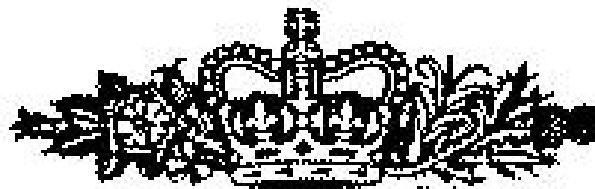




**CHARTER**

**AND**

**STATUTES**



**As amended by the Privy Council to December 2005**

**At the Court at Windsor Castle**

**THE 23RD DAY OF APRIL 1969**

**PRESENT,**

**THE QUEEN'S MOST EXCELLENT MAJESTY**

**IN COUNCIL**

WHEREAS there was this day read at the Board the Draft of a Charter for constituting a Body Corporate under the name and style of "The Open University":

HER MAJESTY, having taken the said Draft into consideration, was pleased, by and with the advice of Her Privy Council, to approve thereof, and to order, as it is hereby ordered, that the Right Honourable James Callaghan, one of her Majesty's Principal Secretaries of State, do cause a Warrant to be prepared for Her Majesty's Royal Signature, for passing under the Great Seal a Charter in conformity with the said Draft, which is hereunto annexed.

W.G.Agnew

Editor's Note:

Certain parts of the Charter and Statutes have been amended by the Privy Council. These amendments are incorporated into the text given here. A facsimile of the original text is held in the Central Secretariat, and a copy is available in the Library.

December 2005

**ELIZABETH THE SECOND** by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith:

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

WHEREAS our Secretary of State for Education and Science has on behalf of the Open University Planning Committee represented unto Us that it is expedient that We should constitute and found a University for the advancement of learning and knowledge by teaching and research and for the provision of University education and should grant a Charter with such provisions in that behalf as shall seem to Us right and suitable:

NOW THEREFORE KNOW YE that We by virtue of Our Prerogative Royal and of Our especial grace, certain knowledge and mere motion have willed and ordained and by these Presents do for Us, our Heirs and Successors will and ordain as follows:

1. There shall be and is hereby constituted and founded a University with the name and style of "The Open University".
2. The Chancellor, the Pro-Chancellor, the Vice-Chancellor, the Treasurer and the Pro-Vice-Chancellors of the University for the time being, the members for the time being of the Council, the Senate, the members of the Academic Staff, the members of the General Assembly, the Graduates of the University, the Graduate, Undergraduate and other students of the University, and all others who shall pursuant to this Our Charter and the Statutes of the University for the time being be members of the University are hereby constituted and from henceforth forever shall be one Body Politic and Corporate with perpetual succession and a Common Seal by the name and style of "The Open University" (in this Our Charter referred to as "the University") with power to obtain through Our College of Arms a grant of armorial bearings (which shall be duly recorded in Our said College) and in that name to sue and be sued, to take, purchase, hold, charge, sell, exchange, demise or otherwise dispose of real and personal property, to invest, lend or borrow money, and subject to the provisions of this Our Charter to perform such other acts as by law Bodies Corporate may do, and the University shall have the constitution and powers and be subject to the provisions in this Our Charter prescribed or contained.
3. The objects of the University shall be the advancement and dissemination of learning and knowledge by teaching and research by a diversity of means such as broadcasting and technological devices appropriate to higher education, by correspondence tuition, residential courses and seminars and in other relevant ways, and shall be to provide education of University and professional standards for its students and to promote the educational well-being of the community generally.
4. The University shall be a teaching, examining and academic supervisory body and shall, subject to this Our Charter and Statutes, have all the powers of a natural person and without further restriction but which include the following powers:
  - (1) To prescribe in the Statutes, Ordinances or Regulations the conditions under which persons shall be admitted to the University or to any particular course of study therein.
  - (2) To grant and confer under conditions laid down in the Statutes, Ordinances or Regulations, Degrees, Diplomas, Certificates and other academic distinctions to and on persons who shall have pursued a course of study approved by the University and shall have passed the examinations, tests or other assessments prescribed by the University.
  - (3) To grant and confer under conditions laid down in the Statutes, Ordinances or Regulations, Degrees, Diplomas, Certificates and other academic distinctions jointly with other higher education institutions having the power to grant such qualifications to persons who shall have pursued a course of study approved by the University and shall have passed the examinations, tests or other assessments prescribed by the University.
  - (4) To permit such bodies as the University may from time to time approve, upon such conditions as may be specified, to act on its behalf in the conferment of Degrees, Diplomas, Certificates and other academic distinctions of the University on persons who shall have pursued courses of study approved by the University, carried out programmes of supervised research approved by the University and passed such examinations, tests or other assessments as may be determined by the University.

- (5) To permit such bodies as the University may from time to time determine, upon such terms and conditions and in relation to such cases as may be specified, to approve either courses of study or programmes of supervised research to be pursued by candidates to qualify for awards under this Our Charter.
- (6) To confer distinctions including Honorary Degrees on persons approved by the University provided that such distinctions so conferred shall be conferred and held subject to any provisions which are or may be made in reference thereto by the Statutes, Ordinances or Regulations.
- (7) On what the University shall deem to be good cause to deprive persons of any Degrees or other distinctions conferred upon them, and to revoke any Diplomas or Certificates granted them, by the University or on its behalf as validated awards or jointly with other higher education institutions having power to grant such qualifications.
- (8) To provide instruction by a diversity of means in such branches of learning as the University may think fit and to make provision for research and for the advancement and dissemination of knowledge in such manner and by such means as the University may determine.
- (9) To recognise examinations and periods of study at other institutions, Universities or other places of learning as equivalent to such examinations and periods of study in the University as the University may determine and to withdraw such recognition at any time.
- (10) To affiliate other institutions or branches or departments thereof and to recognise selected members of the staff thereof as members of the academic staff of the University and to admit the members thereof to any of the privileges of the University and to accept attendance at courses of study in such institutions or branches or departments thereof in place of such part of the attendance at courses of study in the University and upon such terms and conditions and subject to such regulations as may from time to time be determined by the University.
- (11) To accord the status of members of the academic staff of the University to such persons for such purposes and periods as, on the recommendation of the Senate, the Council may determine.
- (12) To provide for the discipline of the students of the University by such means as may be prescribed in this Our Charter, the Statutes, Ordinances and Regulations.
- (13) To co-operate by appropriate means with University or other authorities for such purposes as the University may from time to time determine.
- (14) To institute such offices whether academic or not as may be required by the University; to appoint persons to and to remove them from such offices and to prescribe their conditions of service.
- (15) To institute awards to aid study and research, such as Fellowships, Scholarships, Studentships and Prizes.
- (16) To establish, hire and maintain and to administer and govern institutions and centres for the education and residence of the students of the University and to license and supervise institutions, centres and places of residence whether or not maintained by the University.
- (17) To make provision for teaching, research and advisory services and with these objects to enter into such arrangements with other institutions or organisations or with public bodies as the University may think desirable.
- (18) To provide for the printing, recording, broadcasting, publication and distribution of teaching material, research reports and other works which may be issued by the University.
- (19) To demand and receive fees.

- (20) To take such steps as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of the University and to raise money in such other manner as the University may deem fit.
  - (21) To act as trustee or manager of any property, legacy, endowment, bequest or gift for purposes of education or research or otherwise in furtherance of the work and welfare of the University and to invest any funds representing the same in accordance with the provisions of the Statutes.
  - (22) To enter into any agreement for the incorporation in the University of any other institution and for taking over its rights, property and liabilities and for any other purpose not repugnant to this Our Charter.
  - (23) To provide for reward or otherwise such goods and services for members of the University and their families, guests and servants as may be deemed expedient and consistent with the objects of the University as an institution of education and learning.
  - (24) To provide buildings, to maintain, manage, deal with, dispose of and, subject to the provisions of this Our Charter and of the Statutes, to invest all the property, money, assets and rights of the University and to enter into engagements and to accept obligations and liabilities in all respects and in the same manner as an individual may manage his own affairs.
  - (25) To give guarantees to building societies or other appropriate bodies whether in pursuance of continuing arrangements or not.
  - (26) To do all such other acts and things whether incidental to the powers aforesaid or not as may be requisite in order to further the objects of the University as an institution of education and learning.
  - (27) To allow the delegation of powers by the Council.
5. There shall be a Chancellor of the University who shall be the head of the University.
  6. There shall be a Pro-Chancellor of the University. In the absence of the Chancellor or during a vacancy in the office of Chancellor, the Pro-Chancellor shall exercise and perform, subject to the Statutes, all the functions of the Chancellor except the conferring of Degrees.
  7. There shall be a Treasurer of the University, whose functions shall be defined by the Statutes.
  8. There shall be a Vice-Chancellor of the University, who shall be the Chief Academic and Administrative Officer of the University and shall preside over meetings of the Senate, and who shall in the absence of the Chancellor or during a vacancy in the office of Chancellor confer Degrees.
  9. There shall be a Secretary of the University, who shall be responsible, subject to the direction of the Vice-Chancellor, for the administration of the University.
  10. There shall be such other officers of the University as the Council of the University may from time to time consider proper.
  11. There shall be a Pro-Vice-Chancellor or Pro-Vice-Chancellors of the University who shall, subject to the Statutes, exercise and perform such of the functions and duties of the Vice-Chancellor as the Vice-Chancellor, or if the Vice-Chancellor should be incapacitated the Council, may delegate to them.
  12. The first Chancellor, Pro-Chancellor, Vice-Chancellor, Treasurer and Secretary shall be the persons named in the First Schedule to this Our Charter.
  13. There shall be a Council of the University (in this Our Charter referred to as "the Council") which, subject to the provisions of this Our Charter and of the Statutes, shall be the executive governing body of the University and shall have the custody and use of the Common Seal and shall be responsible for the management and administration of the revenue and property of the University and subject to the powers of the Senate as provided in this Our Charter and the Statutes, shall have general control over the conduct of the affairs of the University and shall have all such other powers and duties as may be conferred upon it by the Statutes.

14. There shall be a Senate of the University (in this Our Charter referred to as "the Senate") which shall, subject to the powers of the Council as provided in this Our Charter and the Statutes, be responsible for the academic work of the University, both in teaching and in research, and for the regulation and superintendence of the education and discipline of the students of the University.
15. *Deleted.*
16. There shall be constituted, subject to the provisions of this Our Charter and of the Statutes, such other bodies as the Council and the Senate may from time to time consider necessary for the administration of teaching and research and other work and activities of the University.
17. There shall be a General Assembly of the University which shall be representative of the students and of the part-time tutorial and counselling staff and of the Senate and of bodies and organisations co-operating closely with the University in the furtherance of its objects and shall have a constitution and duties determined in the manner prescribed in the Statutes.
18. There shall be an organisation of students of the University whose constitution, powers and functions shall be prescribed by Ordinance.
19. Subject to the provisions of this Our Charter, the Statutes may prescribe or regulate as the case may be:-
  - (1) The status, appointment and continuance in office of the Chancellor, Pro-Chancellor, Vice-Chancellor, Pro-Vice-Chancellors and other officers of the University.
  - (2) The constitution, powers, duties and functions (as the case may be) of the Council, the Senate and the General Assembly.
  - (3) All such other matters as the Council may deem fit and meet with respect to or for the governing of the University, its members and constituent parts or otherwise for the promotion of the objects of this Our Charter.
20.
  - (1) The Statutes set out in the Second Schedule to this Our Charter shall be the first Statutes of the University and shall remain in force until they have been added to, amended or repealed in the manner prescribed in paragraph (2) of this Article.
  - (2) The Council after consultation with the Senate may by Special Resolution make Statutes for the University which may add to, amend or repeal the Statutes for the time being in force. Provided that no such Statutes shall be repugnant to the provisions of this Our Charter or shall have effect until approved by the Lords of Our Most Honourable Privy Council, of which approval a Certificate under the hand of the Clerk of Our said Privy Council shall be conclusive evidence.
21. Subject to the provisions of this Our Charter and of the Statutes the Council may make Ordinances, provided that Ordinances concerning academic matters may only be made on the recommendation of the Senate, and the Senate may make Regulations, subject to confirmation by the Council, to direct and regulate the University and its authorities and members. The power to make Ordinances and Regulations shall include the power to add to, amend or repeal any Ordinances and Regulations theretofore made. Such Ordinances and Regulations shall not be repugnant to the provisions of the Statutes or of this Our Charter.
22. The Statutes may direct that any of the matters prescribed or regulated by Statute as authorised or directed in this Our Charter shall be further prescribed or regulated by Ordinance, provided that any such further prescription or regulation shall not be repugnant to the provisions of the Statutes or of this Our Charter.
23. No religious, racial or political test shall be imposed upon any person in order to entitle him to be admitted as a member, teacher or student of the University or to hold office therein or to graduate thereat or to hold any advantage or privilege thereof.
24. Men and women shall be equally eligible for any office or appointment in the University and for membership of any of its constituent bodies and all Degrees and courses of study in the University shall be open to men and women alike.

25. The University shall not make any dividend, gift, division or bonus in money unto or between any of its members except by way of prize, reward or special grant.
26. (1) The Council may at any time after consultation with the Senate by Special Resolution add to, amend or repeal this Our Charter and such addition, amendment or repeal shall when allowed by Us, Our Heirs or Successors in Council become effectual so that this Our Charter shall thenceforth continue and operate as so added to, amended or repealed in the manner aforesaid.
- (2) This Article shall apply to this Our Charter as added to, amended or repealed in manner aforesaid.
- (3) For the purpose of this Our Charter, a "Special Resolution" means a Resolution passed at one meeting of the Council and confirmed at a subsequent meeting held not less than one calendar month nor more than three calendar months after the former meeting. Provided that notice of each meeting shall be given to each member of the Council not less than fourteen days before the meeting to be held and that the Resolution be passed at each meeting by a majority of not less than three-fourths of those present and voting.
27. We reserve unto Ourselves, Our Heirs and Successors, the right on representation from the Council made in pursuance of a resolution passed by a simple majority of the members of the Council present and voting, to appoint by Order in Council a Visitor of the University for such period and with such duties as We, Our Heirs and Successors shall see fit and his decision on matters within his jurisdiction shall be final.
28. Our Royal Will and Pleasure is that this Our Charter shall ever be construed benevolently and in every case most favourable to the University and the promotion of the objects of this Our Charter.

IN WITNESS whereof We have caused these Our Letters to be made Patent.

WITNESS Ourselves at Westminster the thirtieth day of May in the eighteenth year of Our Reign.

BY WARRANT UNDER THE QUEEN'S SIGN MANUAL

Dobson

Editor's Note:

The Authority for the Charter was given on 23rd April 1969. It was signed on behalf of the Queen on 30th May 1969.

The Charter was formally presented to the University by the Clerk to the Privy Council (Sir Godfrey Agnew) at a Ceremony in the Royal Society, London on 23rd July 1969 when the first Chancellor of the University (Lord Crowther) was installed.



## **FIRST SCHEDULE**

### **FIRST OFFICERS OF THE UNIVERSITY**

Chancellor - Geoffrey, Baron Crowther, M.A., LL.D., D.Sc.Econ.

Pro-Chancellor - Sir Peter Percy Frederick Ronald Venables, Knight, Ph.D., F.R.I.C.

Vice-Chancellor - Walter Laing Macdonald Perry, Esquire, O.B.E., M.D., D.Sc., F.R.C.P.E., F.R.S.E.

Treasurer - Sir Stanley Paul Chambers, K.B.E., C.B., C.I.E.

Secretary - Anastasios Christodoulou, Esquire, M.A.

## **SECOND SCHEDULE**

### **STATUTES OF THE UNIVERSITY**

#### **DEFINITIONS**

1. (1) In these Statutes:-

"The University" means The Open University.

"The Charter" means the Charter of the University.

"The appointed day" means the date upon which the Charter becomes of force and effect.

"The Council" means the Council of the University.

"The Senate" means the Senate of the University.

"The General Assembly" means the General Assembly of the University.

"The Academic Staff" means the academic staff of the University and shall include Directors of Studies and their supporting academic staffs and such other categories of staff as may be appointed whether full-time or not, including tutorial staff, as shall from time to time be recognised for the purpose by the Council on the recommendation of the Senate.

"Student" means an enrolled graduate, undergraduate or other student of the University, being a person registered for a course of study or research.

"Validated awards" means, in relation to Degrees, Diplomas, Certificates and other academic distinctions of the University, those awarded on behalf of the University by bodies approved by the University following courses of study and programmes of supervised research approved either by the University or by such bodies under terms and conditions specified by the University and following satisfactory completion of such examinations, tests or other assessments and under such conditions as may be determined by the University.

"Ordinances" means Ordinances made pursuant to the Charter or these Statutes.

"Regulations" means Regulations made pursuant to the Charter, these Statutes or the Ordinances.

"Year" means a calendar year.

Words importing the masculine shall include the feminine, words in the singular shall include the plural and words in the plural shall include the singular unless the contrary intention appears.

(2) Words defined in the Charter or these Statutes shall have the same meaning in the Ordinances and the Regulations unless the context be repugnant thereto.

#### **THE MEMBERS OF THE UNIVERSITY**

2. (1) The following persons shall be members of the University:-

The Officers of the University, namely:-

The Chancellor, the Pro-Chancellor, the Vice-Chancellor, the Treasurer, the Pro-Vice-Chancellors and the Secretary.

The Members of the Council.

The Members of the Senate.

The Members of the Academic Staff.

Administrative and such other members of the staff of the University as may be granted the status of members by the Council on the recommendation of the Senate.

Members of the General Assembly.

The Graduates of the University.

The Students of the University.

- (2) The Council on the recommendation of the Senate shall have power to declare such other persons members of the University as the Council may deem fit.

#### THE CHANCELLOR

3. (1) The first Chancellor shall hold office from the appointed day.
- (2) The successors to the first Chancellor shall be appointed by the Council and the Senate sitting in joint session after consideration of a report of a joint committee of the Council and the Senate comprising eleven persons, of whom five shall be members of the Council, not being members of the Senate, who shall be appointed by the Council, and five shall be members of the Senate, who shall be appointed by the Senate. The Chairman of the joint committee shall be appointed by the Council and shall be appointed from amongst the members.
- (3) The Chancellor shall hold office during his life or until his resignation.
- (4) The Chancellor may resign by writing addressed to the Council.

#### THE PRO-CHANCELLOR

4. (1) The first Pro-Chancellor shall hold office from the appointed day for five years, or until earlier resignation, and shall be eligible for re-appointment. The Pro-Chancellor shall be Chairman of the Council.
- (2) The successors to the first Pro-Chancellor shall be appointed by the Council for such period as may from time to time be determined by the Council.
- (3) If the office of Pro-Chancellor becomes vacant by death or resignation, or from any other cause before the expiration of the period of office, the vacancy shall be filled at the next meeting of the Council or at any subsequent meeting for the remainder of such period.
- (4) A Pro-Chancellor may resign by writing addressed to the Council.

#### THE VICE-CHANCELLOR

5. (1) The first Vice-Chancellor shall hold office from the appointed day.
- (2) The Vice-Chancellor shall hold office for such period and under such terms and conditions as may from time to time be determined by the Council. He shall by virtue of his office be a member of the Council, the Senate, the General Assembly, and of any committee appointed by any of those bodies.
- (3) The successors to the first Vice-Chancellor shall be appointed by the Council after consideration of a report of a joint committee of the Council and the Senate, comprising eleven persons of whom five shall be members of the Council, not being members of the Senate, who shall be appointed by the Council, and five shall be members of the Senate, who shall be appointed by the Senate. The Chairman of the joint committee shall be appointed by the Council and shall be appointed from amongst its members.
- (4) The Vice-Chancellor shall have a general responsibility to the Council and to the Senate for maintaining and promoting the efficiency and good order of the University. He shall make a report annually to the Council on the working of the University.

- (5) The Vice-Chancellor may refuse to enrol any person as a student of the University and may, subject to the provisions of these Statutes and any Regulations made thereunder, suspend any person from any course or courses or from the use of certain teaching materials or services, and may exclude or authorise the exclusion of any person from any part of the University or premises in use by it. He shall report any such suspension or exclusion to the Senate at its next meeting which shall then consider the matter in relation to the Code of Practice required under Statute 16(23).
- (6) The Vice-Chancellor may resign by writing addressed to the Council.

#### THE TREASURER

6.
  - (1) The first Treasurer shall hold office from the appointed day for five years or until earlier resignation and shall be eligible for re-appointment.
  - (2) The Treasurer shall be ex-officio Chairman of the Finance Committee appointed by the Council, and shall in an honorary capacity perform such duties as may be determined by the Council.
  - (3) The successors to the first Treasurer shall be appointed by the Council for such period as may from time to time be determined by the Council.
  - (4) The receipt of the Treasurer for any moneys or property payable or deliverable to the University shall be a sufficient discharge for the same to the person or persons paying or delivering the same, but the Council may appoint any other person or persons to give receipts for such moneys or property and in such case a receipt given by such person or any one of such persons shall be a sufficient discharge for the same.
  - (5) The Treasurer may resign by writing addressed to the Council.

#### THE PRO-VICE-CHANCELLORS

7.
  - (1) The Pro-Vice-Chancellors may be appointed by the Council, on the recommendation of the Senate.
  - (2) A Pro-Vice-Chancellor shall hold office for such period, not exceeding five years, as the Council may on the occasion of each appointment determine, and shall be eligible for re-appointment. He shall by virtue of his office be a member of the Senate and the General Assembly.
  - (3) A Pro-Vice Chancellor may resign by writing addressed to the Council.

#### THE SECRETARY

8.
  - (1) The first Secretary shall hold office from the appointed day.
  - (2) The Secretary shall hold office for such period and under such terms and conditions as may from time to time be determined by the Council.
  - (3) The successors to the first Secretary shall be appointed by the Council after consultation with the Senate.
  - (4) The Secretary shall act as Secretary of the Council and the Senate and shall, subject to the direction of the Vice-Chancellor, be responsible for the administration of the University.

#### OTHER OFFICERS

9. The Council may appoint such other officers as it may deem necessary with such duties, at such remuneration and upon such terms and conditions as the Council may deem fit. Provided that no members of the academic staff shall be so appointed except in accordance with Statute 21 and with the approval of the Senate.

## THE AUDITOR

- 10.** (1) The Council shall appoint an Auditor or Auditors. Every such Auditor shall be a member of a body of accountants established in the United Kingdom and for the time being recognised by the Board of Trade for the purpose of paragraph (a) of sub-section (1) of section 161 of the Companies Act, 1948, or any statutory modification or re-enactment thereof for the time being in force. No person shall be appointed Auditor who is or any one of whose partners is a member of the Council, the Senate or the full-time staff of the University.
- (2) The Auditor or Auditors shall hold office for such period and shall receive such remuneration as may be determined by the Council, and shall be eligible for re-appointment.
- (3) The Auditor or Auditors shall have a right of access at all reasonable times to the books, records, accounts and vouchers of the University and shall be entitled to require from the officers of the University such information and explanations as may be necessary for the performance of his or their duties.
- (4) If the office of Auditor or Auditors shall become vacant by death or resignation or any other cause before the expiration of his or their period of office the Council shall forthwith appoint an Auditor in his or their place for the remainder of such period.
- (5) The Auditor or Auditors shall make a report to the Council at least once in each year.
- (6) An Auditor may resign by writing addressed to the Council.

## THE COUNCIL

- 11.** (1) The Council shall consist of the following members, namely:-
- Ex-Officio Members:-
- The Pro-Chancellor, the Vice-Chancellor, the Treasurer, and the President of the Open University Students' Association.
- Appointed Members:-
- (a) Five members of the Senate appointed by the Senate, appointed under procedures determined by Ordinance.
- (b) One member who shall be a student, appointed by the Open University Students' Association.
- (c) Two members who shall be associate lecturers, appointed under procedures determined by Ordinance.
- (d) One member of the non-academic staff of the University, appointed under procedures determined by Ordinance.
- (2) Such other persons, not being members of the academic staff or salaried officers of the University, and not exceeding twelve in all, as may be co-opted by the Council.
- (3) (a) Ex-Officio Members of the Council shall hold office so long as they continue to occupy the positions by virtue of which they became members.
- (b) Appointed Members of the Council shall hold office for a period of four years commencing on the first day of August in the year in which they are appointed, and shall be eligible for re-appointment, provided that no appointed member shall serve for a continuous period exceeding eight years.

- (c) Members of the Council co-opted by the Council shall hold office for a period of up to four years commencing on the first day of August in the year in which they are co-opted, and shall be eligible for re-appointment, provided that no co-opted member shall serve for a continuous period exceeding eight years.

#### THE VICE-CHAIRMAN OF THE COUNCIL

12. The Council may appoint from among its own members a Vice-Chairman not being a member of the academic staff or a salaried officer in the University. He shall preside at the meetings of the Council in the absence of the Chairman. The Council may require him to vacate office if he ceases to be a member of the Council. He shall hold office for three years.

#### POWERS OF THE COUNCIL

13. Subject to the Charter and these Statutes, the Council shall, in addition to all other powers vested in it, have the following powers and functions:-
- (1) To appoint the Pro-Chancellor and Chairman and a Vice-Chairman.
  - (2) To co-opt members of the Council as provided for under Statute 11.
  - (3) Jointly with the Senate to appoint the Chancellor.
  - (4) After consultation with the Senate where prescribed, to appoint the Vice-Chancellor, Pro-Vice-Chancellors if it shall consider it appropriate to do so, and the Treasurer.
  - (5) Subject to the provisions of the Charter, to make Statutes.
  - (6) On the recommendation of the Senate, to authorise the creation of academic posts in the University.
  - (7) On the recommendation of the Senate, to institute Degrees, Diplomas, Certificates and other academic distinctions offered by the University or on its behalf as validated awards or jointly with other higher education institutions having the power to grant such qualifications.
  - (8) On the recommendation of the Senate to withdraw Degrees, Diplomas, Certificates and other academic distinctions offered by the University or on its behalf as validated awards or jointly with other higher education institutions having the power to grant such qualifications.
  - (9) On the recommendation of the Senate, to suspend or abolish any academic post except any posts created by these Statutes.
  - (10) On the recommendation of the Senate, to determine the conditions of appointment of the academic staff.
  - (11) To approve the procedures for the appointment of members of the academic staff.
  - (12) To regulate the appointment of all other members of the University staff, and to supervise the salaries and conditions of tenure of posts to which it appoints.
  - (13) On the recommendation of the Senate, to establish the organs of academic administration, to prescribe their constitution and functions, and to modify or revise the same.
  - (14) To establish joint committees of the Council and representatives of the students and to prescribe the method of appointment of such representatives and the functions of such committees.
  - (15) To review the work of the University and of bodies approved by the University to act on its behalf in offering validated awards, and of such other higher education institutions, having the power to grant Degrees and other academic distinctions, as are approved by the University to act jointly with it in the award of such qualifications and, subject to the powers of the Senate, to take such

steps as it thinks proper for the purpose of advancing the interests of the University and such bodies as aforesaid, maintaining efficiency and standards, encouraging teaching, the pursuit of learning and the prosecution of research therein.

- (16) On the recommendation of the Senate to provide as necessary for the welfare of the students of the University.
- (17) After consultation with the Senate, to determine all University fees.
- (18) On the recommendation of the Senate and subject to any conditions made by the founders, to institute Fellowships, Scholarships, Studentships, Prizes and other aids to study and research.
- (19) To govern, manage and regulate the finances, accounts, investments, property, business and all affairs whatsoever of the University, and for that purpose to appoint a Finance Committee with a constitution and delegated powers as determined by the Council, Bankers and any other officers or agents whom it may seem expedient to appoint, provided that before determining any question of finance which directly affects the educational policy of the University the Council shall first seek and consider the views of the Senate.
- (20) To invest, on the advice of the Finance Committee and the Treasurer, any moneys belonging to the University in such stocks, funds, fully paid shares or securities as the Council shall from time to time think fit, whether within the United Kingdom or not or in the purchase of freehold or leasehold hereditaments in the United Kingdom including rents. Provided that in the case of moneys held by the University as trustees the powers conferred by this paragraph shall be exercised subject to the provisions of the law relating to investment by trustees.
- (21) To sell, buy, exchange, lease and accept leases of real and personal property on behalf of the University.
- (22) To provide and maintain the buildings, premises, furniture, apparatus, services and other means needed for carrying on the work of the University.
- (23) To borrow money on behalf of the University and for that purpose, if the Council thinks fit, to mortgage or charge all or any part of the property of the University, whether real or personal, and to give such other security as the Council shall think fit.
- (24) To enter into, vary, carry out or cancel contracts on behalf of the University.
- (25) To make provision for schemes of insurance, superannuation, pensions or retirement benefits for all members of the academic and other staff, and so far as the Council shall think fit for other employees of the University or their dependants.
- (26) To select a Seal, Arms and Insignia for the University and to have the sole custody and use of the Seal.
- (27) To prescribe forms of official and academic dress.
- (28) To confirm Regulations submitted by the Senate for any matters in respect of which Regulations are authorised to be made.
- (29) Generally to exercise all such powers as are or may be conferred on the Council by the Charter and these Statutes, including the power to make Ordinances in the exercise of the powers expressly set out in this Statute and of all other powers vested in the Council.

## MEETINGS OF THE COUNCIL

14. The Council shall meet at least three times each year. A special meeting may be convened at any time on the written request of ten members of the Council. A quorum for all meetings of the Council shall be forty percent of the membership.

## THE SENATE

15. (1) The Senate shall consist of the following persons, namely:-
- (a) Ex-Officio Members:-  
The Vice-Chancellor, who shall preside over meetings of the Senate.  
The Pro-Vice-Chancellors.  
The Deans of the Faculties  
The Deans of the Schools  
The Director, Students  
The Director of the Institute of Educational Technology  
The Director of Learning and Teaching Solutions  
The Director of Library Services.
- (b) Appointed Members:-  
Members of the academic and research staff to be elected in such numbers as shall be determined by Ordinance.  
  
Members of the associate lecturer staff, to be appointed in such numbers as shall be determined by Ordinance.  
  
Such other persons, not being members of the academic or research staff, and not exceeding one fifth of the total membership of the Senate, excluding co-options, as shall be determined by Ordinance.
- (2) Subject to any retirement by rotation that may be prescribed, the period of office of an Appointed Member shall be for such period, being not less than two years, and from such date as may be determined by a Regulation.

## POWERS OF THE SENATE

16. The Senate shall be the academic authority of the University and shall, subject to the powers reserved to the Council by the Charter and these Statutes, take such measures and act in such a manner as shall appear to it best calculated to promote the academic work of the University both in teaching and research by the divers means described in Article 3 of the Charter. The Senate shall, subject to the Charter and these Statutes, in addition to all other powers vested in it, have the following powers:-
- (1) To regulate and control all teaching, courses of study and conditions qualifying for admission to the various titles, Degrees and other distinctions offered by the University or on its behalf as validated awards or jointly with other higher education institutions having the power to grant such qualifications, such regulation and control to be exercised in conjunction with other bodies in respect of validated and joint awards upon such terms and conditions as may be specified by the University.
- (2) To regulate the admission of persons to courses of study and their continuance therein.
- (3) To advise the Council on the establishment of such academic bodies as may be required.
- (4) To appoint members of the Senate to be members of the Council as provided for under Statute 11.
- (5) To recommend to the Council the establishment of new academic posts in the University.

- (6) To review from time to time the duties and conditions of service of all members of the academic staff.
- (7) To appoint all members of the academic staff in accordance with procedures approved by the Council.
- (8) To regulate all University examinations, tests or other assessments, and to appoint examiners whether internal or external, for the various Degrees and other distinctions offered by the University or on its behalf as validated awards, or jointly with other higher education institutions having the power to grant such qualifications, such regulation to be exercised in conjunction with other bodies in respect of validated and joint awards upon such terms and conditions as may be specified by the University.
- (9) To recommend the institution of Degrees, Diplomas, Certificates and other academic distinctions offered by the University or on its behalf as validated awards or jointly with other higher education institutions having the power to grant such qualifications.
- (10) To recommend the withdrawal of Degrees, Diplomas, Certificates and other academic distinctions offered by the University or on its behalf as validated awards or jointly with other higher education institutions having the power to grant such qualifications.
- (11) To grant distinctions including Honorary Degrees.
- (12) To grant Degrees and other academic distinctions to persons who shall have pursued in either the University or a body approved by the University, a course of study approved by the Senate and shall have passed examinations, tests or other assessments of the University or body approved by the University under the conditions laid down in the Regulations.
- (13) To grant Diplomas, Licences or Certificates to persons who have pursued a course of study approved by the Senate under conditions laid down by it.
- (14) To recognise such examinations and periods of study at such Universities and places of learning as the Senate may approve as equivalent to such examinations and periods of study in the University as the Senate may determine and to withdraw such recognition at any time.
- (15) To accept courses of study in any other institution which in the opinion of the Senate possesses the means of affording the proper instruction for such courses as equivalent to such courses of study in the University as the Senate may determine.
- (16) To determine what formalities shall attach to the conferment of Degrees and other distinctions.
- (17) To revoke any Degree or other distinction conferred by the University or by the University acting jointly with other higher education institutions or on its behalf as a validated award and all privileges connected therewith if the holder thereof has been convicted of a crime for which he has been sentenced to imprisonment or for other good cause and the Senate considers that such a crime or other good cause is one which renders him unfit to be a member or graduate of the University or body permitted by the University to act on its behalf.
- (18) To advise the Council on the allocation of resources for teaching and research.
- (19) To recommend to the Council the institution of Fellowships, Scholarships, Studentships, Prizes and other aids to study and research.
- (20) To propose to the Council new Statutes which it shall be the duty of the Council to consider.
- (21) To make recommendations or to express an opinion to the Council on any matter of interest to the University and its affairs.
- (22) To establish joint committees of the Senate and representatives of the students and to prescribe the method of appointment of such representatives and the functions of such committees.



- (23) To regulate the discipline of the University in accordance with a Code of Practice to be approved by the Council on the recommendation of the Senate.
- (24) To expel any student guilty of grave misconduct after giving him an opportunity to appear personally and to be heard by the body established by the said Code of Practice which shall include the right of a student to be represented at a hearing, to call and to question witnesses and to have reasons assigned (if asked for) for any decisions that may be taken by the Senate leading to his expulsion.
- (25) To take such steps as it thinks proper for supervising organisations of students.
- (26) Generally to exercise all such powers as are or may be conferred on the Senate by the Charter and these Statutes including the power to make Regulations in the exercise of the powers hereinbefore expressly set out in this Statute and of all other the powers of the Senate.
- (27) Subject to the approval of the Council, to delegate by regulation any powers specifically conferred upon it by this Statute to any person or body of persons constituted for the purpose.

#### THE ACADEMIC CONSULTATIVE COMMITTEE

#### 17. *Deleted*

#### THE GENERAL ASSEMBLY

- 18. (1) The General Assembly shall consist of the elected representatives of the Regions together with representatives appointed by the Senate as determined by an Ordinance made by the Council on the recommendation of the Senate. It shall have a constitution to be determined by an Ordinance made by the Council on the recommendation of the Senate.
- (2) The General Assembly shall be entitled to express an opinion to the Senate on any matter affecting the work and interests of the University.
- (3) The duties and responsibilities of the General Assembly may be amended or added to by the Senate subject to confirmation by the Council.

#### CONGREGATION

- 19. (1) For the purpose of conferring Degrees of the University, there shall be held a meeting of members of the Senate and Council which shall be called a Congregation.
- (2) A Congregation shall be held at least once every year at such time and place as shall be determined by the Senate, and shall be presided over by the Chancellor or, in his absence, by the Vice-Chancellor or another Officer of the University designated by the Chancellor to act on his behalf for the occasion.
- (3) The procedure for summoning a Congregation, for the presentation of graduands and for the conferring of Degrees in absentia, and all other matters relating to Congregations shall be determined by the Senate.
- (4) Subject to the approval of the Council, the Senate may delegate by regulation any powers conferred upon it by the Statute to any person or body of persons constituted for the purpose.

#### REMOVAL OF OFFICERS AND MEMBERS

- 20. (1) The Pro-Chancellor, the Treasurer and any member of the Council (other than an Ex-officio Member or a member of the academic staff to whom Statute 21 applies) may be removed from office for good cause by the Council. No person shall be removed from office by the Council unless he shall have been given a reasonable opportunity of being heard by the Council.

- (2) "Good cause" in this Statute means-
- (a) conviction for an offence which may be deemed by the Court or the Council (as the case may be) to be such as to render the person convicted unfit for the execution of the duties of the office; or
  - (b) conduct of an immoral, scandalous or disgraceful nature incompatible with the duties of the office; or
  - (c) conduct constituting failure or persistent refusal or neglect or inability to perform the duties or comply with the conditions of office whether such failure results from physical or mental incapacity or otherwise.

## ACADEMIC STAFF

### 21. Part I Construction, Application and Interpretation

#### ***Construction***

1. This Statute and any Ordinance or Regulation made under this Statute shall be construed in every case to give effect to the following guiding principles, that is to say -
- (a) to ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges;
  - (b) to enable the University to provide education, promote learning and engage in research efficiently and economically; and
  - (c) to apply the principles of justice and fairness.

#### ***Reasonableness of decisions***

2. No provision in Part II or Part III shall enable the body or person having the duty to reach a decision under the relevant Part to dismiss any member of the academic staff unless the reason for his dismissal may in the circumstances (including the size and administrative resources of the University) reasonably be treated as a sufficient reason for dismissing him.

#### ***Application***

3. (1) This Statute shall apply
- (a) to the persons described or included as "academic staff" in Statute 1(1); and
  - (b) to the Secretary; and
  - (c) to the Vice-Chancellor to the extent and in the manner set out in the Annex to this Statute.
- (2) In this Statute any reference to "academic staff" is a reference to persons to whom this Statute applies.

#### ***Interpretation***

#### ***Meaning of "dismissal"***

4. In this Statute "dismiss" and "dismissal" mean dismissal of a member of the academic staff and -
- (a) include remove or, as the case may be, removal from office; and

- (b) in relation to employment under a contract, shall be construed in accordance with section 55 of the Employment Protection (Consolidation) Act 1978.

***Meaning of "good cause"***

5. (1) For the purposes of this Statute "good cause" in relation to the dismissal or removal from office or place of a member of the academic staff, being in any case a reason which is related to conduct or to capability or qualifications for performing work of the kind which the member of the academic staff concerned was appointed or employed to do, means -
- (a) conviction for an offence which may be deemed by a Tribunal appointed under Part III to be such as to render the person convicted unfit for the execution of the duties of the office or employment as a member of the academic staff; or
  - (b) conduct of an immoral, scandalous or disgraceful nature incompatible with the duties of the office or employment; or
  - (c) conduct constituting failure or persistent refusal or neglect or inability to perform the duties or comply with the conditions of office; or
  - (d) physical or mental incapacity established under Part IV.
- (2) In this paragraph -
- (a) "capability", in relation to such a member, means capability assessed by reference to skill, aptitude, health or any other physical or mental quality; and
  - (b) "qualifications", in relation to such a member, means any degree, diploma or other academic, technical or professional qualification relevant to the office or position held by that member.

***Meaning of "redundancy"***

6. For the purposes of this Statute dismissal shall be taken to be a dismissal by reason of redundancy if it is attributable wholly or mainly to -
- (a) the fact that the University has ceased, or intends to cease, to carry on the activity for the purposes of which the member of the academic staff concerned was appointed or employed by the University, or has ceased, or intends to cease, to carry on that activity in the place in which the member concerned worked; or
  - (b) the fact that the requirements of that activity for members of the academic staff to carry out work of a particular kind in that place, have ceased or diminished or are expected to cease or diminish.

***Incidental, supplementary and transitional matters***

7. (1) In any case of conflict, the provisions of this Statute shall prevail over those of any other Statute and over those of the Ordinances and Regulations and the provisions of any Ordinance made under this Statute shall prevail over those of any other Ordinance:

Provided that Part III of and the Annex to this Statute shall not apply in relation to anything done or omitted to be done before the date on which the instrument making these modifications was approved under subsection (9) of section 204 of the Education Reform Act 1988.

- (2) Nothing in any appointment made, or contract entered into, shall be construed as over-riding or excluding any provision made by this Statute concerning the dismissal of a member of the academic staff by reason of redundancy or for good cause:

Provided that nothing in this sub-paragraph shall prevent waivers made under Section 142 of the Employment Protection (Consolidation) Act 1978 from having effect.

- (3) Nothing in any other Statute or in any Ordinance or Regulation made thereunder shall authorise or require any officer of the University to sit as a member of any Committee, Tribunal or body appointed under this Statute or to be present when any such Committee, Tribunal or body is meeting to arrive at its decision or for the purpose of discussing any point of procedure.
- (4) In this Statute references to numbered Parts, paragraphs and sub-paragraphs are references to Parts, paragraphs, and sub-paragraphs so numbered in this Statute.

## **21. Part II      Redundancy**

### ***Purpose of Part II***

8. This Part enables the Council, as the appropriate body, to dismiss any member of the academic staff by reason of redundancy.

### ***Exclusion from Part II of persons appointed or promoted before 20th November 1987***

9. (1) Nothing in this Part shall prejudice, alter or affect any rights, powers or duties of the University or apply in relation to a person unless -
  - (a) his appointment is made, or his contract of employment is entered into, on or after 20th November 1987; or
  - (b) he is promoted on or after that date.
- (2) For the purposes of this paragraph in relation to a person, a reference to an appointment made or a contract entered into on or after 20th November 1987 or to promotion on or after that date shall be construed in accordance with subsections (3) to (6) of section 204 of the Education Reform Act 1988.

### ***The Appropriate Body***

10. (1) The Council shall be the appropriate body for the purposes of this Part.
- (2) This paragraph applies where the appropriate body has decided that it is desirable that there should be a reduction in the academic staff -
  - (a) of the University as a whole; or
  - (b) of any faculty, school, department or other similar area of the Universityby way of redundancy.
11. (1) Where the appropriate body has reached a decision under paragraph 10(2) it shall appoint a Redundancy Committee to be constituted in accordance with sub-paragraph (3) of this paragraph to give effect to its decision by such date as it may specify and for that purpose
  - (a) to select and recommend the requisite members of the academic staff for dismissal by reason of redundancy; and
  - (b) to report their recommendations to the appropriate body.
- (2) The appropriate body shall either approve any selection recommendation made under sub-paragraph (1), or shall remit it to the Redundancy Committee for further consideration in accordance with its further directions.
- (3) A Redundancy Committee appointed by the appropriate body shall comprise -
  - (a) a Chairman; and

- (b) two members of the Council, not being persons employed by the University; and
- (c) two members of the academic staff nominated by the Senate.

***Notices of intended dismissal***

12. (1) Where the appropriate body has approved a selection recommendation made under paragraph 11(1) it may authorise an officer of the University as its delegate to dismiss any member of the academic staff so selected.
- (2) Each member of the academic staff selected shall be given separate notice of the selection approved by the appropriate body.
- (3) Each separate notice shall sufficiently identify the circumstances which have satisfied the appropriate body that the intended dismissal is reasonable and in particular shall include -
- (a) a summary of the action taken by the appropriate body under this Part;
  - (b) an account of the selection processes used by the Redundancy Committee;
  - (c) a reference to the rights of the person notified to appeal against the notice and to the time within which any such appeal is to be lodged under Part V (Appeals); and
  - (d) a statement as to when the intended dismissal is to take effect.

**21. Part III *Discipline, Dismissal And Removal From Office***

***Disciplinary Procedures***

13. (1) Minor faults shall be dealt with informally.
- (2) Where the matter is more serious but falls short of constituting possible good cause for dismissal the following procedure shall be used -

**Stage 1 - Oral Warning**

If conduct or performance does not meet acceptable standards the member of the academic staff will normally be given a formal ORAL WARNING. The member will be advised of the reason for the warning, that it is the first stage of the disciplinary procedure and of the right of appeal under this paragraph. A brief note of the oral warning will be kept but it will be spent after 12 months, subject to satisfactory conduct and performance.

**Stage 2 - Written Warning**

If the offence is a serious one, or if a further offence occurs, a WRITTEN WARNING will be given to the member of the academic staff by the Head of Department. This will give details of the complaint, the improvement required and the timescale. It will warn that a complaint may be made to the Secretary seeking the institution of charges to be heard by a Tribunal appointed under paragraph 16 if there is no satisfactory improvement and will advise of the right of appeal under this paragraph. A copy of this written warning will be kept by the Head of Department but it will be disregarded for disciplinary purposes after 2 years subject to satisfactory conduct and performance.

**Stage 3 - Appeals**

A member of the academic staff who wishes to appeal against a disciplinary warning shall inform the Secretary within two weeks. A senior officer of the University nominated by the Vice-Chancellor shall hear all such appeals and his decision shall be final.

***Preliminary examination of serious disciplinary matters***

14. (1) If there has been no satisfactory improvement following a written warning given under Stage 2 of the procedure in paragraph 13, or in any other case where it is alleged that conduct or performance

may constitute good cause for dismissal or removal from office, a complaint seeking the institution of charges to be heard by a Tribunal appointed under paragraph 16 may be made to the Secretary who shall bring it to the attention of the Vice-Chancellor.

- (2) To enable the Vice-Chancellor to deal fairly with any complaint brought to his attention under sub-paragraph (1) he shall institute such investigations or enquiries (if any) as appear to him to be necessary.
- (3) If it appears to the Vice-Chancellor that a complaint brought to his attention under sub-paragraph (1) relates to conduct or performance which does not meet acceptable standards but for which no written warning has been given under paragraph 13 or which relates to a particular alleged infringement of rules, regulations or by-laws for which a standard penalty is normally imposed in the University or within the faculty, school, department or other relevant area, or is trivial or invalid he may dismiss it summarily, or decide not to proceed further under this Part.
- (4) If the Vice-Chancellor does not dispose of a complaint under sub-paragraph (3) he shall treat the complaint as disclosing a sufficient reason for proceeding further under this Part and, if he sees fit, he may suspend the member on full pay pending a final decision.
- (5) Where the Vice-Chancellor proceeds further under this Part he shall write to the member of the academic staff concerned inviting comment in writing.
- (6) As soon as may be following receipt of the comments (if any) the Vice-Chancellor shall consider the matter in the light of all the material then available and may -
  - (a) dismiss it himself; or
  - (b) refer it for consideration under paragraph 13; or
  - (c) deal with it informally himself if it appears to the Vice-Chancellor appropriate to do so and if the member of the academic staff agrees in writing that the matter should be dealt with in that way; or
  - (d) direct the Secretary to prefer a charge or charges to be considered by a Tribunal to be appointed under paragraph 16.
- (7) If no comment is received within 28 working days the Vice-Chancellor may proceed as aforesaid as if the member concerned had denied the substance and validity of the alleged case in its entirety.

### ***Institution of Charges***

15. (1) In any case where the Vice-Chancellor has directed that a charge or charges be preferred under paragraph 14(6)(d), he shall request the Council to appoint a Tribunal under paragraph 16 to hear the charge or charges and to determine whether the conduct or performance of the member of the academic staff concerned constitutes good cause for dismissal or otherwise constitutes a serious complaint relating to the member's appointment or employment.
- (2) Where the Council has been requested to appoint a Tribunal under paragraph 16 the Secretary or, if he is unable to act, another officer appointed by the Vice-Chancellor shall take charge of the proceedings.
- (3) The officer in charge of the proceedings shall formulate, or arrange for the formulation of, the charge or charges and shall present, or arrange for the presentation of, the charge or charges before the Tribunal.
- (4) It shall be the duty of the officer in charge of the proceedings
  - (a) to forward the charge or charges to the Tribunal and to the member of the academic staff concerned together with the other documents therein specified, and

- (b) to make any necessary administrative arrangements for the summoning of witnesses, the production of documents and generally for the proper presentation of the case before the Tribunal.

***The Tribunal***

16. A Tribunal appointed by the Council shall comprise:

- (a) a Chairman; and
- (b) one member of the Council, not being a person employed by the University; and
- (c) one member of the academic staff nominated by the Senate.

***Provisions concerning Tribunal procedure***

17. (1) The procedure to be followed in respect of the preparation, hearing and determination of charges by a Tribunal shall be that set out in Ordinances made under this paragraph.

(2) Without prejudice to the generality of the foregoing such Ordinances shall ensure -

- (a) that the member of the academic staff concerned is entitled to be represented by another person, whether such person be legally qualified or not, in connection with and at any hearing of charges by a Tribunal;
- (b) that a charge shall not be determined without an oral hearing at which the member of the academic staff concerned and any person appointed by him to represent him are entitled to be present;
- (c) that the member of the academic staff and any person representing the staff member may call witnesses and may question witnesses upon the evidence on which the case against him is based; and
- (d) that full and sufficient provision is made -
  - (i) for postponements, adjournments, dismissal of the charge or charges for want of prosecution, remission of the charge or charges to the Vice-Chancellor for further consideration and for the correction of accidental errors; and
  - (ii) for appropriate time limits for each stage (including the hearing) to the intent that any charge thereunder shall be heard and determined by a Tribunal as expeditiously as reasonably practicable.

***Notification of Tribunal decisions***

18. (1) A Tribunal shall send its decision on any charge referred to it (together with its findings of fact and the reasons for its decision regarding that charge and its recommendations, if any, as to the appropriate penalty) to the Vice-Chancellor and to each party to the proceedings.

(2) A Tribunal shall draw attention to the period of time within which any appeal should be made by ensuring that a copy of Part V (Appeals) accompanies each copy of its decision sent to a party to the proceedings under this paragraph.

***Powers of the appropriate officer where charges are upheld by Tribunal***

19. (1) Where the charge or charges are upheld and the Tribunal finds good cause and recommends dismissal or removal from office, but in no other case, the appropriate officer shall decide whether or not to dismiss the member of the academic staff concerned.

- (2) In any case where the charge or charges are upheld, other than where the appropriate officer has decided under sub-paragraph (1) to dismiss the member of the academic staff are concerned, the action available to the appropriate officer (not comprising a greater penalty than that recommended by the Tribunal) may be -
- (a) to discuss the issues raised with the member concerned; or
  - (b) to advise the member concerned about his future conduct; or
  - (c) to warn the member concerned; or
  - (d) to suspend the member concerned for such period as the appropriate officer shall think fair and reasonable, not to exceed 3 months after the Tribunal's decision; or
  - (e) any combination of any of the above or such further or other action under the member's contract of employment or terms of appointment as appears fair and reasonable in all the circumstances of the case.

***Appropriate Officers***

20. (1) The Vice-Chancellor shall be the appropriate officer to exercise the powers conferred by paragraph 19 and any reference to the appropriate officer includes a reference to a delegate of that officer.
- (2) Any action taken by the appropriate officer shall be confirmed in writing.

**21. Part IV Removal For Incapacity On Medical Grounds**

21. (1) This Part makes separate provision for the assessment of incapacity on medical grounds as a good cause for dismissal or removal from office.
- (2) In this Part references to medical grounds are references to capability assessed by reference to health or any other physical or mental quality.
- (3) In this Part references to the appropriate officer are references to the Vice-Chancellor or an officer acting as his delegate to perform the relevant act.
- (4) References to the member of the academic staff include, in cases where the nature of the alleged disability so requires, a responsible relative or friend in addition to (or instead of) that member.
22. (1) Where it appears that the removal of a member of the academic staff on medical grounds would be justified, the appropriate officer -
- (a) shall inform the member accordingly; and
  - (b) shall notify the member in writing that it is proposed to make an application to the member's doctor for a medical report and shall seek the member's consent in writing in accordance with the requirements of the Access to Medical Reports Act 1988.
- (2) If the member shares that view the University shall meet the reasonable costs of any medical opinion required.
- (3) If the member does not share that view the appropriate officer shall refer the case in confidence, with any supporting medical and other evidence (including any medical evidence submitted by the member), to a Board comprising one person nominated by the Council; one person nominated by the member concerned or, in default of the latter nomination, by the Senate; and a medically qualified chairman jointly agreed by the Council and the member or, in default of agreement, to be nominated by the President of the Royal College of Physicians.



- (4) The Board may require the member concerned to undergo medical examination at the University's expense.

### ***Termination of Employment***

23. If the Board determines that the member shall be required to retire on medical grounds, the appropriate officer shall direct the Secretary or his delegate to terminate the employment of the member concerned on those medical grounds.

## **21. Part V Appeals**

### ***Purpose of Part V***

24. This Part establishes procedures for hearing and determining appeals by members of the academic staff who are dismissed or under notice of dismissal or who are otherwise disciplined.

### ***Application and interpretation of Part V***

25. (1) This Part applies -
- (a) to appeals against the decisions of the Council as the appropriate body (or of a delegate of that body) to dismiss in the exercise of its powers under Part II;
  - (b) to appeals arising in any proceedings, or out of any decision reached, under Part III other than appeals under paragraph 13 (Appeals against disciplinary warnings);
  - (c) to appeals against dismissal otherwise than in pursuance of Part II or Part III; and
  - (d) to appeals against discipline otherwise than in pursuance of Part III; and
  - (e) to appeals against decisions reached under Part IV
- and "appeal" and "appellant" shall be construed accordingly.
- (2) No appeal shall however lie against -
- (a) a decision of the appropriate body under paragraph 10(2);
  - (b) the findings of fact of a Tribunal under paragraph 18(1) save where, with the consent of the person or persons hearing the appeal, fresh evidence is called on behalf of the appellant at that hearing;
  - (c) any finding by a Board set up under paragraph 22(3).
- (3) In this part references to "the person appointed" are references to the person appointed by the Council under paragraph 28 to hear and determine the relevant appeal.
- (4) The parties to an appeal shall be the appellant and the Secretary and any other person added as a party at the direction of the person appointed.

### ***Institution of Appeals***

26. A member of the academic staff shall institute an appeal by serving on the Secretary, within the time allowed under paragraph 27, notice in writing setting out the grounds of the appeal.

### ***Time for appealing and notices of appeal***

27. (1) A notice of appeal shall be served within 28 working days of the date on which the document recording the decision appealed from was sent to the appellant or such longer period, if any, as the person appointed may determine under sub-paragraph (3).

- (2) The Secretary shall bring any notice of appeal received (and the date when it was served) to the attention of the Council and shall inform the appellant that he has done so.
- (3) Where the notice of appeal was served on the Secretary outside the 28 working day period the person appointed under paragraph 28 shall not permit the appeal to proceed unless he considers that justice and fairness so require in the circumstances of the case.

***Persons appointed to hear and determine appeals***

28. (1) Where an appeal is instituted under this Part the Council shall appoint a person described in sub-paragraph (2) to hear and determine that appeal.
- (2) The persons described in this sub-paragraph are persons not employed by the University holding, or having held, judicial office or being barristers or solicitors of at least ten years' standing.
- (3) The person appointed shall sit alone unless he considers that justice and fairness will best be served by sitting with two other persons.
- (4) The other persons who may sit with the person appointed shall be -
  - (a) one member of the Council not being a person employed by the University; and
  - (b) one member of the academic staff nominated by the Senate.

***Provisions concerning appeal procedures and powers***

29. (1) The procedure to be followed in respect of the preparation, consolidation, hearing and determination of appeals shall be that set out in Ordinances made under this paragraph.
- (2) Without prejudice to the generality of the foregoing such Ordinances shall ensure -
  - (a) that an appellant is entitled to be represented by another person, whether such person be legally qualified or not, in connection with and at any hearing of his appeal;
  - (b) that an appeal shall not be determined without an oral hearing at which the appellant, and any person appointed by him to represent him are entitled to be present and, with the consent of the person or persons hearing the appeal, to call witnesses;
  - (c) that full and sufficient provision is made for postponements, adjournments, dismissal of the appeal for want of prosecution and for the correction of accidental errors; and
  - (d) that the person appointed may set appropriate time limits for each stage (including the hearing itself) to the intent that any appeal shall be heard and determined as expeditiously as reasonably practicable.
- (3) The person or persons hearing the appeal may allow or dismiss an appeal in whole or in part and, without prejudice to the foregoing, may -
  - (a) remit an appeal from a decision under Part II to the Council as the appropriate body (or any issue arising in the course of such an appeal) for further consideration as the person or persons hearing the appeal may direct; or
  - (b) remit an appeal arising under Part III for re-hearing by a differently constituted Tribunal to be appointed under that Part; or
  - (c) remit an appeal from a decision of the appropriate officer under Part IV for further consideration as the person or persons hearing the appeal may direct; or

- (d) substitute any lesser alternative penalty that would have been open to the appropriate officer following the finding by the Tribunal which heard and pronounced upon the original charge or charges.

### ***Notification of decisions***

- 30. The person appointed shall send the reasoned decision, including any decision reached in exercise of his powers under paragraph 29(3)(a), (b) or (c), on any appeal together with any findings of fact different from those come to by the Council as the appropriate body under Part II or by the Tribunal under Part III, as the case may be, to the Vice-Chancellor and to the parties to the appeal.

## **21. Part VI Grievance Procedures**

### ***Purpose of Part VI***

- 31. The aim of this Part is to settle or redress individual grievances promptly, fairly and so far as may be, within the faculty, school, department or other relevant area by methods acceptable to all parties.

### ***Application***

- 32. The grievances to which this Part applies are ones by members of the academic staff concerning their appointments or employment where those grievances relate -
  - (a) to matters affecting themselves as individuals; or
  - (b) to matters affecting their personal dealings or relationships with other staff of the University,not being matters for which express provision is made elsewhere in this Statute.

### ***Exclusions and Informal Procedures***

- 33. (1) If other remedies within the faculty, school, department or other relevant area have been exhausted the member of the academic staff may raise the matter with the Head of the faculty, school, department or other relevant area.
- (2) If the member of the academic staff is dissatisfied with the result of an approach under sub-paragraph (1) or if the grievance directly concerns the Head of the faculty, school, department or other relevant area, the member may apply in writing to the Vice-Chancellor for redress of the grievance.
- (3) If it appears to the Vice-Chancellor that the matter has been finally determined under Part III, IV or V or that the grievance is trivial or invalid, he may dismiss it summarily, or take no action upon it. If it so appears to the Vice-Chancellor he shall inform the member and the Grievance Committee accordingly.
- (4) If the Vice-Chancellor is satisfied that the subject matter of the grievance could properly be considered with (or form the whole or any part of) -
  - (a) a complaint under Part III;
  - (b) a determination under Part IV; or
  - (c) an appeal under Part Vhe shall defer action upon it under this Part until the relevant complaint, determination or appeal has been heard or the time for instituting it has passed and he shall notify the member and the Grievance Committee accordingly.
- (5) If the Vice-Chancellor does not reject the complaint under sub-paragraph (3) or if he does not defer action upon it under sub-paragraph (4) he shall decide whether it would be appropriate,

having regard to the interests of justice and fairness, for him to seek to dispose of it informally. If he so decides he shall notify the member and proceed accordingly.

#### ***Grievance Committee Procedure***

34. If the grievance has not been disposed of informally under paragraph 33(5), the Vice-Chancellor shall refer the matter to the Grievance Committee for consideration.
35. The Grievance Committee to be appointed by the Council shall comprise -
  - (a) a Chairman; and
  - (b) one member of the Council not being a person employed by the University; and
  - (c) one member of the academic staff nominated by the Senate.

#### ***Procedure in connection with determinations; and right to representation***

36. The procedure in connection with the consideration and determination of grievances shall be determined in Ordinances in such a way as to ensure that the aggrieved person and any person against whom the grievance lies shall have the right to be heard at a hearing and to be accompanied by a friend or representative.

#### ***Notification of decisions***

37. The Committee shall inform the Council whether the grievance is or is not well-founded and if it is well-founded the Committee shall make such proposals for the redress of the grievance as it sees fit.

ANNEX TO STATUTE 21 (see paragraph 3(1)(c))

#### ***Provisions As To The Vice-Chancellor***

1. The Council may request its Chairman to remove the Vice-Chancellor from office for good cause in accordance with the procedure described in this Annex.
  - (1) A complaint seeking the removal from office of the Vice-Chancellor for good cause may be made by not less than three members of the Council to the Chairman of the Council.
  - (2) If it appears to the Chairman of the Council, on the material before him, that the complaint raises a prima facie case and that this could, if proved, constitute good cause for dismissal or removal from office he shall request the Council to appoint a Tribunal to hear and determine the matter.
  - (3) If it appears to the Chairman of the Council that a complaint made to him under sub-paragraph (1) does not raise a prima facie case or is trivial or invalid, he may recommend to the Council that no further action be taken upon it.
  - (4) When the Council has appointed a Tribunal under sub-paragraph (2) it shall instruct a solicitor or other suitable person to formulate a charge or charges and to present, or arrange for the presentation of, the charges before the Tribunal.
  - (5) A Tribunal appointed by the Council shall comprise:
    - (a) an independent Chairman; and
    - (b) one member of the Council, not being a person employed by the University; and
    - (c) one member of the academic staff.
  - (6) Subject to the principles of justice and fairness the Tribunal may determine its own procedure.

- (7) The Tribunal shall send its reasoned decision on any charge referred to it together with its findings of fact regarding the charge and its recommendations, if any, as to the appropriate penalty to the Chairman of the Council and to the Vice-Chancellor drawing attention to the period of time within which any appeal should be made.
  - (8) Persons appointed to hear such an appeal shall be persons independent of the University holding, or having held, judicial office or being barristers or solicitors of at least 10 years' standing and the person so appointed shall, subject to the principles of justice and fairness, determine the procedure to be adopted in hearing the appeal.
  - (9) A person appointed shall send the reasoned decision on the appeal, together with any finds of fact different from those come to by the Tribunal and his recommendations, if any, as to the appropriate penalty, to the Vice-Chancellor and to the Chairman of the Council.
  - (10) Where a charge or charges have been upheld by the Tribunal and not dismissed on appeal, the Chairman of the Council shall decide whether or not to dismiss the Vice-Chancellor .
2. Where a complaint is to be referred to a Tribunal under this Statute, the Chairman of the Council may suspend the Vice-Chancellor from his duties and may exclude the Vice-Chancellor from the precincts of the University or any part thereof without loss of salary.
  3. "Good cause" in this Annex has the same meaning as in paragraph 5 of this Statute.
  4. For the purpose of the removal of the Vice-Chancellor for incapacity on medical grounds, Part IV shall have effect subject to the following modifications:-
    - (a) for references to a member of the academic staff there shall be substituted references to the Vice-Chancellor;
    - (b) for any reference to the office of Vice-Chancellor there shall be substituted a reference to the office of Chairman of the Council;
    - (c) for paragraph 23 there shall be substituted -
 

"23. If the Board determines that the Vice-Chancellor should be required to retire on medical grounds it shall ask the Chairman as the appropriate officer, to decide whether or not to terminate the appointment of the Vice-Chancellor on those medical grounds."

#### RETIREMENT OF STAFF

22. The Council may subject to consultation from time to time with the Senate and such other bodies as the Council may consider appropriate determine the age at which staff shall retire from office.

#### PROCEDURE

23. (1) The following provisions shall, except where other provision is expressly made in these Statutes, apply to the Council, the Senate, and the General Assembly (which bodies are in this Statute called "the Statutory Bodies") and each of them, provided that nothing in this paragraph shall enable the Council to delegate its power to reach a decision under paragraph 10(2) of Statute 21:-
  - (a) Any Appointed Member and the Chairman (other than an ex-officio Chairman) may resign his office. An Appointed Member need not be a member of the body which appoints him.
  - (b) Any Appointed Member and the Chairman (other than an ex-officio Chairman) shall be eligible for reappointment.
  - (c) Any Appointed Member who is required by these Statutes to possess any qualification shall vacate office if he ceases to possess that qualification.

- (d) At meetings of any of the Statutory Bodies, except in the case of a Special Resolution, every matter shall be determined by the majority of the members present and voting on the question. In case of equality of votes, the Chairman or other presiding officer shall have a casting vote whether or not he has voted before on the motion.
  - (e) Any of the Statutory Bodies may determine the time and place of its meetings and the procedure to be followed thereat.
  - (f) Any casual vacancy occurring in any of the Statutory Bodies by resignation, incapacity or death among its Nominated, Appointed or Representative Members shall be filled by the person who or body which nominated or appointed the member whose place has become vacant. A member of any of the Statutory Bodies who is nominated or appointed to fill a casual vacancy shall hold office for the unexpired term of office of the member in whose place he is nominated or appointed.
  - (g) Any of the Statutory Bodies may appoint and dissolve such and so many committees consisting wholly or partly of its members as it may think fit; and the provisions of this Statute shall apply to any committee of any of the Statutory Bodies.
  - (h) Any of the Statutory Bodies may make Standing Orders for the purpose of regulating its procedure.
  - (i) The proceedings of any of the Statutory Bodies shall not be invalidated by any vacancy in its number or by any defect in the appointment or qualifications of its members.
- (2) Any person appointed or nominated to an office under these Statutes shall, except as otherwise provided in these Statutes, be eligible for reappointment or re-nomination.

#### SERVICE OF NOTICES AND DOCUMENTS

- 24.** (1) Any notice or document required by or for the purpose of these Statutes to be given or sent to a member of the University may be given or sent either personally or by sending it by post to him at his address registered by the University.
- (2) Where a notice or other document is sent by post, service thereof shall be deemed to have been properly effected by properly addressing and posting a letter containing the notice or other document, and shall be deemed to have been effected at the time at which the letter would in the ordinary course be delivered.

#### INTERPRETATION OF STATUTES

- 25.** These Statutes shall be interpreted in such manner as not to conflict with the Charter.

#### SAVING FOR TEMPORARY PROVISIONS

- 26.** These Statutes shall take effect as from the appointed day subject to the temporary provisions set out in the Appendix hereto.

#### APPENDIX OF TEMPORARY PROVISIONS

Editor's Note:

An appendix of Temporary Provisions relating to 1969 was included in the original Charter but has been deleted from this amended and updated version.