant officer a list of the names of Assistant Lecturers and of members of staff in his or her Faculty or Department, as the case may be, who will become eligible, during the course of the academic year beginning on August 1 following, for renewal of their contracts or crossing of the Merit Bar, or in respect of whom the qualifying period for an evaluation under clause 15(e) or clause 15(f) has elapsed.
- (ii) The relevant Registrar shall contemporaneously with sending the list in 56(a)(i) request the relevant Dean and Head of Department or relevant officer to make in the prescribed format such recommendations for promotion as he or she may wish and to supply supporting evidence.
- (b) Nothing in clause 56 (a) shall preclude any member of staff from applying for any promotion in accordance with clauses 17 to 31. Any such application shall be submitted in the prescribed format no later than April 30 to the Registrar and copied to the Head of Department and the Dean or relevant officer.
 - (c) Each Head of Department or relevant officer shall, not later than May 31, forward his or her submission to the Dean or the relevant Registrar, as the case may be, who shall, after consultation with the relevant committee charged with the responsibility of advising on matters of evaluation and promotions, hereinafter referred to as the Evaluation and Promotion Committee, forward his or her comments to the Registrar, together with those of the Evaluation and Promotion Committee, so as to reach him or her not later than June 30.
 - (d) Each Head of Department or relevant officer shall forward simultaneously to a member of staff copies of his or her recommendation to the Dean or relevant officer.
 - (e) Any member of staff may, in the prescribed format and not later than July 15 submit evidence in support of the renewal of his or her contract, crossing the Merit Bar, his or her promotion or an application for tenure. The submission shall be made to the Head of Department (or Dean where appropriate) or relevant officer who shall forward it with his or her comments to the Dean or relevant officer for processing in

the manner specified in clause 56(c) save that the deadline under this clause shall be no later than August 31.

- (f) Supporting evidence as required by this clause shall consist of at least the following:-
 - (i) evaluation of performance by the Head of Department or relevant officer;
 - (ii) list of publications;
 - (iii) research completed or in progress;
 - (iv) public, professional and/or extra-Departmental service.

Review Committee

- 57. (a) Where a member of staff disagrees with the recommendation by the Head of Department or relevant officer under clause 56 (c) and wishes to pursue the matter, the staff member shall forward a submission by July 15. Where the comments of the Head or relevant officer have not been made available to the staff member by June 30, the submission must be made within two weeks of the comments of the Head of Department or relevant officer being made available.
- (b) The submission shall clearly state that the staff member disagrees with the recommendation of his or her Head of Department or relevant officer. The submission shall be forwarded to the relevant Dean and copied to the relevant Registrar. In the case of Academic staff not members of a Faculty, Senior Administrative staff and Professional staff, the submission shall be forwarded to the relevant Registrar who shall ensure that the submission is made available to the appropriate Evaluation and Promotion Committee.
- (c) The Registrar shall, within three weeks of receipt of the submission from the staff member, appoint a Review Committee of three persons to review the submission and provide its independent advice to the relevant Appointments Committee. The Review Committee shall comprise one nominee each of the member of staff and Head of Department or relevant officer from among the Academic staff, Senior Administrative staff or Professional staff. The Chair shall be nominated by the Dean, normally from among the members of the Faculty other than members of the Department in which the staff member holds his or her appointment. In exceptional cases, the Dean may select a Chair from another Faculty. In cases of persons not attached to a Faculty, or where the Head of Department is also the Dean of the Faculty the Chair shall be nominated by the Vice Chancellor or the Principal, as appropriate.
- (d) Where a member of staff fails to provide a nominee in writing within two weeks of being asked in writing by the Registrar to do so, the member of staff shall forfeit the

right to have a Review Committee convened. The Registrar shall so inform the member of staff in writing.

- (e) The Review Committee, if it deems necessary, shall interview the Head of Department or relevant officer and the staff member. It shall also review the documents submitted by both parties and any other relevant evidence and report accordingly.
 - (f) The report of the Review Committee shall be sent directly to the relevant Registrar, who shall forward it to the appropriate Appointments Committee.
 - (g) The Appointments Committee shall consider the report of the Review Committee and the Evaluation and Promotion Committee at the same time.
 - (h) A member of the Evaluation and Promotion Committee in clause 56 (c) shall not be eligible for membership of the Review Committee except as a nominee of the member of staff whose case is to be reviewed.
58. The relevant Appointments Committee, when considering recommendations or applications for tenure, renewal of contracts, crossing the Merit Bar or promotions shall invite each Head of Department or relevant officer concerned to be present when the cases from the Department are being considered and when:-
- (a) clarification of the written recommendation of the Head of Department or relevant officer is desirable; or
 - (b) the Committee wishes to take a decision contrary to his or her recommendation; or
 - (c) the recommendation affects the staff member adversely.

Procedure for Appointing Academic staff to Professorships under clauses 22(a) and (b) and Senior Administrative staff and Professional staff to Senior Level III under clause 29.

59. The procedure for appointing Professors under clauses 22(a) and (b) and Senior Administrative staff and Professional staff to Senior Level III under clause 29 shall be as follows:-
- (a) the University Appointments Committee shall receive either:-
 - (i) a recommendation from the Vice Chancellor or through the Vice Chancellor from the relevant Campus Principal of the Campus where the person to be recommended holds an appointment; or
 - (ii) an application from the member of staff seeking promotion, to be submitted through the Vice Chancellor or through the relevant Campus Principal to the Vice Chancellor.

- (b) The University Appointments Committee shall consider the recommendations and applications for promotion of the staff member received pursuant to (i) and (ii) above and shall follow the usual procedures for evaluation and promotion as set out in clause 56(e) and (f), submitting the relevant documentation to his or her Head of Department (or to the Dean, in the case of a Head of Department) who will forward the documentation to the Dean, with his or her recommendation for processing.
- (c) The documentation shall be submitted to the University Appointments Committee, which shall make a preliminary assessment of the staff member's performance. The Appointments Committee may then recommend that external assessor's reports be sought in accordance with clause 19 or may indicate that the case has not yet been made.
- (d) Where the University Appointments Committee recommends that external assessors' reports be sought, such reports shall be submitted to the University Appointments Committee for further consideration of the recommendation for promotion.
- (e) If the recommendation is accepted, the University Appointments Committee shall forward the recommendation to the Council or the relevant Campus Council for the creation of a Professorship or Senior Level III post and the provision of the requisite financial resources.

Redundancy

- 60 (a) The University Appointments Committee or the Campus Appointments Committee may terminate the employment of a member of the Academic staff, Senior Administrative staff or Professional staff on grounds of redundancy, subject, however, to the payment of any superannuation benefits by means of a pension and/or gratuity or such other benefits to which the member of staff may be entitled under any applicable law governing termination of employment by reason of redundancy.
- (b) For the purposes of this clause, termination of employment on grounds of redundancy shall be so construed if it is attributable wholly or mainly to:
 - (i) the fact that the University has ceased, or intends to cease, to carry on the activity for the purposes for which the member of the Academic staff, Senior Administrative staff or Professional staff was employed by the University or has ceased, or intends to cease to carry on that activity in the place in which the member of the staff worked; or

- (ii) the fact that the requirements of that activity for members of the Academic staff, Senior Administrative staff or Professional staff to carry out work of a particular kind in that place have ceased or diminished or are expected to cease or diminish.
- (c) In cases of termination of employment on the grounds of redundancy under this clause the details of overall redundancy arrangements shall be negotiated at Campus level under the relevant staff industrial relations agreement and applicable local law, with the University making every effort, both before and after redundancy, to assist in the retraining and relocation of staff.

Communication of Decision to Staff Member

- 61. The appropriate Appointments Committee shall cause the member of staff whose evaluation, promotion or appointment is being considered to be informed of the Committee's decision in the case as soon as practicable.
- 62. The appropriate Appointments Committee shall also give reasons for any decision adverse to a member of staff and the relevant Registrar shall communicate these reasons in writing to the member of staff.