



**Swansea University**  
**Prifysgol Abertawe**

## **Ordinance 11.9 - Termination of non-substantive positions**

### **Part I – Application and scope**

1. This ordinance shall apply only to the removal, or for fixed term appointments the early removal, from an appointment to which a member of staff (the 'Postholder') has been appointed and which is distinct from the Postholder's substantive appointment in the University, where dismissal from the substantive appointment is not contemplated. If a member of staff is appointed to one of these posts as his/her substantive post, the University's conduct, performance, redundancy, retirement, illegality and ill-health ordinances shall apply.
2. In the case of non-substantive posts within the University Senior Leadership Team, the Vice-Chancellor shall have the power to determine that there are possible grounds for terminating early the appointment of a Postholder. In the case of non-substantive posts outside the University Senior Leadership Team, the relevant member of the University Senior Leadership team or Director shall have that power.
3. Upon the removal of a member of staff from his or her substantive appointment, any appointment referred to in paragraph 1 above shall lapse automatically and the procedure described hereunder shall not, therefore, be applicable.

### **Part II – Procedure**

4. In any instance in which the Vice-Chancellor or the relevant member of the University Senior Leadership team or Director, as applicable, has determined that there are possible grounds for terminating the appointment of a Postholder prior to the prescribed or normal termination date for the appointment in question, they shall write to the Postholder to inform him or her:
  - (i) of the reasons for the proposed early termination of the appointment; and
  - (ii) of his or her right to attend a hearing by a Panel to make representations;
  - (iii) that he/she may be accompanied and represented by a work colleague or union representative at the hearing.
5. The Panel appointed shall comprise up to three persons, selected as follows:
  - (a) a senior member of staff appointed by the Vice-Chancellor or the relevant member of the University Senior Leadership team or in the case of the possible termination of a member of the University Senior

Leadership Team appointment of a lay member of the Council, nominated by the Chair of the Council, who shall act as Chair of the Panel;

(b) where it is considered appropriate by the Chair (which decision is in the sole discretion of the Chair) two members of the academic staff, nominated by the Vice-Chancellor or the relevant member of the University Senior Leadership team, with, in the case of the possible termination of a member of the University Senior leadership Team, the concurrence of the Chair of Council.

6. The Vice Chancellor or the relevant member of the University Senior Leadership team will be asked to attend the Panel hearing to explain why s/he has recommended that the matter be referred for consideration by the Panel. The Postholder will be given the opportunity to state his or her case and raise any factors which he/she wishes to have considered.
7. Subject to the above, the conduct of the hearing before the Panel and any adjournments will be at the discretion of the Panel.
8. The Panel will deliberate in private. Normally a unanimous decision will be expected, but if the members of the Panel cannot agree, the decision of the Panel shall be that of the majority of its members. The Panel shall give a reasoned decision in writing, which shall be sent to the Postholder by the Chair of the Panel. Notification of the Postholder's right to appeal against the decision shall be appended to the Panel's decision.

### **Part III - Appeal**

9. The Postholder will have the right to appeal against any decision to terminate early their appointment under this ordinance. The grounds of appeal must be in writing and must be sent to the Vice-Chancellor's office within 14 days. Appeals shall be lodged and conducted in accordance with the University's ordinance for appeals.