UNIVERSITY OF ESSEX

Collective agreement between the University and University and College Union (UCU)
Essex Local Association on change of duties of academic staff

1. This is a collective agreement between the Essex Local Association of UCU and the University of Essex. The Parties agree that it shall apply in all relevant cases where it is proposed to change the duties of a member of academic staff on an A + R contract such that there will no longer be a contractual obligation upon that member of staff to conduct research.

2. The 2008 Research Assessment Exercise (RAE) produced a top-ten ranking for the quality of the University's research. In addition, an increased number of departments achieved top-ten rankings within their individual subject league tables. The University aims to maintain and extend this leading research profile.

3. The University is described as being research-intensive. Research-intensive means that at least ninety per cent of our academic staff who are eligible to be returned in the Research Excellence Framework (REF) should be submitted. There is also an expectation that research grant income should be at a level pertinent to the norms of the specific subject area.

4. It is acknowledged that there may be some members of staff on an A + R contract whose research performance falls short of the requirements of the University’s research strategy in either quality and/or quantity.

5. Research plans and outputs are discussed and agreed on an annual basis and there is a process of monitoring, review and feedback in place. Following review within the department, there is a meeting involving the Head of Department and Research Director together with the Faculty Executive Dean and the Pro-Vice-Chancellor (Research) to review the research performance of all the department's staff on A + R contracts. As a result of these review processes, there will be serious cause for concern in cases where a member of staff's research is, over an extended period, not producing outputs of the required quality and volume to lead to their submission in the REF.

6. Where there is a body of research work that does not fit well with the Department's research priorities, consideration will be given to submitting that research via an alternative Department. In cases where this is not possible and the work is still felt to be equivalent in quality to REF submissible work, the judgement of two external assessors (one nominated by the University and one by the individual) will be sought.

7. Once a shortfall is identified, it is recognised that it could be for a variety of reasons. It is expected therefore that, where the research performance of a member of academic staff does give serious cause for concern, there will be a full discussion with the individual member of staff by the Head of Department or one or more members of the senior staff of the Department.

8. The following procedure shall apply only in cases where informal means have failed to produce the desired outcomes.

9. The Parties agree that this Procedure is an authentic Procedure of the University and that this fact shall not be questioned before any Panel or Tribunal.
10. The Parties agree that the existence of this Procedure shall neither preclude the University from taking disciplinary action against a member of staff if considered appropriate nor UCU from undertaking representative or other action in support of a member.

11. Separate processes apply for those members of staff still within their probationary period.

12. This procedure preserves the right of an individual member of staff to request a transfer to an A+R contract where it can be demonstrated that a member of staff is now making a contribution to the Departmental research output at the level that would allow REF submission. Where such a request is denied the staff member may appeal against the decision of the Head of Department by following steps analogous to those outlined in paragraphs 15-23 below.

Procedure

13. In any case where informal means have not proved effective and the cause for concern continues, the Head of Department will refer the matter to the Faculty Executive Dean. The Executive Dean will meet with the member of staff accompanied by an officer from Human Resources and formally invite the member of staff concerned to relinquish their contractual research duties and facilities, citing the evidence that has prompted the invitation. The member of staff shall be entitled to be accompanied at this meeting by a union representative or colleague employed by the University of Essex.

14. In cases where the invitation is accepted, a new contract of employment will be issued and agreement reached on revised teaching and administrative allocations.

15. If the invitation is declined and it is considered still to be in the best interests of the University to withdraw the requirement to undertake research, the member of staff will be advised accordingly and advised of their right of appeal. If the member of staff continues to resist, the following appeal procedure should be used.

Appeal

16. Any appeal against a decision to withdraw the requirement to undertake research should be made within three weeks of the meeting with the Executive Dean. The appeal must be made in writing, stating the grounds for appeal, to the Director of Human Resources.

17. The appeal will be considered by an Appeals Panel. The Panel will be chaired by an Executive Dean from one of the other two Faculties. The other members of the Panel will be:

   • a Professor from the same Faculty as the candidate, but not the same Department, nominated by the Vice-Chancellor.

   • a Professor from a different Faculty nominated by UCU.

No Appeals Panel member can have been involved in making the initial decision.

18. The appellant will be entitled to meet with the Appeals Panel and has the right to be accompanied by a representative (either a trade union representative or a colleague employed by the University of Essex).
19. The Panel will assess the research output, plans and potential of the member of staff in addition to considering the grounds of appeal. The Head of Department or the Faculty Executive Dean will present the reasons for the decision to withdraw research.

20. The appellant and their representative will be present throughout and may direct questions via the Chair of the Appeals Panel. The members of the Appeal Panel may also ask questions of the appellant.

21. The Appeals Panel may decide either to reject or uphold the appeal. The decision of the Appeals Panel is final. If the Appeals Panel decides to uphold the appeal the case cannot be re-considered for a minimum period of twelve months.

22. If the Appeals Panel rejects the appeal, the member of staff will be offered a new contract without the requirement to undertake research. Other options may also be considered at this stage (e.g. early retirement, voluntary severance). In any case where all such offers are refused, it is accepted that the University may seek to instigate proceedings for dismissal for good cause.

23. In cases where a new contract is offered and accepted, the individual may request a review of their case after a period of twelve months or more. Consideration will be given to reverting to an A + R contract in cases where there is evidence to support an improved research output aligned to the Department’s research strategy.

24. In cases where research is re-introduced the member of staff will be placed ‘on review’ for a period of one year. During the period of review reasonable research targets will be set and agreed. Failure to meet the agreed targets will result in the A + R contract being rescinded.

25. In cases where an A + R contract is re-introduced and confirmed, any previously accrued entitlement to research leave will be re-instated.

26. It is agreed that the University and UCU Essex Local Association are joint custodians of this Procedure and that all matters of interpretation are for resolution by the Director of Human Resources and the President of Essex UCU or their respective Deputies.

Signed

Director of Human Resources

President, Essex LA, UCU

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