Effective Management of Sickness Absence Procedure

1. Introduction

   1.1. This procedure is intended to be read in conjunction with the Managing Sickness Absence Policy and Code of Practice.

   1.2. The University is a caring employer and provides considerable support to all employees in times of sickness and personal difficulties as well as our broader commitment to the support of the health and wellbeing of our employees. The aim of this document is to provide those with employee management responsibility with guidelines on how to deal with individual employees, from all categories of employee, who are absent due to sickness. The University has a dedicated web page outlining a package of support for employees and guidance for managers.

   1.3. It is important that a consistent approach is adopted and a balance struck between providing support to the employee, recognising individual circumstances whilst ultimately securing their return to work and improving attendance generally.

   1.4. Whilst recognising the need to be reasonable and sensitive in cases of sickness absence, the University is very conscious of the fact that poor attendance at work can contribute to reduced efficiency and can disrupt the quality of service and team spirit.

   1.5. If there is a suspicion of misuse of this policy and procedure, this should be addressed through the University Disciplinary Procedure.

2. Reporting Absence

   First Day of Absence

   2.1. On the first day of absence employees must call a designated contact number in their unit to report that they will not be attending work. Contact should be made by telephone before work is due to commence, or in exceptional circumstances within an hour of the normal start time of the employee. Only in exceptional circumstances should contact be made by somebody else or by means other than telephone.

   2.2. Due to the diverse nature of the University’s operations it may be necessary for an Academic/Service Unit, or sub unit, to establish reporting procedures specific to that unit. Employees must be made aware of and familiarise themselves with the operation of the local procedure.

   2.3. Employees must inform their manager/designated contact of the following:

       a. the start date of the absence
       b. the estimated duration of the absence
       c. the possible reason for the absence

   2.4. Where an estimated return to work date has been given and the employee is unable to make that return date, the employee must update their line manager on or before that estimated return date.
2.5. In exceptional circumstances employees may report their absence to Human Resources (HR).

2.6. Managers should stay alert to any signals that absence may be linked to stress related illness or is linked to a work related matter. In such cases an Occupational Health assessment should be discussed and initiated if appropriate. Managers may consider it appropriate to initiate an Occupational Health referral where absence is likely to last beyond 4 weeks or where the absence is linked to a disability reported by the employee, although disability-related absence can be managed without the need for a referral to Occupational Health.

2.7. Where absence runs beyond 7 calendar days, employees must maintain contact appropriate to the circumstances of the health issue. Contact will normally be made when the employee has visited their GP and obtained a medical fit note. Further contact must be made towards the end of the period covered by the fit note to notify the manager they are fit to return to work or whether the GP has advised that further absence from work is necessary, in a subsequent fit note.

2.8. Failure to follow the reporting procedures without good reason may result in statutory and/or occupational sick pay being withheld and may result in disciplinary action. Absence that constitutes misconduct (e.g. unauthorised absence) will be dealt with under the disciplinary procedure.

Time off for medical and dental appointments

2.9. Time off for medical appointments and for non-medical reasons is outlined in the University’s Special Leave Policy.

Documentation/Certification

2.10. Once sickness absence has been reported in accordance with the Academic/Service Unit’s local absence reporting procedure the absence is then entered by the designated contact in the unit on the monthly absence return. It must be signed off by an authorised signatory and then submitted to the payroll section on a monthly basis and no later than 5th of each month for the previous month’s absence information.

2.11. The monthly absence return to be submitted by each Academic/Service Unit.

2.12. The monthly absence return shows which employees within the Unit have been absent in that month, whether the employee has returned to work or whether the absence continues into the following month. This information along with self-certification and medical fit notes is used by payroll to ensure that employee pay remains correct. (Academic/Service Units should also include special leave taken by employees on this form).

2.13. After every period of sickness absence, regardless of duration, employees must complete the Self Certification of Sickness Form upon the first day of their return to work and send to their line manager. The line manager must submit the self-certification to payroll immediately upon receipt.
2.14. For absences of more than 7 calendar days the employee must return a Medical Fit Note in a timely manner and at regular intervals during long term absence. Where Medical Fit Notes are not submitted in a timely manner to cover the full period of absence, the absence may be classed as unauthorised absence. Managers should consult their local HR team for advice on dealing with unauthorised absence.

2.15. It is an employee’s responsibility to see their GP/Medical Practitioner to ensure that they obtain Medical Fit Notes in good time to cover their absence.

2.16. Medical Fit Notes received by the Unit must be returned to payroll on a monthly basis. It is recommended that schools and services submit them to payroll along with the monthly absence return.

2.17. In normal circumstances medical certification is not required until absence exceeds 7 calendar days. However, where there is reason to believe the policy is being used improperly or where a persistent pattern of sickness can be identified first day certification may be required. Managers must consult HR before requesting first day medical certification.

2.18. Absences are entered into the SAP system against the individual employee record which forms the individual absence record.

3. Monitoring absence

3.1. Absence will be monitored against a series of triggers outlined in this procedure. The purpose of the trigger system is to set out what the University considers to be a reasonable standard of attendance for all employees.

3.2. Under the guidance of HR, managers will review absence within their unit, at least monthly, and assess which cases require follow up action in accordance with this procedure. Managers are required to act in a timely manner to address appropriately any cases requiring intervention, first checking that the absence report reflects their own understanding of the individual's absence record.

3.3. Managers should ensure that they take a careful and considered approach to any cases, checking whether there are disability issues to consider, any underlying medical issues they may be aware of or personal circumstances that may be of concern. Managers should also review the dates of absence to see if any regular patterns are emerging such as regular Monday/Friday absence or absence immediately prior to or following annual leave.

4. Return to Work Discussion

4.1. It is important that managers maintain a dialogue with employees when sickness absence occurs. Return to work discussions may form one part of that dialogue where either party feels it is appropriate to meet. If a return to work discussion is requested by either party it is recommended this will normally take the form of a brief, informal discussion.

4.2. For absences of eight calendar days or more, a return to work discussion must take place. A Return to Work Discussion Form must be used to record the discussion points. Once
completed this should be signed by both manager and employee, and a copy must be provided to the employee.

4.3. Where an employee has reached the trigger set out in section 6.5 concerning an Informal Absence Counselling, the return to work discussion will take the form of an Informal Absence Counselling discussion. A Sickness Absence Review Form must be used and not a Return to Work form. Once completed this should be signed by both manager and employee, and a copy must be provided to the employee.

4.4. Where the supervisor/manager has reason to suspect a work related link to the absence, the cause will need to be identified through a return to work discussion in an attempt to identify any underlying problem.

5. Sick Pay

5.1. Employees complying with the reporting, documentation/certification procedures will be entitled to sick leave with full payment of salary, inclusive of Statutory Sick Pay (SSP).

5.2. Entitlement to paid sick leave is dependent on length of service, according to the following table and is determined on the first day of the absence period, taking account of any absence over the preceding twelve month rolling period.

5.3. The rolling period is the method that the University uses to calculate how much absence an employee has had in a twelve month period and the sick pay an employee has used. The University will look back twelve months from the start date of the current absence and subtract any occupational sick pay received during that absence period in order to calculate remaining Occupational Sick Pay.

5.4. Subject to compliance with the requirements of this procedure employees will be entitled to the following Occupational Sick Pay (OSP) taking into account paragraphs 5.2 and 5.3 above:

<table>
<thead>
<tr>
<th>Length of continuous service</th>
<th>Period of full occupational sick pay</th>
<th>Period of half occupational sick pay</th>
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<tbody>
<tr>
<td>Less than 6 months service</td>
<td>4 weeks</td>
<td>4 weeks</td>
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<tr>
<td>6 months or more but less than 12 months</td>
<td>8 weeks</td>
<td>8 weeks</td>
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<tr>
<td>12 months or more but less than 36 months</td>
<td>12 weeks</td>
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<td>36 months or more</td>
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<tr>
<td>60 months or more</td>
<td>26 weeks</td>
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6. Managing Short-Term Absence

6.1. The University has the reasonable expectation that all employees will attend work when they are well enough to do so, and the majority of employees have good levels of attendance. Where employees are unable to maintain good levels of attendance, managers will deal with cases fairly and consistently and in a supportive manner, in the context of the operational needs of the University.
6.2. Short-term absence will be monitored against a system of trigger points. A variety of trigger points have been identified in order that account is taken of the number of occasions of absence.

6.3. Where absence is confirmed as being linked to an employee’s disability it may be necessary, following advice from HR, for the trigger points to be adapted so as not to disadvantage an employee with a disability.

6.4. A case may be progressed straight to any appropriate formal stage of the short term absence procedure in situations where an employee has a history of unacceptable absence. An example may be where an individual has a pattern of obtaining attendance warnings and whose attendance only temporarily improves to avoid the escalation of such warnings.

**Informal Absence Counselling**

6.5. An absence counselling meeting will take place where an employee has three occasions of absence in any six month rolling period.

6.6. The informal absence counselling discussion must be documented appropriately using a Sickness Absence Review Form to capture the discussion. Once completed this should be signed by both manager and employee. A copy must be provided to the employee and a copy retained locally by the manager.

**Formal short-term absence procedure**

6.7. The following procedure should be followed where an employee’s absence record does not improve after an absence counselling.

6.8. The employee will have the right to be accompanied by a trade union representative or work colleague at any meeting held under the formal stage of these procedures.

6.9. Formal meetings under the short-term absence procedure will normally be conducted by the employee’s line manager and HR may be in attendance at the meetings.

6.10. Where appropriate a case may be referred to a more senior manager in the Academic/Service Unit where the direct line manager or supervisor does not have the authority to take action at the appropriate stage of the procedure. The line manager/supervisor may also be present at the meeting to consider the case.

6.11. The employee will be given a minimum of 5 working days’ notice of any meetings under the formal stages of the procedure.

**Stage 1 Absence Review**

6.12. A first sickness absence review meeting will take place where a further three occasions of sick leave have occurred in the six months following the date of the absence counselling. Employees will not be expected to disclose personal medical information at this meeting should they not wish to do so, but may be required to discuss the reasons for absence. A decision will need to be taken in the absence of medical information.
6.13. Unless there are exceptional circumstances that the employee is able to offer in mitigation for the deteriorating absence record, a formal caution will be issued to the employee to outline that their absence record is unacceptable and must improve to avoid further warnings being issued. The caution will stay on file for 6 months.

6.14. The employee has the right to appeal the outcome within 10 working days of a formal decision as set out in Section 12.

Stage 2 Absence Review

6.15. A second sickness absence review meeting will take place where a further two occasions of absence have occurred in the six months following the issue of the formal caution. Employees will not be expected to disclose personal medical information at this meeting should they not wish to do so, but may be required to discuss the reasons for absence. A decision will need to be taken in the absence of medical information.

6.16. Unless there are exceptional circumstances that the member of staff is able to offer in mitigation for the deteriorating absence record, a final caution will be issued to the employee to outline that their absence record is unacceptable and must improve to avoid further warnings being issued. The caution will stay on file for 6 months.

6.17. The employee has the right to appeal the outcome within 10 working days of a formal decision as set out in Section 12.

Final Absence Review

6.18. A final sickness absence review meeting will take place where a further two occasions of absence have occurred in the six months following the issue of the final caution. Employees will not be expected to disclose personal medical information at this meeting should they not wish to do so, but may be required to discuss the reasons for absence. A decision will need to be taken in the absence of medical information.

6.19. Unless there are exceptional circumstances that the employee is able to offer in mitigation for the deteriorating absence record the likely outcome at this stage will be dismissal. Where dismissal is effected the dismissal will be with notice and the employee will be paid in lieu of their period of notice.

6.20. The employee has the right to appeal the outcome within 10 working days of a formal decision as set out in Section 12.

6.21. A truncated procedure for managing sickness absence exists for employees in their probation period. The specific details are set out in the University’s probation procedures.

6.22. Where early termination of employment during a probation period is to be considered this will be considered at a probation review meeting in accordance with the appropriate probation procedure.

7. Managing Long-Term Absence

7.1. The University defines long term absence as any period of absence from work because of ill health lasting more than 4 working weeks. This includes long-term absence because of
a single illness or disability and repeated periods of absence each arising from a single illness or disability. If during the conduct of the short-term absence procedure the total number of short-term absence days extends beyond 4 working weeks arising from a single period of illness or disability it may be necessary to terminate the short-term absence procedure and treat the case under long-term absence procedure.

7.2. To devise the most effective and beneficial plan for an employee to return to work after a period of long-term sickness absence, a level of contact must be maintained between the manager and the employee which is appropriate to the medical circumstances. The exact timing of the contact and who will make the contact should be agreed between the manager and employee.

7.3. Where the nature of the illness, as well as the duration and outcome of the treatment is fully known, both parties can plan the return to work as well as focussing on the employee’s welfare while away from work. Where the diagnosis is unknown and/or the period of long-term illness uncertain, more difficulties are likely to arise in the management of the situation. Reports from Occupational Health (OH) and other specialists will be important in enabling managers to best manage the situation and inform decisions about the employee’s continued employment. The decision concerning the employee’s continued employment ultimately rests with management.

7.4. The outcome of a long-term sickness absence will be determined by management and informed by a report from Occupational Health and in consultation with the employee. For further information on the referral process to Occupational Health see section 8. Where required a medical report will be sought from the employee’s General Practitioner (GP) and/or Consultant in strict confidence in accordance with the Access to Medical Records Act 1988. If the employee withholds consent for such a report the employee will be informed that a decision will be taken on the information available to the University.

7.5. Where the employee is fit to return to work after a period of long term absence, measures such as a phased return to work, carrying out light duties for a short period and temporarily adjusted start or finishing times may be considered as examples of support. Other measures such as use of assistive technology and modification of work equipment may also be considered as a temporary or permanent adjustment where reasonable.

7.6. Employees returning to work on a phased basis will normally have a phased return over a period of up to 4 weeks in duration. The recommendation for a phased return to work will normally come via a recommendation from Occupational Health but may also be in response to a fit-note received from an employee’s GP where the case is less complex. The intention of the phased return to work is to support an employee back to work at the earliest stage possible from their absence and full salary will continue to be paid during the phased return of no longer than 4 weeks. Only one paid phased return to work will be available within a rolling 12 month period.

7.7. In exceptional circumstances, following recommendation from Occupational Health for a short extension to a phased return to work period beyond 4 weeks, employees will use outstanding annual leave to offset any shortfall in hours in order to maintain full pay. Where annual leave has been exhausted then unpaid leave or a temporary variation to the employment contract will be initiated.
7.8. Where longer term adjustments are recommended to the working hours of an employee the recommendation will be considered by the line manager taking into account the enabling disabled staff guidance and seeking advice from Occupational Health and HR.

7.9. Where an employee is absent from work or likely to be absent from work for 6 months or more, a referral to Occupational Health will be made to seek advice on the likely prospect of a return to work within a reasonable timeframe.

7.10. If the employee is considered to be permanently unfit to return to their substantive duties but not unfit to return to work, job redesign and amendment to the job description or hours of work will be considered but may not always be possible. Changes will be sought which attempt to maintain the current grade of the job, but it is recognised that a lower grade job description might be in the best interests of the employee and that it may not be possible to build up a job description to maintain the current grade. The employee will be invited to a meeting to discuss options and they will be afforded the right to be accompanied by a representative. This meeting may be held off the University campus or at the individual’s home, where they are not able to attend the campus. The meeting will normally be with the employee’s line manager and a representative from the local HR team.

7.11. If job redesign is not possible then options for another type of work will be considered taking into account the enabling disabled staff guidance and the requirements of the Equality Act 2010 where relevant. However, it will not necessarily be possible for the University to create a new or additional post specifically for the member of staff.

7.12. The outcome of discussion about the options available will be communicated in writing to the employee and may include the following:

- The nature, length and effect of the illness or disability
- The employee’s past and likely future with the University
- Consideration of the most recent and appropriate medical report
- The support that has been provided to the employee
- The feasibility of continuing the employee’s employment

7.13. If an employee is deemed to be permanently unfit for suitable employment and they are a member of one of the occupational pension schemes then a case will be submitted to the scheme trustee to consider retirement on the grounds of ill-health where appropriate. This will require a referral to Occupational Health who may need to seek a GP/Consultant/Specialist report to inform the report to the trustees of the relevant pension scheme. It will be confirmed to the employee that should the application to the trustee not be approved then their employment will terminate on notification of the decision. Where retirement on ill health grounds is approved, the employment will terminate on notification of the decision.

7.14. If an employee is deemed permanently unfit for suitable employment and they are NOT a member of one of the occupational pension schemes then they will be invited to a meeting to discuss the probable termination of their employment with the University on the grounds of ill-health capability.

7.15. The employee will be provided with a minimum of 5 working days’ notice of the meeting in writing and will have the option of being accompanied at the meeting by a work colleague.
or trade union representative. The meeting will be chaired by a manager authorised to consider termination of employment.

7.16. Termination of employment under this long term absence procedure will also be with appropriate contractual notice.

7.17. At each stage of the long term absence procedure, appropriate consideration will be given to the enabling disabled staff guidance and the provisions of the Equality Act 2010 as regards disability requirements.

7.18. The employee has the right to appeal the outcome within 10 working days of a formal decision as set out in Section 12.

8. Role of Occupational Health

8.1. The University’s Occupational Health Service provides advice to individuals and managers on work related health problems and health problems that can affect work. Occupational Health can:

- advise if the employee is fit to return to normal duties taking into account all available medical evidence
- advise on how best to manage the case from a medical perspective
- advise whether the employee has a disability under the Equality Act 2010 definition and recommend reasonable adjustments as appropriate
- advise whether the employee would benefit from a referral to physiotherapy services
- advise whether a phased return to work, temporary alternative work, reduced duties or adjustments would be appropriate
- advise on whether the prospect of longer term alternative work should be considered
- advise on whether retirement because of ill health reasons may be necessary
- ask the employee for permission to access information from their doctor or specialist and for permission to disclose relevant information to appropriate management

8.2. Line managers do not need to wait until the employee has reached a trigger point before they can refer them to Occupational Health. Indeed, an early referral may be helpful for all concerned.

8.3. The process and reason for a referral must be discussed with the employee before the referral is made, and it is advisable in the following situations:

- Where frequent absence is believed to be related to a medical condition or disability
- Where an employee has been absent or is expected to be absent for a period of 4 working weeks or more
- Where there is indication that the employee is suffering with stress
- Where health may be an underlying factor or contributory factor in sub-standard work performance or disciplinary issues
- Where advice is required on how to manage an employee’s health problem or disability
8.4. Managers should complete the referral form but share a copy with the employee as soon as is practicable. The information contained on the form will provide Occupational Health with the information that they require to organise an assessment appointment.

8.5. Where further medical information is required to enable OH to respond to the specific questions raised by the manager on the referral form a report will be sought from the employee’s GP/Consultant or Specialist in compliance with the Access to Medical Records Act 1988.

8.6. Failure to co-operate with reasonable requests to attend an Occupational Health assessment may lead to disciplinary action being considered.

8.7. Where an employee refuses to co-operate in providing medical evidence or to undergo an Occupational Health appointment, the manager should explore the reasons for refusal. Where appropriate, the employee should be informed in writing that a decision will be taken on the information available to the manager.

8.8. In exceptional circumstances employees may be referred to Occupational Health via HR.

9. **Government Fit for Work Service**
   (Temporary insertion, to be reviewed August 2017)

9.1. Fit for Work is a new free service, funded by the Government, which helps employees to stay in or return to work.

9.2. The service is made up of two elements: advice and referral. After four weeks of absence employees can give consent to be referred to the service for an Occupational Health assessment via their GP or via their employer. The assessment will usually take place over the telephone and will result in a support plan designed to facilitate a return to work. Employees will be required to consent to a referral and consent to the release of their support plan.

9.3. The service is intended to work alongside existing Occupational Health provisions and not to replace them. During the introductory phase of the Fit for Work Service the University will continue to direct all Occupational Health referrals through the University Occupational Health service. Managers should continue to follow the process as outlined in section 8. This position will be kept under review.

9.4. Managers should engage in open dialogue with employees who are absent on long term sick in order to ascertain if and when a GP has made a referral to the Fit for Work service. Employees are encouraged to inform their GP when a referral to the University Occupational Health service has been made in order to avoid duplication, however there is nothing to prevent two separate referrals to both services being made.

9.5. Managers who receive a support plan for a member of staff from the Fit for Work service should contact their local HR team for advice without delay. Support plans will be directed through the University Occupational Health service for review before actions relating to recommendations are taken.
10. Disability

10.1. The University is committed to providing an inclusive working environment which:

- Provides a workplace in which disabled employees are treated solely on the basis of their merits
- Provides development and training which enables disabled employees to work to their full potential
- Provides a workplace in which disabled applicants and employees receive fair, relevant and appropriate treatment

10.2. Employees with a disability are encouraged to disclose their disability to the University if they haven’t already done so during the recruitment stage or at the point at which the disability is known to them. Disclosure of disability at the earliest stage enables the University, through line managers and support services, to consider and act upon any reasonable adjustments that may be required to remove any barriers which might prevent the employee from participating fully in working life at the University. Further guidance on disclosing disability. The University has developed comprehensive guidance for managers and staff to enable disabled staff.

10.3. Under the Equality Act, employers have a duty to make ‘reasonable adjustments’ to enable employees who become disabled as a result of sickness to return to work. When managing disability related absence, a distinction will be made between disability-related absence and sickness absence so that cases can be managed appropriately and sympathetically where disability is a factor. Reasonable adjustments may include adjustment to the short-term absence triggers.

10.4. However, if an employee’s absence levels remain a concern, all support such as reasonable adjustments and relevant procedures have been exhausted and the employee can no longer fulfil the role, the employee will be fully consulted and informed that the University may need to consider termination of employment on the grounds of capability.

11. Staff Conduct during Sickness Absence

11.1. Despite being away from their work place, employees who are absent due to sickness are reminded that they are still subject to the terms of their contract of employment and are required to conduct themselves in a way that is consistent with the University’s image.

11.2. Therefore good judgement, professionalism and respect should be exercised at all times. This includes when using social media, where staff must be aware that although they are away from their work place, they can still damage the University’s reputation.

12. Appeals

12.1. An employee who wishes to appeal against any formal caution or action (including dismissal) under this Procedure shall submit notice of appeal in writing to the Executive Director of HR within 10 working days of a formal meeting or hearing, setting out the particular grounds for the appeal.
12.2. An appeal hearing will normally be held within 15 working days of the appeal being requested and account will be taken of the requirements on scheduling of meetings and the right of representation. The appeal will be heard by a single person (adjudicator) nominated by the Executive Director of Human Resources (or Deputy/Assistant Director of Human Resources) who will be a manager senior in authority to, or at the same level as, the manager who applied the sanction and will not have been previously involved in the case. In the case of academic staff, as defined in the University Statutes, any appeal against dismissal will be heard by a panel comprising a lay member of council and a senior academic nominated by senate, neither of whom will have any connection with the employee concerned.

12.3. A member of HR shall attend the appeal hearing in an advisory and secretarial capacity.

12.4. The adjudicator/panel shall determine the conduct of the hearing and shall ensure that both sides of the case are fully considered, and that the employee and/or representative and the manager are given full opportunity to put their case and to put questions to any witnesses.

12.5. Where the employee (and/or his/her representative) fails to attend the appeal hearing or does not notify HR of his/her inability to attend the hearing in good time and for a good reason, the hearing will proceed in his/her absence.

12.6. The following levels of management have the authority to take action under all formal stages of the procedure:

- Supervisors and managers in grades D and above have the authority to take action up to and including formal caution for employees in grades A to C
- Managers in grade G and above have the authority to take action up to and including dismissal of employees on grades A to F
- Heads of Academic/Service Units and other senior managers in grade I have the authority to take action up to and including dismissal of employees on grades G and H
- Principal investigators will have the authority to take action up to and including final caution, suspension without pay and transfer for researchers in grades F and G
- Heads of Academic Units will have the authority to take action up to and including dismissal for researchers in grades F and G
- Heads of Academic Units will have authority to take disciplinary action up to and including final caution, suspension without pay or transfer for all academic staff up to grade H
- For Heads of Academic Units and academic staff up to and including grade I, the Faculty Pro-Vice-Chancellor will have the authority to take action up to and including dismissal
- For Heads of Service and other senior employees on grade I, the Registrar or the Head of Unit (who must be on grade I) will have the authority to take action up to and including dismissal
- The Vice-Chancellor will have the authority to take action up to and including dismissal for members of the University Executive Board
- In all cases the manager taking the decision as set out above will chair the hearing and will be accompanied by HR
Equality Analysis

The policy is relevant to equality and an Equality Analysis has been undertaken: October 2015

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<thead>
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<th>Effective Date</th>
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<tbody>
<tr>
<td>Approval</td>
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</tr>
<tr>
<td>Policy/Procedure Owner</td>
<td>Craig Armstrong</td>
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