

## **Protocol for managing the dual relationship of University of Sheffield students who work at the University**

**Purpose:** The following principles and procedure are the result of an agreement between relevant University departments to manage the dual relationship that students may have with the UoS, both as workers/employees and as students. It is intended to provide a framework for cooperation between such departments.

The potential relevant departments this protocol refers to include:

- Student Services (overseeing the relationship of undergraduate and taught postgraduate students with the University)
- Academic Division (overseeing the relationship of postgraduate research students with the University)
- Human Resources (overseeing the engagement relationship, in association with the appointing department)
- Appointing/engaging department (for staff/workers and students at their department)
- Learning and Teaching Services (overseeing issues concerning the delivery of teaching)

### **General Principles**

It is recognised that students may be engaged either as **workers** (directly by departments) or as **employees** (with a contract of employment issued by Human Resources). These separate relationships (student and worker/employee) have the potential of impacting on the other.

The relevant departments will liaise as necessary in their dealings with students who work at the University.

For guidance on the use of postgraduate students in teaching consult Learning and Teaching Services. The following web link provides detailed information on the appointment, induction, guidance and supervision of post graduate students in teaching: [www.shef.ac.uk/lts/design](http://www.shef.ac.uk/lts/design).

This Protocol does not include the roles or activities of the University of Sheffield Students' Union.

### **Student hours of work**

The UoS recommends a maximum working week of 16 hours for undergraduate students, as either workers or employees, during semester time; full time work may be undertaken during vacations. Postgraduate research students are restricted to maximum teaching and other duties of 180 hours per annum, including preparation time and marking. Funding councils may have restrictions on the number of hours of work that can be undertaken; students should refer queries to the Academic Division. Postgraduate taught students may work during the Christmas and Easter vacations only, up to full time. Departments should be aware of the conflicting demands of work and study for students, including part time postgraduate research students, and allow students to prioritise their studies over any work undertaken outside of this.

Non EEA students may have further restrictions on employment or engagement as a worker, depending on their situation; those students in the United Kingdom on a student visa are only permitted to work up to 20 hours per week during semesters and will also be subject to different restrictions during vacations depending on whether they are an undergraduate or postgraduate student. The International Student Support and Guidance section in Student Services can provide further guidance to non EEA students.

### **Action that may be taken by the University against an individual**

The University acknowledges that it may wish to take action (whether in terms of dismissal/expulsion or action falling short of dismissal/expulsion) in a variety of circumstances. The following provides examples, but is not intended to be an exhaustive list:

- a) misconduct or alleged misconduct
- b) assessing medical fitness to undertake all or part of the duties of work and study (including consideration of the making of reasonable adjustments under the Disability Discrimination Act 1995 where the obligation to make such adjustments applies)
- c) unsatisfactory progress (eg lateness, failure to attend)
- d) capability (eg due to unsatisfactory performance, absence due to illness)

Action against an individual may be considered regarding their student or working relationship with the University, or both.

In order to address such issues the following procedures/regulations are available:

- The UoS General Regulations as to the Discipline of Students
- The UoS General Regulations as to the Progress of Students
- The UoS General Regulations relating to Student Fitness to Practice
- Student Complaints Procedure
- The UoS Disciplinary Procedure for all University Staff (except staff covered by the University Statutes)
- The UoS Harassment Policy
- The UoS Sickness Absence Management Policy
- The UoS Management Referral Policy
- The UoS Personal Relationships and Conflicts of interest in the Work Place Policy
- The UoS Public Interest Disclosure Policy
- The UoS Research Misconduct Policy

Other relevant University policies, procedures and regulations may be used if required.

### **Action that may be taken by the University against workers**

Employment statutory Disciplinary and Grievance Procedures do not apply to workers. Workers have the right to submit a grievance in writing to the University, for this to be considered, and the right to be accompanied (by a work colleague or trade union representative) at disciplinary and grievance hearings only. Disciplinary and grievance matters for workers should be raised with or by the line manager and resolved by the department engaging the individual.

## **Procedure**

If the student is subject to disciplinary sanctions, or their working or student relationship with the University is to cease either temporarily or permanently due to disciplinary, progress or fitness to practice issues, the other party may need to be informed. If so, consideration should then be given as to whether, in light of the dismissal/expulsion or sanction, the remaining student or employee contract/worker agreement ought to be reviewed under separate recognised procedures to determine if it can be continued, specific sanctions are applied, or ought to be terminated. Each case will need to be considered on its own merits, based on the framework below:

- Any issue arising in connection with a student's studies, placement, fitness to practice or progress should be dealt with at departmental level if appropriate in the first instance, then/or under the relevant UoS General Regulation (eg Regulations as to the Discipline of Students, Progress of Students or Student Fitness to Practice).
- Any issue arising in connection with a student's employment or engagement as a worker should be raised by the line manager and resolved within the department employing/engaging the individual. If this does not resolve the issue employees may be subject to the UoS Disciplinary Procedure.
- In cases where the issues of misconduct arise under both situations above, it will be determined on the facts of each case which procedure will take priority.

## **Potential Dismissal/Expulsion on the Grounds of Misconduct**

Where the University has grounds for considering the dismissal/expulsion of an employee/worker or student due to misconduct, which is thought to have some relevance to their dual role:

- a) the party considering the instigation of procedures shall notify the other relevant department(s) and shall discuss with the other the circumstances which have led to it to contemplate proceedings.
- b) departments will cooperate with each other to facilitate any investigation into the alleged misconduct, if appropriate.
- c) departments shall inform the other relevant department(s) of the steps to be taken under the applicable procedure and shall keep the other informed of the progress and outcome of the investigation under the procedure, including the outcome of any appeal.

## **Potential Dismissal/Expulsion on the Grounds of Performance, Absence or Ill Health**

In the event that either department considers that there are grounds for considering dismissal/expulsion on the grounds of performance, absence or ill health (including if the individual poses an immediate and serious danger to themselves), they will advise the other relevant department(s) of this at an early stage if thought to have some relevance to the individuals other role. Discussions will include:

- a) whether it may also be appropriate to consider dismissal/expulsion from their other role.
- b) in the case of sickness absence or medical incapacity, whether it is necessary to obtain a medical report from the Staff Occupational Health Adviser or University Health Services Medical Director (or nominee) on the ability of the individual to perform the duties of his/her employment/engagement or studies. The relevant departments shall discuss

the questions/issues to be raised with the medical adviser, in particular any issues arising under the Disability Discrimination Act 1995, including any reasonable adjustments, ensuring the University fulfils its duty of care and responsibility to all parties.

c) any actions taken, including the outcome of any appeal.

Each case will be considered on its own merits, with a balance between executing a duty of care to all parties and protecting the rights of individuals.

### **Other General Provisions regarding Cooperation**

The University shall ensure that:

- If a student is subject to either the disciplinary procedure for University staff (via Human Resources) or for students (via Student Services), that individual may not bring any complaint relating to this to the other department.
- Rights of appeal will be confined solely to the procedure that is being implemented and individual employees may not appeal across procedures to the other party. Workers do not have the right to appeal.
- Students engaged/employed by a department should be informed by their line manager when commencing their first engagement, that due to their dual relationship with the University, a Protocol exists to assist departments and individuals in managing these separate relationships. This will also be communicated in the terms of engagement offered to the individual, either the Registration Agreement for the University Bank, or the contract of employment.
- The relevant departments will meet on a regular basis to review this agreement and its operation.

### **Framework of consideration for reporting**

When determining what should be reported to another University Department under this framework, the following areas should be considered:

- Has the individual performed an act of misconduct/gross misconduct?
- Has the individual disclosed a criminal conviction/Have details of a conviction been provided on an individual's criminal record check? (This information cannot be shared with third parties outside of the UoS and must be available only to those who need to have access in the course of their duties).
- Is the individual under any investigative/disciplinary/grievance procedures?
- Does the individual pose a threat/danger to staff/students/visitors/University property/University reputation?

### **Data Protection**

Information should be shared between departments only if it comes under the above framework or is necessary for legitimate business purposes. Due regard should be given to the confidential nature of any information; only the information necessary to report the incident should be provided and this should only be given to the appropriate contact in the department.

Careful consideration should also be given as to the appropriateness of notifying other parties such as the student's placement provider or the Student's Union, of actual or potential action against an individual.

## **Information Security**

Students engaged/employed by the University may have access to University information and systems through the course of their duties or because of their enhanced access rights. Such information may be in electronic or manual files, or verbal or written communication.

Such students may have access to, and may be able to change:

- Information about themselves
- Information about other students that may be personal, sensitive or confidential
- Information about other staff or workers at the University
- Commercially sensitive information, or information that affects the name, business interest or image of the University
- Central/departmental computer systems

Therefore, it is recommended that:

- All students who are engaged/employed by the University must agree to comply with the University regulations regarding the use of computing facilities and all information security policies of the University. Any information security incident that results from non-compliance could result in disciplinary action.
- Any student engaged/employed by the University must only use their access to systems and physical information granted for their work for the purposes for which it has been given. Any breach of this will lead to immediate withdrawal of access, and disciplinary action may be taken if appropriate.
- Upon the ending of an engagement/employment all access to information and systems should be suspended immediately. For computer and UCard based access the department or Human Resources should request this suspension formally (ie in writing or by email) from CiCS. This should be done before the termination date or as soon as practical where this is not possible.
- The immediate managers of such students are responsible for ensuring that any student engaged or employed in this manner is fully aware of these conditions.

## **Glossary**

**Criminal Record Check** Application to the Criminal Records Bureau or local police force for information regarding an individual's criminal history, to ensure it is satisfactory for the conditions of their employment (employees), engagement (workers), course or placement (students).

**Disciplinary** Action the University may take against an individual in the event of misconduct or incapacity during a period of employment (as an employee), engagement (as a worker) or registration (as a student).

**Dismissal** Ending of employment (as an employee), engagement (as a worker) or registration (as a student).

**Expulsion** A student's permanent removal of membership to the University.

**Fitness to Practice** Measure to assess a student's ability to undertake work in their field of study.

**Grievance** Complaint from an issue arising from an individual's employment or engagement as a worker (where appropriate).

**Gross Misconduct** Extreme example of misconduct (see below) that may lead to dismissal/expulsion. For example: fraud, violence etc.

**Misconduct** Improper interference with the proper functioning or activities of the University or those who work or study at the University; or action which otherwise damages the University.

**Placement provider** Organisation hosting a student during a period of their course for work experience in their field of study.

**UoS Employee** An individual who is engaged under the terms of a contract of employment provided by the Department of Human Resources on behalf of the University. May be permanent or fixed term.

**UoS Worker** An individual who is engaged to undertake work by a University department. Work is either short term or intermittent.