

UNIVERSITY OF SURREY

ORDINANCES

March 2017

1. **The Chancellor**

1.1 Appointment of the Chancellor

1.1.1 The Chancellor shall be appointed and may be removed by Council on the recommendation of the Nominations Committee as constituted under Ordinance 7. Subject to these Ordinances, the Chancellor shall hold office until retirement or resignation. The Chancellor may resign in writing to the Chair of Council.

2. **The Pro-Chancellors**

2.1 Appointment of the Pro-Chancellors

2.1.1 The Pro-Chancellors shall be appointed and may be removed by Council on the recommendation of the Nominations Committee as constituted under Ordinance 7.

2.1.2 A Pro-Chancellor shall hold office for such periods and upon such conditions as are described in their letter of appointment.

2.1.3 Pro-Chancellors shall be eligible for reappointment.

2.1.4 A Pro-Chancellor may resign in writing to the Chair of Council.

2.2 Functions of the Pro-Chancellors

2.2.1. Pro-Chancellors shall assist the President & Vice-Chancellor in such matters as the President & Vice-Chancellor may from time to time entrust to them.

2.2.2. The President & Vice-Chancellor may designate from amongst the Pro-Chancellors one who shall act for the Chancellor or President & Vice-Chancellor during the absence of either.

3. **The President & Vice-Chancellor**

3.1 Appointment of the President & Vice-Chancellor

3.1.1 The President & Vice-Chancellor shall be appointed by Council on the recommendation of the Nominations Committee as constituted under Ordinance 7. Subject to these Ordinances, the President & Vice-Chancellor shall hold office until retirement or resignation.

## 3.2 Functions and Reserved Powers of the President & Vice-Chancellor

- 3.2.1 As principal academic and administrative officer, the President & Vice-Chancellor shall have a general responsibility to the Council for maintaining and promoting the efficiency and good order of the University.
- 3.2.2 Without prejudice to his/her responsibilities, the President & Vice-Chancellor may delegate the carrying out of these responsibilities under paragraph 3.2.1 to such members of staff as he/she sees fit.
- 3.2.3.1 Pursuant to 2.2.2, the President & Vice-Chancellor may establish an executive board and appoint members to that board to assist and support the President & Vice-Chancellor in discharging his/her duties, including but not limited to the development of strategy, making executive decisions and ensuring the effective operation and delivery of performance targets in all areas of the University's business.
- 3.2.3.2 The Executive Board shall normally consist of the President & Vice-Chancellor as Chair, the Provost & Executive Vice-President, the Chief Operating Officer and the Vice-Presidents and Vice-Provosts. Other members may be appointed by the Chair from time to time.

## 3.3 Removal of the President & Vice-Chancellor

- 3.3.1 This Ordinance sets out the applicable procedure for Council to determine that the President & Vice-Chancellor shall be dismissed and removed from office, for any reason, SAVE THAT where the President & Vice-Chancellor is employed under a fixed term contract, this Ordinance shall not apply to any decision by Council that the fixed term contract should not be renewed or extended when it expires.
- 3.3.2 This Ordinance shall be construed to ensure that the President & Vice-Chancellor has freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing him/herself in jeopardy of losing his/her job or privileges.
- 3.3.3 Any member of Council may at any time request the Chair of Council to consider the dismissal and removal from office of the President & Vice-Chancellor.
- 3.3.4 The Chair of Council may suspend the President & Vice-Chancellor from his/her duties and may exclude the President & Vice-Chancellor from the precincts of the University or any part thereof without loss of salary:-
- a) where the Council is to be asked to consider the President & Vice-Chancellor's dismissal and removal from office; or
  - b) at any other time where the Chair, with the agreement of the members of Council, considers that this is appropriate.
- 3.3.5 Where the Chair of Council has considered a request under 3.3.3 and has concluded that there are grounds for such dismissal and removal from office, he will inform Council of the fact. Council will follow such procedure as it considers appropriate for determining the issue, having regards to ACAS Codes of Practice and in any event allowing the President & Vice-Chancellor appropriate opportunity to present his/her case.

### **3A The Provost & Executive Vice-President**

3A.1 There shall be a Provost & Executive Vice-President who shall fulfil such functions as delegated by the President & Vice-Chancellor.

### **3B The Chief Operating Officer**

3B.1 There shall be a Chief Operating Officer who shall fulfil such functions as delegated by the President & Vice-Chancellor.

## **4. The University Secretary**

### 4.1 Appointment of the University Secretary

4.1.1 The University Secretary shall be appointed and may be removed by the President & Vice-Chancellor subject to the approval by Council. The University Secretary shall act as University Secretary to the Council.

### 4.2 Functions of the University Secretary

4.2.1 The University Secretary shall be responsible to the Council and shall have a direct reporting link to the Chair of Council for the conduct of Council business. The University Secretary shall guide the Council in discharging its responsibilities under the Charter, Statutes, Ordinances and Regulations to which they are subject, including relevant legislation. The University Secretary should be solely responsible for obtaining and providing legal advice to the Council in relation to its business and matters of procedure. The University Secretary should advise the Council on any matters of potential conflict of interest particularly between the Council and the President & Vice-Chancellor.

## **5. The Council**

### 5.1 Constitution of the Council

5.1.1 In accordance with Statute 6, Council shall comprise:-

#### 5.1.1.1 **Ex-officio** members:

- President & Vice-Chancellor
- President of the Students' Union
- Provost & Executive Vice-President
- Up to four executives nominated by the President & Vice-Chancellor and approved by Council.

5.1.1.2 Up to three **Elected** members, elected from the academic staff by the Senate. Election to be in such fair and democratic manner as the Senate sees fit.

5.1.1.3 No fewer than eleven **External** Members to be appointed in the manner described in Ordinance 5.2. External Members includes Lay Members and Lay Officers.

5.1.2 Council shall elect a **Chair, Vice-Chair and Treasurer**, who shall be External Members, from amongst its own members or otherwise as determined by Council.

## 5.2 Appointment of External Members of the Council

### 5.2.1 Lay Officers

5.2.1.1 Chair of Council: The Chair of Council shall be appointed by Council from amongst its own members or otherwise. The Chair shall be an External Member of Council. In accordance with Statute 6.1.4, the Chair shall hold office until the end of the third year following his/her appointment and shall be eligible for reappointment for a further term of three years. On expiry of the second term of office, or on ceasing to be Chair for any reason before such expiry, he/she shall not be eligible for a further term of office until at least one year has elapsed since such expiry or cessation as the case may be. In any event the cap of nine years total service will apply.

5.2.1.2 Vice-Chair of Council: In accordance with 5.1.2, the Vice-Chair of Council shall be appointed by the Council from amongst its own members or otherwise. The Vice-Chair of Council shall be an External Member of Council. The term(s) of office of the Vice-Chair of Council shall be on the same basis as that set out in 5.2.1.1 above.

5.2.1.3 Treasurer: In accordance with 5.1.2, the Treasurer shall be appointed by the Council from amongst its own members or otherwise. The Treasurer shall be an External Member of Council. The term(s) of office of the Treasurer shall be on the same basis as that set out in 5.2.1.1 above.

### 5.2.2 Lay Members

5.2.2.1 The Council shall appoint External members on the recommendation of the Nominations Committee following assessment of their suitability against agreed criteria, including experience, reputation, and equality and diversity.

5.2.2.2 The term of office of Lay Members shall be on the same basis as that set out in 5.2.1.1 above.

5.2.2.3 Subject to 5.2.2.1, where a Lay Member changes their role on Council, e.g. becomes Chair, Vice-Chair or Treasurer, it shall be deemed their first term of office. In any event the cap of nine years total service will apply.

### 5.2.3 Elected Members

5.2.3.1 There shall be up to three Elected Members who shall be elected by the Senate from amongst its ex-officio and professorial members.

5.2.3.2 The Senate may use such fair and democratic election mechanism it sees fit. Elections shall be held such that elected member(s) can be notified to Council following the July meeting of Senate.

5.2.3.3 Elected Members shall serve for two years commencing on 1 September of the year of election.

5.2.3.4 If an Elected Member resigns, becomes a member in another capacity or ceases to be an Elected Member for any other reason, the Senate may elect a replacement for the remainder of the term using such election mechanism as it sees fit.

5.2.4 Ex-Officio Members:

5.2.4.1 Ex-officio Members shall continue to serve until such time as they vacate the office by virtue of which they are ex-officio members of Council.

5.3 Removal of Members of Council

5.3.1 A Member of Council may resign at any time, such resignation to be in writing, addressed to the University Secretary.

5.3.2 Any Member of Council who has not attended any meeting of Council during the preceding twelve months, may be removed (excluding Ex-officio Members), unless Council decides otherwise.

5.3.3 Any Member of Council may be removed for good cause (excluding Ex-officio and Elected Members) on a majority vote of Council.

5.3.4 No Member of Council shall be removed without having been given reasonable opportunity to be heard by Council to defend their position.

5.3.5 For the purposes of this Ordinance, good cause shall include but is not limited to:-

5.3.5.1 conviction for an offence which may be deemed by Council to render the person convicted unfit for the execution of the duties of the office; or

5.3.5.2 conduct of an immoral, scandalous or disgraceful nature incompatible with the duties of the office; or

5.3.5.3 conduct constituting failure or persistent refusal or neglect or inability to perform the duties to comply with the conditions of office, whether such failure results from physical or mental incapacity or otherwise.

5.4 Primary Responsibilities of Council

5.4.1 Without prejudice to Article 8 of the Charter, the primary responsibilities of the Council shall be:-

5.4.2 To approve the mission, strategic vision and long-term academic and business plans of the University and to agree key performance indicators and annual budgets to ensure that these meet the interests of stakeholders.

5.4.3 To ensure the establishment and monitoring of systems of control and accountability including financial and operational controls and risk assessment; and procedures for handling internal grievances and for managing conflicts of interest.

5.4.4 To ensure processes are in place to monitor and evaluate the performance and effectiveness of the University against its plans, previous performance and agreed key performance indicators which should be, where possible and appropriate, benchmarked against other comparable universities.

5.4.5 To appoint the President & Vice-Chancellor and to put in place suitable arrangements for monitoring his or her performance.

## 5.5 Powers of Council

5.5.1 Without prejudice to Statute 6.3, Council shall reserve the power to:-

5.5.1.1 appoint and remove the Members of the Council.

5.5.1.2 approve the terms of reference and membership of Council.

5.5.1.3 approve the appointment and removal of the University Secretary on the recommendation of the President & Vice-Chancellor;

5.5.1.4 ensure that the Students' Union operates in a fair and democratic manner and is accountable for its finances;

5.5.1.5 have custody, control and disposition of all the movable and immovable property (land and buildings) of or entrusted to the University;

5.5.1.6 govern, manage and regulate the finances of or entrusted to the University, provided that before determining any question of finance which affects the academic policy of the University, the Council shall take into consideration any recommendations or report thereon by the Senate;

5.5.1.7 sell, buy, exchange, lease and accept leases of moveable and immoveable property (land and buildings) on behalf of the University;

5.5.1.8 up to the approved borrowing limits set by HEFCE, borrow money on behalf of the University and for that purpose to mortgage or charge all or any part of the property of the University unless the conditions of any bequest (testamentary or otherwise) or any statutory obligations are thereby contravened and to give such other security whether upon moveable or immoveable property or otherwise, as the Council may think fit;

5.5.1.9 approve individual capital investments over £10 million and to approve investments or divestments deemed to be of major strategic importance to the University, including:-

a) the investment of any moneys belonging to or held by the University in such stocks, funds, fully paid shares, or securities as the Council shall think fit, whether within the United Kingdom of Great Britain and Northern Ireland or not, or in the purchase of freehold or leasehold hereditaments in the said United Kingdom, including rents, provided that in the case of moneys held by the University as trustee, the powers conferred by this paragraph shall be exercised subject to the provisions of the law relating to investment by trustees;

b) the acquisition or disposal of interests in bodies corporate whether solely or jointly with others, to form subsidiary companies; and

c) the making of loans, grants or gifts to any person or body.

5.5.1.10 institute or discontinue, on the recommendation of the Senate, departments or other academic sections of the University;

5.5.1.11 confer, on the recommendation of the President & Vice-Chancellor, the title of Emeritus Professor;

- 5.5.1.12 approve, on the nomination from the Senate, persons to receive Honorary Degrees or other academic distinctions;
- 5.5.1.13 On the recommendation of the Senate, affiliate with other bodies or departments thereof, to the University and to admit members of affiliated bodies or departments thereof to any of the privileges of the University;
- 5.5.1.14 review the work of the University, to call for reports from the Senate and subject to the powers of the Senate, to take such steps as it thinks proper to achieve the objectives of the University as set out in the Charter and in the University's current strategic plan, to maintain and enhance its reputation and efficiency and promote excellence and to provide for the recreation, cultural development and welfare of the staff and students;
- 5.5.1.15 in accordance with Article 12 of the Charter, make, amend or repeal Ordinances;
- 5.5.1.16 exercise all such functions as are or may be conferred on the Council by the Charter, the Statutes and the Ordinances and Regulations, and to carry the Charter, Statutes and Ordinances and Regulations into effect;
- 5.5.1.17 delegate such of its functions and on such terms as it sees fit;
- 5.5.1.18 delegate authority to the President & Vice-Chancellor for the academic, corporate, financial, estate and personnel management of the University including safeguarding the good name and values of the University and to establish and keep under regular review the policies, procedures and limits within such management functions as shall be undertaken by and under the authority of the President & Vice-Chancellor;
- 5.5.1.19 be the University's legal authority and, as such, to ensure that systems are in place for meeting all the University's legal obligations, including those arising from contracts and other legal commitments made in the University's name; and
- 5.5.1.20 approve the Scheme of Delegation in relation to its delegated business.

## 5.6 Council Quorum

- 5.6.1 As prescribed by Statute 6.2, the quorum for Council shall be not less than half of current members, a majority of which shall be External Members. The reference to "a majority of which shall be External Members" relates to the size of the quorum and not the number of members who attend a particular meeting. For example:
  - 5.6.1.1 if there are 23 current members of Council, the quorum for meetings will be 12 (allowing for rounding up), at least seven of which must be External Members. This would be the case even if more than seven ex-officio members were in attendance at a particular meeting, provided there were at least seven External Members present;
  - 5.6.1.2 If there were 21 current members of Council, the quorum would be 11 (allowing for rounding up), at least six of which must be External Members;
  - 5.6.1.3 if there were 20 current members of Council, the quorum would be 10, at least six of which must be External Members.

5.7 Decision making

5.7.1 The following section shall apply to Council and its committees.

5.7.2 Voting

5.7.2.1 Matters requiring Council approval shall normally be approved by consensus unless a member requests that a formal vote be taken. In such case the vote shall be decided upon simple majority of those present. The Chair shall have a casting vote.

5.7.3 Notice of Meetings

5.7.3.1 Ordinary meetings of Council and its committees shall be scheduled by the University Secretary and dates notified to all members and attendees in advance.

5.7.3.2 Extraordinary meetings may, in cases of urgency, be summoned by the Chair of Council or the committee.

5.7.3.3 Extraordinary meetings shall also be summoned upon receipt by the University Secretary of a written requisition signed by not less than half the members of Council or the committee.

5.7.3.4 All efforts will be made to circulate meeting agendas and supporting papers to members of Council or the committee before the meeting. However, if papers are not circulated in advance of the meeting, this shall not invalidate any decision taken at that meeting.

5.7.4 Participation in Meetings by Telephone and Other Means

5.7.4.1 Any member may validly participate in a meeting through the medium of conference telephone, video conferencing, or similar form of communication equipment, provided that all persons participating in the meeting are able to communicate with each other throughout the entire meeting. A member so participating shall be deemed to be present in person at the meeting and shall accordingly be counted in the quorum and be entitled to vote.

5.7.4.2 Such a meeting shall be deemed to take place where the largest group of those members participating is assembled or, if there is no group which is larger than any other group, where the Chair of the meeting then is.

5.7.4.3 In the event of a secret ballot, those participating in such manner accept that it may be necessary for them to disclose their vote to the University Secretary.

5.7.5 Decision making made by Email

5.7.5.1 At the discretion of the Chair of Council or the committee, decision(s) may be passed by exchange of emails, or similar electronic means provided all members are copied into or otherwise participate in the electronic exchange.

5.7.5.2 For such a decision to be validly passed, a copy of the proposed decision must be circulated to all members and not less than 75% of whom must reply to the University Secretary to confirm their agreement. The University Secretary shall forward a compilation of responses to the Chair and shall confirm to all Council or committee members that the decision has been passed. A copy of



the decision signed by the Chair and accompanied by a copy email from each member shall be treated as properly passed by a meeting of the relevant body duly convened and held.

5.7.5.3 The date of the decision shall be the date upon which the University Secretary confirms to all members that it has been passed.

5.7.5.4 The University Secretary shall be responsible for ensuring that decision(s) made by email are reported to the next meeting of the relevant body and for retaining an appropriate record.

#### 5.7.6 Decisions in Case of Urgency

5.7.6.1 Where any urgent matter requires decision between meetings and cannot wait until the next meeting, a decision may be taken by the Chair (or in their absence the Vice Chair) in consultation with the President & Vice-Chancellor (or in their absence the Acting President & Vice-Chancellor). Any decision made by the Chair or Vice Chair under this provision shall be reported at the next meeting of Council or the committee and shall be deemed ratified unless a decision is passed to the contrary.

#### 5.8 Status of the Minutes

5.8.1 Once the minutes of a Council meeting have been signed by the Chair, these shall be deemed a final and accurate record of decisions taken at that Council meeting.

### **6. The Senate**

#### 6.1 Constitution of the Senate

6.1.1 The Senate shall consist of the following:-

6.1.1.1 Ex-officio members:-

President & Vice-Chancellor  
Provost & Executive Vice-President  
Vice-Provost, Education & Students  
Vice-Provost, Research & Innovation  
Senior Vice-President, Global Strategy & Engagement  
Executive Deans of the Faculties  
Associate Deans, Learning & Teaching  
Associate Deans , Research and Innovation  
Director of Research and Innovation Services  
Director of Library and Learning Support Services  
Director of Quality Enhancement and Standards  
Director of Student Services and Administration  
Academic Director of Student Progression and Development  
Director of the Doctoral College  
President of the Students' Union  
VP Voice of the Students' Union

6.1.1.2 Nominated members:-

Four from each faculty, nominated by the Faculty Executive.

## 6.2 Appointment of the Members of the Senate

6.2.1 Ex-officio Members shall continue to serve until such time as they vacate the office by virtue of which they are ex-officio members of the Senate.

6.2.2 Nominated members shall serve an initial term of two years and shall be eligible for re-election for one further term of two years, following which there must be a break of one year before any further re-election. In any event a maximum of six years in total may be served.

## 6.3 Functions of the Senate

6.3.1 The Senate has responsibility for oversight of the Academic Endeavour of the University, as defined in Charter.

6.3.1.1 This includes:-

- a) teaching and learning; assessment;
- b) ethical conduct in research; innovation; and intellectual property arising from research and/or teaching;
- c) the grounds upon which a student may be excluded, suspended or expelled from the University;
- d) the conferment and rescission of higher education awards;
- e) academic regulations and regulations concerning students

6.3.1.2 For the purposes of this Ordinance and Regulations made thereunder,

a) **Exclusion:** means withdrawal by the University of permission and/or entitlement for a student to access and/or enter the University, its campus and/or estate, or any part or parts of the University, its campus and/or estate, for such period or periods of time as may be specified. Exclusion may be by way of sanction or outcome pursuant to a process followed under any Regulation and/or by way of neutral act (not constituting a sanction or outcome) under any Regulation.

b) **Suspension :** means withdrawal by the University of permission and/or entitlement for a student to take part in all or any University and/or University-related activity and/or event (such as, but not limited to, assessments, exams, lectures, tutorials, placements, trips) and/or to access and/or use all or any University service (such as, but not limited to, University IT network) for such period or periods of time as may be specified

Suspension may be by way of sanction or outcome pursuant to a process followed under any Regulation and/or by way of neutral act (not constituting a sanction or outcome) under any Regulation.

c) **Expulsion :** means the permanent withdrawal of a student from the University and of all rights and entitlements arising from or associated therewith either with or without an express prohibition on the student ever reapplying to the University. Expulsion will

only be by way of sanction or outcome pursuant to a process followed under any Regulation and not by way of neutral act (not constituting a sanction or outcome) under any Regulation.

- 6.3.1.3 The Senate shall discharge its oversight through sub-committees which shall, amongst other things, be formed for the purpose of approving, amending or repealing Regulations relating to the Academic Affairs.
- 6.3.1.4 The Senate shall retain governance oversight of its sub-committees.
- 6.3.1.5 The Senate shall review the discharge of its responsibilities, through its sub-committees, every five years.
- 6.3.1.6 The Senate shall report to each Council meeting on the discharge of its responsibilities.
- 6.3.1.7 The Senate shall provide an annual quality assurance report and accompanying action plan to Council relating to the continuous improvement of the student academic experience and student outcomes.
- 6.3.1.8 The Senate shall recommend persons to Council, to receive Honorary Degrees or other academic distinctions.
- 6.3.1.9 The Senate shall elect members of the Senate to be members of Council, according to the constitution of Council.
- 6.3.1.10 The Senate may make recommendations to Council on Statutes and Ordinances which reflect the Academic Endeavour of the University.
- 6.3.1.11 The Senate shall exercise all such functions as are or may be conferred upon the Senate by the Charter and Statutes.
- 6.3.1.12 The Senate shall be chaired by the Provost & Executive Vice-President, a formal act of delegation by the President & Vice-Chancellor who is *de facto* Chair as set out in the Charter.
- 6.3.1.13 The quorum for the Senate shall be half of current members. In the case of an equal vote, the Chair shall have a casting vote.
- 6.3.1.14 The Senate shall bring matters to the attention of Council as appropriate.
- 6.3.1.15 The Secretary for the Senate shall be the Vice-Provost, Education & Students.

## 7. **The Nominations Committee**

- 7.1 In accordance with best practice guidance, apart from any other sub-committees which Council may establish, there shall be a Nominations Committee.
- 7.2 The Nominations Committee shall be comprised of:-
  - The Chair of Council (Chair)
  - The Vice-Chair of Council

- Treasurer
- President of the Students' Union
- One Pro-Chancellor nominated by the Chair of the Nominations Committee
- One External Member of Council, nominated by Council
- One member of the Senate, nominated by the Senate
- Senior Vice-President, Advancement and Partnerships
- Vice-President, Human Resources

7.3 The responsibilities of the Nominations Committee shall be determined by Council and recorded in the committee's Terms of Reference.

## **8. Remuneration Committee**

8.1 In accordance with best practice guidance, apart from any other sub-committees which Council may establish, there shall be a Remuneration Committee.

8.2 The Remuneration Committee shall be comprised of:-

- Vice-Chair of Council (Chair)
- Chair of Council
- University Treasurer
- President & Vice-Chancellor
- One Pro-Chancellor nominated by the Chair of Remuneration Committee
- One External Member of Council nominated by Council

8.3 The responsibilities of the Remuneration Committee shall be determined by Council and recorded in the committee's Terms of Reference.

## **9. Audit & Assurance Committee**

9.1 In accordance with best practice guidance, apart from any other sub-committees which Council may establish, there shall be an Audit & Assurance Committee.

9.2 The Audit & Assurance Committee shall be comprised of:-

- Three external members of Council, appointed by Council, one of whom shall act as Chair
- Up to two co-opted members who shall not be employees of the University.

9.3 Members of the Audit & Assurance Committee cannot also be members of the Finance Committee and vice-versa

9.4 The responsibilities of the Audit & Assurance Committee shall be determined by Council and recorded in the committee's Terms of Reference.

## **9A.1 Finance Committee**

9A.2 Finance Committee shall be comprised of:-

Ex-officio:

- Treasurer (Chair)
- President & Vice-Chancellor
- Chair of Council
- Provost & Executive Vice-President
- Chief Operating Officer

Appointed:

- Up to three Lay Members of Council
- Up to two co-opted independent members

9A.3 No Member of Audit & Assurance Committee may be a member of the Finance Committee, and vice-versa, however, the Chair of Audit & Assurance Committee has a standing invitation to attend Finance Committee.

9A.4 The responsibilities of the Finance Committee shall be determined by Council and recorded in the committee's Terms of Reference.

#### 9B.1 **Strategic Planning and Resources Committee**

9B.2 Strategic Planning and Resources Committee shall comprise of:-

Ex-officio:

- Vice-Chair of Council (Chair)
- Chair of Council
- University Treasurer
- President & Vice-Chancellor
- Chief Operating Officer

Appointed:

- Up to three Lay Members of Council from a list approved by Nominations Committee
- Up to three co-opted independent members.

9B.3 The responsibilities of the Strategic Projects and Resources Committee shall be determined by Council and recorded in the committee's Terms of Reference.

### 11 **Academic Staff**

11.1 "Academic Staff" means all persons holding appointments as Professors, Readers, Senior Lecturers, Lecturers of the University, Professorial Teaching Fellows, Senior Teaching Fellows or Teaching Fellows and such other persons or holders of appointments as the Council, on the recommendation of the Executive Board may from time to time stipulate.

#### 11.2 **Disciplinary Procedures**

11.2.1 This Ordinance sets out the applicable procedure for the dismissal on the grounds of misconduct of members of the Academic Staff as defined by Ordinance 11.1.1. This Ordinance is intended to comply with the employment legislation and case law of England and Wales. If any part of the Ordinance is incompatible with such legislation or case law then the legislation or case law shall take precedence. Reference should also be made to any policies

and procedures that the University shall have in place at the time relating to the disciplining of University staff.

11.2.2 The University shall not use the disciplinary procedures contained within this Ordinance as a tool to suppress the academic freedom of its Academic Staff.

11.2.3 Informal Procedure

Cases of minor misconduct can be dealt with by the Academic Staff member's line manager on an informal basis. The line manager shall ensure that the Academic Staff member understands the nature of the concerns and that there is an expectation of improvement in their conduct.

11.2.4 A note should be taken of any discussions taken pursuant to 11.2.3 and the outcome of such discussions shall be confirmed in writing.

11.2.5 If the misconduct continues or recurs or the alleged act of misconduct is more serious, then the Formal Procedure should be followed.

11.2.6 Formal Procedure

The University reserves the right to implement the formal procedure at any stage taking into account the alleged misconduct, its nature and seriousness, and any previous unspent disciplinary warning(s).

11.2.7 Suspension

Certain alleged offences may require that the Academic Staff member should be suspended pending the outcome of an investigation or a disciplinary hearing. Suspension would be on full pay and is a neutral act and is not a disciplinary sanction. The decision to suspend an Academic Staff member shall normally be made by the Academic Staff Member's Head of School/Department or the Dean of the Faculty.

11.2.8 Investigation

Before a disciplinary hearing takes place there will be an investigation meeting into the circumstances of the alleged misconduct. The purpose of the investigation will be to establish the nature of the allegations, gather evidence to decide whether there is a disciplinary case to answer and whether the matter should proceed to a full hearing.

11.2.9 The appropriate line manager of the Academic Staff member shall normally carry out the investigation. Where the allegations involve a potential conflict of interest an independent investigating officer from another School/Department, business area or Faculty within the University shall be appointed.

11.2.10 The Academic Staff member who is the subject of the allegation will normally be expected to attend an investigatory interview.

11.2.11 All employees of the University are expected to co-operate fully with any investigation including attending any investigatory meetings and disclosing any relevant documents and informing the Investigating Officer of the names of any relevant witnesses.

11.2.12 The outcome of an investigation may be:

- a) There is no case to answer and therefore no disciplinary action is taken.
- b) The matter is dealt with informally, with appropriate support or training being provided to resolve the matter.
- c) A recommendation by the Investigating Officer that there is a case to answer and a disciplinary hearing should be arranged.

11.2.13 Disciplinary Hearing

Invitation to a disciplinary hearing:-

11.2.14 Where the Investigating Officer refers the matter to a disciplinary hearing the academic staff member should be informed in writing of the disciplinary hearing with a minimum of 10 calendar days' notice of the hearing date.

11.2.15 The Academic Staff member should also be informed of the allegations made against them. If the alleged misconduct is potentially serious or gross misconduct or they have previously received a warning about their conduct then the Academic Staff member shall be warned that a possible outcome may be that of dismissal.

11.2.16 The Academic Staff member shall have the right to be accompanied to the hearing by either a colleague or a trade union representative and they shall be informed of this right in the letter inviting them to the hearing.

11.2.17 Disciplinary Panel

A disciplinary panel shall consider the allegations made against the Academic Staff member. Where the outcome is potentially the dismissal of the Academic Staff member the panel shall comprise:-

- a) As Chair, a senior manager independent from the case;
- b) A senior member of Academic staff (e.g. An Associate Dean, a Head of Department, a Head of School, or another senior member of staff who holds an academic contract of employment);
- c) A Human Resources advisor.

11.2.18 In all other cases the panel should normally comprise:-

- a) As Chair, a senior manager independent from the case;
- b) A Human Resources Advisor

- c) If designated by the Chair, a third panel member who should be a manager independent from the case.

#### 11.2.19 Disclosure Prior to Hearing

The Academic Staff member will be provided in advance with a copy of the Investigating Officers report and any other evidence including the identity of any witnesses (unless their identity is to be kept confidential) that will be presented at the disciplinary hearing.

- 11.2.20 The Academic Staff member will be invited to submit evidence and/or a written statement. Such documentation should be received at least 2 working days before the disciplinary hearing.

- 11.2.21 The Investigating Officer and/or the Academic Staff member will submit to Human Resources the names of any witnesses they wish to attend the disciplinary hearing, and an explanation of why their evidence is required. On the basis of the information provided the Chair of the panel will determine whether or not such witness evidence is required and whether or not the witness will be called. In certain circumstances the Chair may decide that a witness statement is sufficient. The Chair may also call any witnesses that they feel may be appropriate and who will provide further evidence in the decision making process.

#### 11.2.22 Conduct of the Disciplinary Hearing

The panel will hear evidence and/or submissions from:-

- a) The Investigating Officer
- b) Any witnesses called by the Investigating Officer
- c) The Academic Staff member and/or their representative
- d) Any witnesses called by the Academic Staff member
- e) Any witnesses called by the Chair

- 11.2.23 Both the Investigating Officer and the Academic Staff member or the representative will be invited to sum up their views in relation to the allegations made against the Academic Staff member.

#### 11.2.24 Outcome of Disciplinary Hearing

Where possible the Disciplinary Panel will confirm the outcome of the Disciplinary verbally. In all cases it will be confirmed in writing to the employee within 7 working days of a decision being made.

- 11.2.25 The following disciplinary Sanctions may be considered:-

- a) No Further Action



- b) First Written Warning
- c) Final Written Warning
- d) Dismissal or actions short of dismissal.

11.2.26 Appeal

There is no right of appeal against the outcome of the informal stage of the disciplinary procedure.

11.2.27 If the Academic Staff member wishes to appeal against any of the decisions made at any other stage of the Disciplinary Procedure they should appeal to the VP, Human Resources in writing, within 10 working days of receiving the written decision, stating the grounds for appeal.

11.2.28 The VP, Human Resources or nominated representative shall arrange a meeting of the Appeals Committee at the earliest convenient date. The Appeals Committee should comprise:-

- a) Appeals against a first written warning:-
  - i) As Chair, a senior manager independent from the case;
  - ii) An HR representative.
- b) Appeals against a final written warning or a dismissal:
  - i) As Chair a senior manager independent from the case;
  - ii) A suitably qualified individual, not employed by the University or an external member of Council, selected from a maintained pool of suitably qualified individuals.
  - iii) An HR representative.

11.2.29 The Appeals Committee will invite the Academic Staff in writing to attend an appeal meeting, informing the Academic Staff member of the right to be accompanied by a colleague or recognised trade union representative.

11.2.30 Without prejudice to 11.2.29, in relation to appeals under 11.2.28 b), the member of Academic Staff has the right to be legally represented where the appeal concerns allegations that the Academic Staff has committed a serious breach of University's Code of Practice on Misconduct and Fraud in Research.

11.2.31 The decision of the Appeals Committee shall be one of the following:-

- a) confirm the original decision; or
- b) revoke the original decision; or

c) substitute a different decision.

11.2.32 The decision of the Appeal Committee shall be final and there shall be no further right of appeal.

### **11.3 Grievance Procedure**

This Ordinance sets out the applicable procedure for dealing with the grievances of members of the Academic Staff as defined by Ordinance 11.1. This Ordinance is intended to comply with the employment legislation and case law of England and Wales. If any part of the Ordinance is incompatible with such legislation or case law then the legislation or case law shall take precedence. Reference should also be made to any policies and procedures that the University shall have in place at the time relating to the dealing with the grievances of University staff.

#### **11.3.1 Informal Stage**

Academic Staff members are normally expected to try and resolve any concerns or complaints that they may have with their line manager. Concerns that relate to an immediate line manager may in the first instance be informally discussed with the relevant Dean or Head of Department/School.

#### **11.3.2 Formal Procedure**

11.3.2.1 Raising a formal grievance.

11.3.2.2 A formal grievance should be put in writing and should set out the nature of the grievance, the outcome(s) sought and be sent to the line manager.

11.3.2.3 Where the grievance involves the academic staff member's line manager, then the grievance should be sent to the next level of management.

11.3.2.4 The grievance can be sent to the Faculty Dean or Department Director in the first instance if the complaint is about, or concerns, a Head of Department or other manager(s) in the University. Where it contains a member of the Executive Board, it should be sent to the VP, Human Resources.

#### **11.3.3 Grievance Meeting and Investigation**

11.3.3.1 The Academic Staff member will be invited in writing to attend a Grievance Meeting and will be informed of their right to be accompanied to such meeting by a colleague or a trade union representative.

11.3.3.2 The Grievance Meeting shall normally be heard by the manager of the Academic Staff member. If the manager of the Academic Staff member is the subject of the grievance then the grievance will be heard by a more senior manager who may be outside the Faculty/Department. Throughout the process the manager hearing the grievance will be supported by an HR representative.

11.3.3.3 The manager hearing the grievance shall consider the issues raised and will also conduct any further investigations that they deem necessary before a decision is reached regarding the outcome of the grievance.

#### 11.3.4 Collective Grievances

11.3.4.1 If more than two employees have identical grievances then a request can be made to the VP, Human Resources for the matter to be considered as a collective grievance. This is not a process to be used for a trade union dispute.

11.3.4.2 The group can consist of both Academic Staff members and other employees of the University.

11.3.4.3 Subject to the agreement of the VP, Human Resources to hear the grievance as a collective grievance, the employees concerned may nominate a representative to raise the grievance on behalf of the group.

11.3.4.4 An appropriate representative is either:

- a) An official of a recognised trade union; or
- b) An employee with a grievance nominated from within the group, to act on the groups behalf.

The nominated representative will be responsible for representing the interests of all the employees in the collective grievance, including presenting the case at meetings. Only the appropriate representatives will be invited to any meeting with the University regarding the collective grievance unless the University requests to speak to the employees with a grievance.

#### 11.3.5 Outcome of Grievance

The manager hearing the grievance will decide whether to:

- a) Uphold the grievance.
- b) Partially uphold the grievance.
- c) Not uphold the grievance.

The decision will normally be provided within 10 working days of completing the investigation.

#### 11.3.6 Appeal

11.3.6.1 If the Academic Staff member wishes to appeal against the outcome of the Grievance he/she should notify the VP, Human Resources in writing clearly stating the grounds of their appeal within 10 working days of any decision.

11.3.6.2 The Appeal may be raised on one or more of the following grounds:

- a) Procedure – a failure to follow the procedure had a material effect on the decision;
- b) Decision – that on the evidence provided that no person acting reasonably would have reached the same conclusion.
- c) New Evidence – which has genuinely come to light since the first hearing.

11.3.6.3 The VP, Human Resources, or nominated deputy will establish the Grievance Appeals Committee which should comprise:

- a) As Chair, a senior manager independent from the case;
- b) One other senior manager independent from the case;
- c) An HR advisor.

11.3.6.4 The Academic Staff member will be invited to attend the appeal meeting and will be entitled to be accompanied by a colleague or a trade union representative.

11.3.6.5 The decision of the Grievance Appeals committee shall:

- a) Confirm the original decision; or
- b) Revoke the original decision and reach a different decision.

11.3.6.6 The decision of the Appeal committee shall be final and there shall be no further right of appeal.

#### **11.4 Capability Procedure for Academic Staff**

11.4.1 This Ordinance sets out the applicable procedure for the dismissal on the grounds of capability (not including medical incapability) of members of the Academic Staff as defined at 11.1.

11.4.2 Where there are concerns regarding the capability of academic staff members the capability policies and procedures of the University of Surrey shall be applied in their entirety where appropriate to the Academic Staff member in question.

11.4.3 The University shall not use its capability procedures as a tool to suppress the academic freedom, as defined by its Charter and Statutes, of its Academic Staff.

11.4.4 Where it is recommended that the Academic Staff member should be dismissed on the grounds of capability a panel consisting of the following should be convened to consider whether the Academic Staff member should be dismissed:-

- a) As Chair a senior manager independent from the case;
- b) A senior member of Academic staff (e.g. An Associate Dean, a Head of Department, a Head of School, or another senior member of staff who holds an

academic contract of employment);

c) An HR representative

11.4.5 If the Academic Staff member chooses to appeal against their dismissal then they should appeal to the VP, Human Resources in writing within 10 days of the original decision stating the reasons for their appeal.

11.4.6 The VP, Human Resources or nominated representative shall arrange a meeting of the Appeals Committee at the earliest convenient date. The Appeals Committee should comprise:-

a) As Chair a senior manager independent from the case;

b) A senior member of Academic staff (e.g. An Associate Dean, a Head of Department, a Head of School, or another senior member of staff who holds an academic contract of employment);

c) A suitably qualified individual, not employed by the University or an external member of Council, selected from a maintained pool of suitably qualified individuals.

d) An HR representative.

11.4.7 The Appeals Committee will invite the Academic Staff in writing to attend an appeal meeting, informing the Academic Staff member of the right to be accompanied by a colleague or recognised trade union representative.

11.4.8 The decision of the Appeals Committee shall be one of the following:-

a) confirm the original decision; or

b) revoke the original decision; or

c) substitute a different decision.

11.4.9 The decision of the Appeal Committee shall be final and there shall be no further right of appeal.

## **11.5 Sickness Absence Procedure**

11.5.1 This Ordinance sets out the applicable procedure for dealing with the sickness absence of members of the Academic Staff as defined by Ordinance 11.1. This Ordinance is intended to comply with the employment legislation and case law of England and Wales. If any part of the Ordinance is incompatible with such legislation or case law then the legislation or case law shall take precedence. Reference should also be made to any policies and procedures that the University shall have in place at the time relating the disciplining of University staff.

11.5.2 The University shall not use the procedures contained within this Ordinance either as a tool to suppress the academic freedom of its Academic Staff.

11.5.3 Types of absence and absence levels

11.5.3.1 Absence that would require action being taken under these procedures would normally be considered to fall into either of the following two categories:-

- a) Repeated Short Term Sickness Absence; or,
- b) Long-term sickness absence

11.5.3.2 The University shall provide guidance within its own policies and procedures as to what absence levels shall trigger use of the Sickness Absence Procedures.

11.5.4 Disability and reasonable adjustments

11.5.4.1 The University shall at all times consider whether an Academic Staff Member's absence is as a consequence of their having a disability which affects their ability to carry out day to day activities. Where there is a belief that the Academic Staff Member has a disability then the University shall consider whether any reasonable adjustments can be made to their role which shall allow them to return to work.

11.5.4.2 The disability of an Academic Staff Member shall not preclude the University from using the procedures described in this ordinance.

11.5.5 Sickness absence procedures

11.5.6 Informal procedure

11.5.6.1 Where the Academic Staff Member's absence record gives cause for concern their line manager should discuss this initially on an informal basis to establish the reasons for the absence and whether any appropriate support can be given.

11.5.6.2 The line manager shall set a monitoring period during which significant improvement should be made. If no improvement is made then the matter may be referred to the formal process described below.

11.5.6.3 The initial meeting to discuss the Academic Staff Member's absence will be informal in nature and as such there shall be no requirement for the Academic Staff Member to be accompanied. At all subsequent meetings the Academic Staff Member shall be entitled to be accompanied by either a colleague or a trade union representative.

11.5.7 First Formal stage

11.5.7.1 If following the informal stage there is no significant improvement in the attendance of the Academic Staff member and they continue to have frequent intermittent sickness or long term absence from work, then a professional opinion will be sought from an Occupational Health Professional who shall provide a report. Depending on the circumstances of the Academic Staff Member consideration may be given to obtaining a report from an independent Medical Consultant or similar health professional and/or the Academic Staff Member's General Practitioner. Once the report(s) have been received the line manager should invite the

Academic Staff Member to a formal “Managing Attendance Meeting”.

11.5.7.2 A representative from the HR Department will be present at all formal stages of this procedure.

11.5.7.3 At the end of this meeting and having considered the submissions of the Academic Staff Member regarding their absence together with any occupational health reports and/or other medical reports that have been prepared, the line manager will decide what action if any should be taken. Such action may be:

11.5.7.4 Where there has been a significant improvement in the absence levels of the Academic Staff member, no further action needs to be taken.

a) Where there has been an improvement in the absence levels but they still remain at an unacceptable level the line manager can continue to monitor the absence on an informal basis.

b) Where there is little or no improvement then the line manager will use their discretion to instigate a further review period. The Academic Staff member will be given a Stage 1 caution in relation to their absence and the matter will be progressed to the second formal stage.

11.5.7.5 If the line manager decides to take the course of action described at 11.5.7.4 a) or 11.5.7.4 b) above and the Academic Staff Member’s absence levels deteriorate during the 12 month period following the review meeting the Academic Staff Member may be required to return to the first formal stage.

#### 11.5.8 Second formal stage

11.5.8.1 At the end of the period described under 11.5.7.4 b) above further review of the Academic Staff Member’s absence shall be carried out. A further report from an Occupational Health Professional or other suitable independent medical professional as described in 11.5.7.1 may be obtained; however, if the line manager is of the view that the circumstances of the Academic Staff Member have not changed or the Academic Staff Members attendance has significantly improved then the report(s) that have been obtained previously may be used.

11.5.8.2 A formal meeting will take place with the Academic Staff Member. Having heard the submissions of the Academic Staff Member and having considered any other relevant documentation including Occupational Health Reports the line manager shall do one of the following:-

a) Where there has been a significant improvement in the absence levels of the Academic Staff member, no further action needs to be taken.

b) Where there has been an improvement in the absence levels but they still remain at an unacceptable level the line manager can continue to monitor the absence on an informal basis.

c) Where there is little or no improvement then the line manager will use their discretion to instigate a further review period. The Academic Staff member will be

given a Stage 2 caution in relation to their absence and the matter will be progressed to the third final formal stage.

11.5.8.3 If the line manager decides to take the course of action described at 11.5.8.2 a) or 11.5.8.2 b) above and the Academic Staff Member's absence levels deteriorate during the 12 month period following the review meeting the Academic Staff Member may be required to return to the second formal stage.

#### 11.5.9 Final Formal Stage

11.5.9.1 At the end of the period described under 11.5.8.3 c) a further review of the Academic Staff Member's absence shall be carried out. A further report from an Occupational Health Professional or other suitable qualified independent medical professional as described in 11.5.7.1 may be obtained; however, if the line manager is of the view that the circumstances of the Academic Staff Member have not changed then the report(s) that have been obtained previously may be used.

11.5.9.2 A formal meeting will take place with the Academic Staff Member. Having heard the submissions of the Academic Staff Member and having considered any other relevant documentation including Occupational Health Reports the line manager shall do one of the following:-

- a) Where there has been a significant improvement in the absence levels of the Academic Staff member, no further action needs to be taken.
- b) Where there is little or no improvement then the line manager may use their discretion to instigate a further review period. This step shall only be taken if the line manager feels that there is a real prospect of an improvement the Academic Staff Member's absence levels. At the end of such a review period the steps described in Stage 3 Formal procedure shall be carried out again. A further review at this stage may only be carried out once.
- c) Where there is little or no improvement the line manager may refer the matter to the Dean to decide on what steps should be taken in relation to the Academic Staff Member's future employment.

11.5.9.3 If the line manager decides to take the course of action described at 11.5.9.2 a) above and the Academic Staff Member's absence levels deteriorate during the 12 month period following the review meeting the Academic Staff Member may be required to return to the third formal stage.

#### 11.5.10 Review by Dean of Faculty

11.5.10.1 The Dean of the Faculty shall consider whether the Academic Staff Member's absence levels are such that they should be dismissed.

11.5.10.2 Prior to making such a decision the Dean of the Faculty shall hold a meeting with the Academic Staff Member and consider any submissions that they may make in relation to their absence. The Dean shall also consider any occupational health or other medical reports that may have been obtained. The Dean will also arrange for a further report from an



appropriate independent medical practitioner to provide their opinion on the Academic Staff member's condition.

11.5.10.3 Having considered the matter the Dean shall consider taking the following steps:-

- a) Dismissal of the Academic Staff Member on the grounds of medical incapability.
- b) Setting a further review period following which the Dean shall hold a further meeting with the Academic Staff Member and at which the Dean shall make a final decision as to whether the Academic Staff Member should be dismissed.
- c) That the Academic Staff Member should not be dismissed.

11.5.10.4 The decision of the Dean shall be given in writing. If the decision is taken to dismiss the Academic Staff Member then they shall have the right to appeal against the decision.

11.5.10.5 If the Dean decides that the Academic Staff Member should not be dismissed and the Academic Staff Member's absence levels deteriorate during the 12 month period following the Dean's meeting with the Academic Staff Member, the Academic Staff Member may be required to return to the third formal stage.

#### 11.5.11 Appeal

11.5.11.1 The academic staff member shall have the right to appeal against the decision to dismiss him or her. Such an appeal will normally be heard by the Dean of another Faculty or a member of Executive Board. The academic staff member shall have the right to be accompanied to the appeal hearing by either a colleague or a trade union representative.

11.5.11.2 The outcome of an appeal can be as follows:-

- a) The decision to dismiss on the grounds of medical incapability shall be upheld.
- b) The decision to dismiss is overturned with a further review period being set if the Dean hearing the appeal considers it necessary.

The decision of the person hearing the appeal shall be final and there shall be no further right of appeal.

## 11.6 **Redundancy**

11.6.1 This Ordinance sets out the applicable procedure for the dismissal on the grounds of redundancy of members of the Academic Staff as defined at 11.1 with the exception of those described at 11.6.2 below.. This Ordinance is intended to comply with the employment legislation and case law of England and Wales. If any part of the Ordinance is incompatible with such legislation or case law then the legislation or case law shall take precedence.

11.6.2 In accordance with the Education Reform Act 1998, none of paragraph 11.6 of this Ordinance shall apply to members of the Academic Staff who:

- a) Were appointed, or entered into a contract of employment with the University, on

or before 19 November 1987; and

- b) have not been promoted or entered into a new contract of employment with the University on or after that date.

11.6.3 The Dean of the Faculty will normally be responsible for making the decision as to whether academic staff will need to be made redundant within the Faculty. In exceptional circumstances the Executive Board may itself take the decision instead of the Dean to consider academic staff redundancies within a Faculty.

11.6.4 Where redundancies are contemplated by the Dean, the Dean will:-

- a) Identify the potential departments where academic staff may be at risk of redundancy.
- b) Inform the Executive Board that redundancies are being considered.
- c) Appoint an appropriate member of staff to oversee the redundancy process ("Redundancy Manager"). This can be the Head of School or another member of staff at a similar management level within the university.
- d) Inform Human Resources who shall provide advice and assistance regarding the process where necessary.

11.6.5 Where the Executive Board takes the decision to consider academic staff redundancies then it shall take the steps described at 11.6.4. a), 11.6.4. c) and 11.6.4 d) above. They will also appoint a member of staff to oversee the redundancy process.

11.6.6 Where redundancies at management level within the faculty are being contemplated (e.g. Heads of School) then the Dean may directly oversee the redundancy process and act as the Redundancy Manager.

11.6.7 The Redundancy Manager will consider with the Dean with advice from Human Resources as to how many redundancies need to be made and the rationale for making the redundancies. They will also consider the criteria for selection. Once this has been considered the Redundancy Manager will start the consultation process with the staff and recognised trade unions regarding the redundancies.

11.6.8 Where required by legislation the Redundancy Manager shall ensure that the appropriate authorities are informed that the redundancies are being contemplated.

11.6.9 The consultation process with the Unions shall include consideration of the following:-

- a) The rationale for making the redundancies.
- b) The pool for selection for redundancy
- c) The selection criteria for redundancy
- d) Whether there are any alternatives which may avoid or reduce the number of

redundancies being made.

- 11.6.10 The consultation process shall last as long as the Redundancy Manager considers reasonable or for the minimum length of time required by statute for such consultation to take place. There shall also be individual consultation with the affected academic staff members.
- 11.6.11 Following the consultation process the Redundancy Manager shall report back to the Dean of the Faculty (or Executive Board where it has taken the decision that redundancies should be considered) the outcome of the consultation process. The Redundancy Manager and the Dean of the Faculty (or the Executive Board if it has taken the decision to consider redundancies) shall consider whether any changes should be made to the redundancy process and/or the selection criteria.
- 11.6.11 Throughout the process advice shall be taken from Human Resources to assist in the decision as to what process should be undertaken with reference made to any relevant policies or procedures that the University has in place at the time.
- 11.6.12 The Redundancy Manager shall ensure that wherever possible the selection criteria shall not discriminate against an academic staff member with a “protected characteristic” as set out in Section 4 of the Equality Act 2010 or any successor legislation.
- 11.6.13 Throughout the process there will be a continuing duty of the University to consider whether there are any alternatives to redundancy for the selected academic staff members.
- 11.6.14 The selection process shall be applied in accordance with the policies and procedures of the University. The Redundancy Manager shall apply the selection criteria and will decide which academic staff members shall be selected for redundancy. The academic staff members who are selected for redundancy shall be informed of this decision at a meeting with the Redundancy Manager. The employee shall be entitled to be accompanied to this meeting by either a colleague or a trade union representative. The decision shall be confirmed in writing and the academic staff member shall be informed of their right to appeal.
- 11.6.15 The academic staff member shall have the right to appeal against the decision to make him or her redundant. Such an appeal will normally be heard by the Dean. If the Dean acted as the Redundancy Manager or they feel that it is not appropriate for them to hear such an appeal then a Dean of another faculty or a Member of Executive Board shall hear such an appeal. The academic staff member shall have the right to be accompanied to the appeal hearing by either a colleague or a trade union representative.
- 11.6.16 The outcome of an appeal can be as follows:-
- a) The decision to dismiss on the grounds of redundancy shall be upheld.
  - b) The decision to dismiss is overturned and the selection process is revisited.
  - c) An alternative to redundancy is offered to the academic staff member.
- 11.6.17 The decision of the person hearing the appeal shall be final and there shall be no further right of appeal.
- 11.6.18 Where more than 10 redundancies of Academic Staff in a School or Department are being

contemplated then the consultation and selection processes set out above may not take place until the business case for the proposed redundancies has been presented to Council for their oversight.

11.6.19 At the first Council meeting following completion of the redundancy process involving 10 or more members of Academic Staff described above, the Redundancy Manager shall report make to Council the outcome of the redundancy process.

12 Intentionally blank.

13 Intentionally blank.

14. Intentionally blank.

## **15 The Students' Union**

15.1 The Council shall take such steps as are reasonably practicable to secure that any students' union operates in a fair and democratic manner and is accountable for its finances.

15.2 The Council shall take such steps as are reasonably practicable to secure that the provisions of the constitution should be subject to the review and approval of the Council at intervals of not more than five years.

15.3 The Council shall review and approve on an annual basis a code of practice provided by the Students' Union which details the manner in which its obligations shall be carried out. The Council shall make arrangements to ensure that the Code of Practice is brought to the attention of students once a year.

15.4 The Council shall take such steps as are reasonably practicable to secure that the following requirements are observed by, or in relation to the Students' Union.

15.4.1 Students should have the right not to be a member of the Union, and students who exercise that right should not be unfairly disadvantaged as a result. The Council should ensure that students are made aware of their right to opt out of the Union membership and to ensure that they are notified of any provisions which the Institution may have made to offer such students services which are normally provided by the Union.

15.4.2 Appointment to major Union offices should be by election in a secret ballot in which all members are entitled to vote. The Council should satisfy itself that the elections are fairly and properly conducted. A person should not hold sabbatical or paid Union office for more than two years in total at the establishment.

15.4.3 The Council has delegated responsibility for approval of the Union's budget to the Finance Committee. The University of Surrey Students' Union (USSU) Partnership Committee shall monitor the management accounts. The USSU Partnership Committee shall include the Vice-Chancellor and the Chief Financial Officer, the Chief Executive Officer of the Union and representatives of the Union's Sabbatical Officers. The Union is required to present audited financial statements to the Council each year. The procedure for allocating resources to groups or clubs should be fair and should be set down in writing and accessible to all students.

15.4.4 If the Union decides to affiliate with an external organisation, it should publish notice of its decision. Where the Union is affiliated to any external organisation a report should be published at least annually containing a list of external organisations to which the Union is currently affiliated and details of subscriptions or similar fees paid to such organisations. There should be procedures for the review of affiliations to external organisations under which the current list of affiliations is submitted for approval by members at least annually.

5.4.5 There should be a complaints procedure available to all students or groups of students who are dissatisfied in their dealings with the Union which should include provision for an independent person appointed by the Council to investigate and report on complaints. Complaints should be dealt with promptly and fairly and where a complaint is upheld there should be an effective remedy.

## **16 Annual General Meeting**

16.1 There shall be an annual general meeting, at which the University's annual report shall be given.

16.2 The format and constitution of the annual general meeting shall be determined by Council as it sees fit.

## **17. General Procedures**

17.1 The proceedings of any of Council, the Senate or Executive Board, shall not be invalidated by any vacancy in its number or by any defect in the appointment or qualifications of its members.

17.2 Council, the Senate or Executive Board may appoint committees and may delegate functions to such committees, or to persons, and on such terms as they think fit.

17.3 Any Statutory Body may make rules for the purpose of exercising its powers and duties, in accordance with Statutes.

## **18. Seal**

18.1 The Secretariat shall be responsible for holding the University's Seal and sealed documents register and for administering the sealing process.

18.2 Sealed documents must carry the signature of a member of Council. Where two signatories are required, the second signatory shall be the University Secretary. In the absence of the University Secretary the following are authorised to deputise as the second signatory. The second signatory must be one of those named below. No further substitutes may be made.

Chief Financial Officer  
Alternative Executive Board member

18.3 Where a document uses different terminology such as "Director" or "Company Secretary" these shall be treated as correct. Director shall mean a member of Council. Company Secretary shall mean University Secretary.

18.4 The seal register must also be signed by each signatory.

**19.** Repealed 1-9-2015.

**20. Transitional Procedures**

- 20.1 Notwithstanding the provisions of Ordinance 5, the persons who, immediately before the date this provision comes into force, were members of the Council shall, subject to any individual right to retire from membership of the Council, remain members of the Council after that date for a period equivalent to the remainder of their respective terms of office as members of the Council.
- 20.2 At no time during the operation of these transitional provisions shall the total membership of the Council exceed twenty-five persons.
- 20.3 The transitional provisions set out in this Ordinance 20 shall remain in force until the number of members of the Council is equal to and the composition of the Council is equivalent to that prescribed in Ordinance 5.1. Thereafter these transitional provisions shall immediately be removed from these Ordinances without the need to seek further approval of Council.

END