

The Ordinances Part 3: Dismissal, Discipline, Grievance Procedures and related matters pursuant to Statute 7

3.2 Meaning of Dismissal and Reasons for Dismissal [Statute 7, clauses 3(1) and 3(2)]

Meaning of Dismissal [Statute 7, clause 3(1)]

1. A member of staff is dismissed by the University if, and only if:-
 - I. the contract under which he or she is employed is terminated by the University (whether with or without notice);
 - II. he or she is employed under a limited-term contract and that contract terminates by virtue of the limiting event without being renewed under the same contract; or
 - III. the member of staff terminates the contract under which he or she is employed (with or without notice) in circumstances in which he or she is entitled to terminate it without notice by reason of the University's conduct.

Reasons for Dismissal [Statute 7, clause 3(2)]

2. A member of staff may be dismissed:-
 - I. for a reason falling within paragraph 3; or
 - II. for some other substantial reason of a kind such as to justify the dismissal of a member of staff holding the position which the member of staff held.
3. A reason falls within this paragraph if it:-
 - I. relates to the capability or qualifications of the member of staff for performing work of the kind which he or she was employed by the University to do;
 - II. relates to the conduct of the member of staff;
 - III. is retirement of the member of staff;
 - IV. is that the member of staff was redundant; or
 - V. is that the member of staff could not continue to work in the position which he or she held without contravention (either on his or her part or on that of the University) of a duty or restriction imposed by or under an enactment.
4. In sub-paragraph 3(a):-
 - I. "capability", in relation to a member of staff means his or her capability assessed by reference to skill, aptitude, health or any other physical or mental quality; and
 - II. "qualifications", in relation to a member of staff, means any degree, diploma or other academic, technical or professional qualification relevant to the position which he or she held.