

## **Senior Researcher Promotions: 2018 exercise**

### **General principles and guidance to be observed throughout the procedure**

#### **1. Natural Justice**

- 1.1 “Natural Justice” is defined as ‘due process of law’ or the ‘requirements of procedural fairness’. There are two principles:
- (i) No person may be a judge of their own cause.
  - (ii) The person must have the opportunity to be ‘heard’ fairly.

Accordingly:

- 1.2 All persons involved in the procedure and in the consideration of applications should be fully conversant with this guidance. They should undertake their roles in a manner which is scrupulously fair in relation to proposals that have been submitted, whether or not the guidance makes explicit provision for all circumstances.

#### **2. Fairness and Declaration of Interest**

- 2.1 Any person involved in the preparation, presentation of documentation or in the consideration of applications who has a personal interest that may affect the impartial consideration of applications should declare this to the appropriate person. The appropriate person may be the Head of Institution. If the Head of Institution has such an interest, they should declare it and discuss it with the relevant Head of School, or some other person as advised by the relevant HR Business Manager.
- 2.2 If it is considered that it would be inappropriate for a person who has declared an interest to participate in the evaluation of an application that person should take no further part in the process. The criteria to be used in making such judgments is not just whether the member should be able to set aside any personal differences with an applicant or preference for an applicant, but rather whether, given the circumstances, a ‘bystander’ would have real doubt as to whether the member could act in a way that is wholly free from bias.

#### **3. Equal Opportunity**

- 3.1 The University’s statement of policy is as follows:  
 ‘The University of Cambridge is committed in its pursuit of academic excellence to equality of opportunity and to a pro-active and inclusive approach to equality, which supports and encourages all under-represented groups, promotes an inclusive culture, and values diversity. This commitment is underpinned by the University’s core values, expressed in its mission statement:
- Freedom of thought and expression.
  - Freedom from discrimination.

The University is therefore committed to a policy and practice which require that, for students, admission to the University and progression within undergraduate and graduate studies will be determined only by personal merit and by performance. For staff, entry into employment with the University and progression within employment will be determined only by personal merit and by the application of criteria which are related to the duties and conditions of each particular post and the needs of the institution concerned.

Subject to statutory provisions, no student, member of staff, applicant for admission as a student, or applicant for appointment as a member of staff will be treated less favourably than another because of her or his belonging to a protected group. Protected groups are defined in the Equality Act 2010 as Sex, Gender Reassignment, Marriage or Civil Partnership, Pregnancy or Maternity, Race (including Ethnic or National Origin, Nationality or Colour), Disability, Sexual Orientation, Age, or Religion or Belief. The University respects all religious and philosophical beliefs, as well as the lack of religion or belief, and the right of all members of its community to discuss and debate these issues freely.

If any person admitted as a student or appointed as a member of staff considers that they were suffering from unlawful discrimination, harassment, or victimization in their admission, appointment, or progression through the University because of belonging to any of the above protected groups, they may make a complaint, which will be dealt with through the agreed procedures for complaints or grievances or the procedures for dealing with bullying and harassment, as appropriate.

The University will take active steps to promote good practice. In particular it will:

- a. Work towards the elimination of unlawful discrimination, harassment, and victimisation based on a protected characteristic, whether actual, perceptive, or associative.
- b. Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it.
- c. Foster good relations between persons who share a protected characteristic and persons who do not share it.
- d. Subject its policies to continuous assessment in order to examine how they affect protected groups and to identify whether its policies help to achieve equality of opportunity for all these groups, or whether they have an adverse impact.
- e. Monitor the recruitment and progress of all students and staff, collecting and collating equalities information and data as required by law or for the furtherance of University equalities objectives.
- f. Promote an inclusive culture, good practice in teaching, learning, and assessment, and good management practice, through the development of codes of best practice, policies, and training.
- g. Take positive action wherever possible to support this policy and its aims.
- h. Publish this policy widely amongst staff and students, together with policy assessments, equality analysis and results of monitoring.

The Equal Opportunities Policy will be enacted through by the University's Equality Objectives, associated implementation plans, and the Combined Equality Scheme. The Combined Equality Scheme explains how the University will fulfil its statutory obligations in relation to equalities legislation.

It considers:

- Governance and Policy Development, including relevant committees, compliance, equal pay, assessing the impact of policies and practices and reporting.
- Developing and Implementing Best Practice.
- Inclusive Practice for Students and Staff — including the University's Diversity Networks, Dignity@Work, and Dignity at Study procedures.
- Promotion of Equality and Diversity, including relevant diversity events, training, and guidance.
- Data and Information Provision, including appropriate monitoring and compliance reporting.

Progress against actions and objectives will be reported in the Equality and Diversity Annual Reviews and Data Reports.

The University will meet all statutory obligations under relevant legislation and, where appropriate, anticipate future legal requirements. This will be informed by:

- The Equality Act (2010) and associated secondary legislation.
- Criminal Justice and Immigration Act (2008).
- The Racial and Religious Hatred Act (2006).
- The Civil Partnership Act (2004).
- The Gender Recognition Act (2004).
- Criminal Justice Act (2003).
- The Human Rights Act (1998).
- The Protection from Harassment Act (1997).
- Special Education Needs and Disability Act (2001).

In addition, this will be informed by the Codes of Practice or Guidance issued by the Equality and Human Rights Commission and other relevant bodies. These Codes are not legally binding (though they are admissible as evidence in Employment Tribunals) and the University supports them fully.

This policy will be amended as appropriate to meet the demands of future legislation.

Further information on legislation, the University's equality schemes and best practice, including links to the relevant legislation, is available on the Equality and Diversity pages, and on the website of the Equality and Human Rights Commission.

### 3.2 Allowance for additional considerations

Consideration should be given to the evidence set out in the Personal Statement, where the candidate provides details of any and all personal circumstances that should be taken into consideration when evaluating their teaching, research or general contribution (for example, caring responsibilities, periods of maternity/paternity/adoption leave, bereavement, ill health or injury, medical treatments or disability) and giving details of the impact this has had on their ability to carry out their usual duties. This will be taken into account to ensure that the performance of an applicant is judged fairly and objectively and that full account is taken of the impact on a candidate's performance. The quality and impact of an applicant's performance should be assessed objectively and on the same basis as other applicants but promotions committees should take into

account any reduction in working time of the candidate due to additional considerations when judging the quantity of their work or output; for example, by assessing the volume of output pro-rata. Advice should be sought at the earliest opportunity from the relevant HR Business Manager.

- 3.3 In the case of a member of staff who has taken leave from their usual duties, e.g. maternity or sick leave, assessment of their contribution should focus on the period when they were at work, with allowance made for quantity of work/output, as appropriate, on their return to work.
- 3.4 In the case of a member of staff who is known to have a disability, account should be taken of:
  - i) the nature of their disability;
  - ii) how they believe it has constrained performance;
  - iii) and, if appropriate, the effectiveness of any adjustments to their workplace or employment arrangements in overcoming these problems.

#### **4. Confidentiality and Data Protection Legislation**

- 4.1 Members of the Committees and University staff involved in the procedure should note that the process of consideration is confidential and that certain documentation in the guidance may not be disclosed to applicants or other persons who are not members of Committees or otherwise appropriately involved in the process.
- 4.2 The University's policy in relation to data protection legislation is to respect confidentiality of information provided by referees in so far as this is compatible with the requirements of the Act and other relevant legislation.

#### **5. Procedural Adjustments and Interpretation of Guidance**

- 5.1 The Chair of the Human Resources Committee shall have authority, on behalf of the General Board and Council to make any reasonable change or adjustment to the procedure, interpret aspects of the guidance where doubt arises as to its meaning, or take other action that may be necessary to ensure the fair and efficient management of this and any subsequent promotions exercise.