

UNIVERSITY OF SURREY
ORDINANCES 2014
1 AUGUST 2014
(approved by Council 24 July 2014)

1. The Chancellor

1.1 Appointment of the Chancellor

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

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.

3.3 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 Vice-Chancellor from his/her duties and may exclude the 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 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.

4. **The Secretary**

4.1 Appointment of the Secretary

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

4.2 Functions of the Secretary

In carrying out his/her role as Secretary to the Council, the 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 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 Secretary should be solely responsible for obtaining and providing legal advice to the Council in relation to its business and matters of procedure. The 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 and Vice-Chancellor
Vice President and Deputy Vice Chancellor Academic Affairs
Vice President and Deputy Vice Chancellor Research
President of Student Union
Chair of Academic Assembly

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.

5.2.1.2 Vice-Chair of Council: The Vice-Chair of Council shall be appointed by the Council from amongst its own members. 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: The Treasurer shall be appointed by the Council from amongst its own members. 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.

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 August 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:

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 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 Reserved to Council

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

5.5.2 Appoint and remove the Members of the Council.

5.5.3 Approve the terms of reference and membership of Council.

5.5.4 Approve the appointment and removal of the Secretary on the recommendation of the President & Vice-Chancellor.

5.5.5 Ensure that the Students' Union operates in a fair and democratic manner and is accountable for its finances.

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

5.5.7 To 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.

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

5.5.9 Up to the approved borrowing limits set by HEFCE, to 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.

- 5.5.10 To approve individual capital investments over £30m 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.
 - c) The making of loans, grants or gifts to any person or body.
- 5.5.11 To institute or discontinue, on the recommendation of the Senate, departments or other academic sections of the University.
- 5.5.12 To confer, on the recommendation of the President & Vice-Chancellor, the title of Emeritus Professor.
- 5.5.13 To approve, on the nomination from the Senate, persons to receive Honorary Degrees or other academic distinctions.
- 5.5.14 On the recommendation of the Senate, to 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.
- 5.5.15 To 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.
- 5.5.16 In accordance with Article 12 of the Charter, to make, amend or repeal Ordinances.
- 5.5.17 To 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.
- 5.5.18 To delegate such of its functions and on such terms as it sees fit.
- 5.5.19 To 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.
- 5.5.20 To 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.

5.5.21 To 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

The following section shall apply to Council and its committees:-

5.7.1 Voting

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.

5.8 Notice of Meetings

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

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

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

5.8.1.3 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.

5.9 Participation in Meetings by Telephone and Other Means

5.9.1 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.

5.9.1.2 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.

5.9.1.3 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 secretary.

5.10 Decision making made by Email

5.10.1 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.

5.10.1.2 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 secretary to confirm their agreement. The 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.

5.10.1.3 The date of the decision shall be the date upon which the secretary confirms to all members that it has been passed.

5.10.1.4 The 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.

5.11 Decisions in Case of Urgency

5.11.1 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.

5.12 Status of the Minutes

5.12.1 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 who shall be Chair of the Senate.
Deputy President & Vice-Chancellor (Academic Affairs)
Deputy President & Vice-Chancellor (Research and Innovation)
Pro-Vice-Chancellor, Learning & Teaching
Pro-Vice-Chancellor, International Relations
Deans of the Faculties
Associate Deans for Learning & Teaching
Associate Deans for Research
University Librarian
Chair of Academic Assembly
Chair Quality and Standards Sub-Committee
President of the Students' Union
VP Education of the Students' Union

6.1.1.2 Nominated members:-

Three 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, 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 qualifications;
- e) Regulations specifying the nomenclature of degrees; and
- f) the consequences of 6.3.1.1 a) and b) upon the commercial activities of the University.

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 (annually) to Council on the discharge of its responsibilities.

6.3.1.7 The Senate shall recommend persons to Council, to receive Honorary Degrees or other academic distinctions.

6.3.1.8 The Senate shall elect members of the Senate to be members of Council, according to the constitution of Council.

6.3.1.9 The Senate may make recommendations to Council on Statutes and Ordinances which reflect the Academic Endeavour of the University.

6.3.1.10 The Senate shall exercise all such functions as are or may be conferred upon the Senate by the Charter and Statutes.

6.3.1.11 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.

6.3.1.12 The Senate shall bring matters to the attention of Council as appropriate.

6.3.1.13 The Secretary for the Senate shall be a member of the Academic Registry.

7. The Nominations Committee

7.1 The Nominations Committee shall be comprised of:-

The Chair of Council (Chair)
The Vice-Chair of Council
The Treasurer
The Pro-Chancellors
One lay member of Council, nominated by Council
One member of the Senate, nominated by the Senate

7.2 Members nominated to the Nominations Committee shall serve for three years, or until their concurrent term on either Council or Senate expires, if earlier.

8. Remuneration Committee

8.1 The Remuneration Committee shall be comprised of:-

Vice-Chair of Council (Chair)
Chair of Council
University Treasurer
President & Vice-Chancellor
Pro-Chancellors
One nominated external member of Council

8.2 The President & Vice-Chancellor shall not be present during consideration of his/her own remuneration.

9. Audit Committee

9.1 The Audit 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.

9.2 Members of the Audit Committee cannot also be members of the Finance Committee.

10. Academic Assembly

10.1 The Academic Assembly may declare an opinion on any matter relating to the University. It may formally report its views on such matters to the Senate or Council as may be appropriate.

10.2 The Academic Assembly will hold at least one meeting per year at which it shall be addressed by the President & Vice-Chancellor.

10.3 Where a vote is to be taken on any matters, including whether to formally report its views, quorum shall be at least 25 people, present at the meeting, including the Chair. Voting shall be by simple majority. The Chair shall have a casting vote.

11. Academic Staff

11.1 Part I Construction, Application and Interpretation

11.1.1 Construction

11.1.1.1 This Ordinance and any Ordinance or Regulation made under this Ordinance 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.

11.1.2 Reasonableness of decisions

11.1.2.1 No provision in Part II or Part III of this Ordinance 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.

11.1.3 Application

11.1.3.1 This Ordinance shall apply

- (a) to all persons holding appointments as Professors, Readers, Senior Lecturers or Lecturers of the University and such other persons or holders of appointments as the Council, on the recommendation of the Executive Board, may from time to time stipulate;
- (b) to the President & Vice-Chancellor; and
- (c) to the Deputy President & Vice-Chancellors.

11.1.3.2 In this Ordinance any reference to 'Academic Staff' is a reference to persons to whom this Ordinance applies.

11.1.4 Interpretation

11.1.4.1 Meaning of 'dismissal'

- a) In this Ordinance 'dismiss' and 'dismissal' mean dismissal of a member of the Academic Staff and -
 - i) include remove or, as the case may be, removal from office; and
 - ii) in relation to employment under a contract, shall be construed in accordance with section 55 of the Employment Protection (Consolidation) Act 1978.

11.1.4.2 Meaning of 'good cause'

- a) For the purposes of this Ordinance '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 -
 - i) 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
 - ii) conduct of an immoral, scandalous or disgraceful nature incompatible with the duties of the office or employment; or
 - iii) conduct constituting failure or persistent refusal or neglect or inability to perform the duties or comply with the conditions of office; or
 - iv) physical or mental incapacity established under Part IV.
- b) In this paragraph
 - i) 'capability', in relation to such a member, means capability assessed by reference to skill, aptitude, health or any other physical or mental quality; and
 - ii) '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.

11.1.4.3 Meaning of 'redundancy'

- a) For the purposes of this Ordinance dismissal shall be taken to be a dismissal by reason of redundancy if it is attributable wholly or mainly to -

- i) 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
- ii) the fact that the requirements of that activity for members of the Academic Staff to carry out work of a particular kind, or 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.

11.1.5 Incidental, supplementary and transitional matters

- 11.1.5.1 In any case of conflict, the provisions of this Ordinance shall prevail over any other provision.
- 11.1.5.2 Provided that Part III of this Ordinance shall not apply in relation to anything done or omitted to be done before the date on which this instrument making these modifications was approved under subsection (9) of section 204 of the Education Reform Act 1988
- 11.1.5.3 Nothing in any appointment made, or contract entered into, shall be construed as overriding or excluding any provision made by this Ordinance concerning the dismissal of a member of the Academic Staff by reason of redundancy or for good cause:
- 11.1.5.4 Provided that nothing in this sub-paragraph shall prevent waivers made under section 142 of the Employment Protection (Consolidation) Act 1978 from having effect.
- 11.1.5.5 Nothing in any other Statute or in any Ordinance or Regulation made thereunder shall authorise or require any person to sit as a member of any Committee, Tribunal or body appointed under this Ordinance 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.
- 11.1.5.6 In this Ordinance references to numbered Parts, paragraphs, and sub-paragraphs are references to Parts, paragraphs, and sub-paragraphs so numbered in this Ordinance.

11.2 Part II Redundancy

11.2.1 Purpose of Part II

- 11.2.1.1 This Part enables the Council, as the appropriate body, to dismiss any member of the Academic Staff by reason of redundancy.
- 11.2.1.2 Exclusion from Part II of persons appointed or promoted before 20 November 1987
- 11.2.1.3 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 20 November 1987; or
 - (b) he is promoted on or after that date.

11.2.1.4 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 20 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.

11.2.2 The Appropriate Body

11.2.2.1 The Council shall be the appropriate body for the purposes of this Part.

11.2.2.2 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 University by way of redundancy.

11.2.2.3 Where the appropriate body has reached a decision under paragraph 11.2.2.2 it shall appoint a Redundancy Committee to be constituted in accordance with 11.2.2.5 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.

11.2.2.4 The appropriate body shall either approve any selection recommendation made under paragraph 11.2.2.3, or shall remit it to the Redundancy Committee for further consideration in accordance with its further directions.

11.2.2.5 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.

11.2.3 Notices of intended dismissal

11.2.3.1 Where the appropriate body has approved a selection recommendation made under paragraph 11.2.2.3 it may authorise an officer of the University as its delegate to dismiss any member of the Academic Staff so selected.

11.2.3.2 Each member of the Academic Staff selected shall be given separate notice of the selection approved by the appropriate body.

11.2.3.3 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.

11.3 Part III Discipline, Dismissal and Removal from Office

11.3.1 Disciplinary Procedures

11.3.1.1 Minor faults shall be dealt with informally.

11.3.1.2 Where the matter is more serious but falls short of constituting possible good cause for dismissal the following procedure shall be used -

a) 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.

b) 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 Academic Dean. This will give details of the complaint, the improvement required and the timescale. It will warn that a complaint may be made to the Director of Corporate Services seeking the institution of charges to be heard by a Tribunal appointed under paragraph 11.3.3 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 Academic Dean and by the Human Resources Department but it will be disregarded for disciplinary purposes after 2 years subject to satisfactory conduct and performance.

c) Stage 3 - Appeals

A member of the Academic Staff who wishes to appeal against a disciplinary warning shall inform the Director of Corporate Services within two weeks. A Deputy President & Vice-Chancellor shall hear all such appeals and his decision shall be final.

11.3.1.3 Preliminary examination of serious disciplinary matters

- a) If there has been no satisfactory improvement following a written warning given under Stage 2 of the procedure in paragraph 11.3.1, 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 11.3.3 may be made to the Director of Corporate Services who shall bring it to the attention of the President & Vice-Chancellor.
- b) To enable the President & Vice-Chancellor to deal fairly with any complaint brought to his attention under paragraph 11.3.1.3 he shall institute such investigations or enquiries (if any) as appear to him to be necessary.
- c) If it appears to the President & Vice-Chancellor that a complaint brought to his attention under paragraph 11.3.1.3 relates to conduct or performance which does not meet acceptable standards but for which no written warning has been given under paragraph 11.3.1 or which relates to a particular alleged infringement of rules, regulations or byelaws 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.
- d) If the President & Vice-Chancellor does not dispose of a complaint under paragraph 11.3.1.3(c) 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.
- e) Where the President & Vice-Chancellor proceeds further under this Part he shall write to the member of the Academic Staff concerned inviting comment in writing.
- f) 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 -
 - i) dismiss it himself; or
 - ii) refer it for consideration under paragraph 11.3.1; or
 - iii) deal with it informally himself if it appears to the President & 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
 - iv) direct the Director of Corporate Services to prefer a charge or charges to be considered by a Tribunal to be appointed under paragraph 11.3.3.
- g) If no comment is received within 28 days the President & Vice-Chancellor may proceed as aforesaid as if the member concerned had denied the substance and validity of the alleged case in its entirety.

11.3.2 Institution of Charges

11.3.2.1 In any case where the President & Vice-Chancellor has directed that a charge or charges be preferred under paragraph 11.3.1.3 f) iv), he shall request the Council to appoint a Tribunal under paragraph 11.3.3 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.

11.3.2.2 Where the Council has been requested to appoint a Tribunal under paragraph 11.3.3 the Director of Corporate Services or, if he is unable to act, another officer appointed by the President & Vice-Chancellor shall take charge of the proceedings.

11.3.2.3 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.

11.3.2.4 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.

11.3.3 The Tribunal

11.3.3.1 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.

11.3.4 Provisions concerning Tribunal procedure

11.3.4.1 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 12, 13 and 14.

11.3.4.2 Without prejudice to the generality of the foregoing Ordinance 12, 13 and 14:

- (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 for -
 - i) postponements, adjournments, dismissal of the charge or charges for want of prosecution, remission of the charge or charges to the President & 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.

11.3.5 Notification of Tribunal decisions

- 11.3.5.1 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 President & Vice-Chancellor and to each party to the proceedings.
- 11.3.5.2 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.

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

- 11.3.6.1 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.
- 11.3.6.2 In any case where the charge or charges are upheld, other than where the appropriate officer has decided under paragraph 11.3.6.1 to dismiss the member of the Academic Staff 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.

11.3.7 Appropriate Officers

11.3.7.1 The President & Vice-Chancellor shall be the appropriate officer to exercise the powers conferred by paragraph 11.3.6 and any reference to the appropriate officer includes a reference to a delegate of that officer.

11.3.7.2 Any action taken by the appropriate officer shall be confirmed in writing.

11.4 Part IV Removal for Incapacity on Medical Grounds

11.4.1 This Part makes separate provision for the assessment of incapacity on medical grounds as a good cause for dismissal or removal from office.

11.4.2 In this Part references to medical grounds are references to capability assessed by reference to health or any other physical or mental quality.

11.4.3 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.

11.4.4 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.

11.4.5 Where it appears that the removal of a member of the Academic Staff on medical grounds would be justified, the appropriate officer -

11.4.5.1 shall inform the member accordingly; and

11.4.5.2 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.

11.4.6 If the member shares that view the University shall meet the reasonable costs of any medical opinion required.

11.4.7 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.

11.4.8 The Board may require the member concerned to undergo medical examination at the University's expense.

11.4.9 Termination of Employment

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

11.5 Part V Appeals

11.5.1 Purpose of Part V

11.5.1.1 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.

11.5.2 Application and interpretation of Part V

11.5.2.1 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 11.3.1 (Appeals against disciplinary warnings);
- c) to appeals against dismissal otherwise than in pursuance of Part II or Part III;
- 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.

11.5.2.2 No appeal shall however lie against -

- a) a decision of the appropriate body under paragraph 11.2.2.2;
- b) the findings of fact of a Tribunal under paragraph 11.3.5.1 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 11.4.7.

11.5.2.3 In this Part references to 'the person appointed' are references to the person appointed by the Council under paragraph 11.5.4 to hear and determine the relevant appeal.

11.5.2.4 The parties to an appeal shall be the appellant and the Director of Corporate Services and any other person added as a party at the direction of the person appointed.

11.5.2.5 A member of the Academic Staff shall institute an appeal by serving on the Director of Corporate Services, within the time allowed under paragraph 11.5.3, notice in writing setting out the grounds of the appeal.

11.5.3 Time for appealing and notices of appeal

11.5.3.1 A notice of appeal shall be served within 28 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).

11.5.3.2 The Director of Corporate Services 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.

11.5.3.3 Where the notice of appeal was served on the Director of Corporate Services outside the 28 day period the person appointed under paragraph 11.5.4 shall not permit the appeal to proceed unless he considers that justice and fairness so require in the circumstances of the case.

11.5.4 Persons appointed to hear and determine appeals

11.5.4.1 Where an appeal is instituted under this Part the Council shall appoint a person described in paragraph 11.5.4.2 to hear and determine that appeal.

11.5.4.2 The persons described in this sub-paragraph are persons not employed by the University who hold, or have held, judicial office or who are barristers or solicitors of at least ten years' standing.

11.5.4.3 The person appointed shall sit alone unless he considers that justice and fairness will best be served by sitting with two other persons.

11.5.4.4 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.

11.5.5 Provisions concerning appeal procedures and powers

11.5.5.1 The procedure to be followed in respect of the preparation, consolidation, hearing and determination of appeals shall be that set out in Ordinances 13 and 14.

11.5.5.2 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.

11.5.5.3 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.

11.5.6 Notification of decisions

11.5.6.1 The person appointed shall send the reasoned decision, including any decision reached in exercise of his powers under paragraph 11.5.5.3 (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 President & Vice-Chancellor and to the parties to the appeal.

11.6 Part VI Grievance Procedures

11.6.1 Purpose of Part VI

11.6.1.1 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.

11.6.2 Application

11.6.2.1 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 Ordinance.

11.6.3 Exclusions and Informal Procedures

11.6.3.1 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.

- 11.6.3.2 If the member of the Academic Staff is dissatisfied with the result of an approach under paragraph 11.6.3.1 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 President & Vice-Chancellor for redress of the grievance.
- 11.6.3.3 If it appears to the President & 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 President & Vice-Chancellor he shall inform the member and the Grievance Committee accordingly.
- 11.6.3.4 If the President & 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 V
- he 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.
- 11.6.3.5 If the President & Vice-Chancellor does not reject the complaint under paragraph 11.6.3.3 or if he does not defer action upon it under paragraph 11.6.3.4 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.

11.6.4 Grievance Committee Procedure

- 11.6.4.1 If the grievance has not been disposed of informally under paragraph 11.6.3.5, the President & Vice-Chancellor shall refer the matter to the Grievance Committee for consideration.
- 11.6.4.2 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.
- 11.6.4.3 Procedure in connection with determinations and right to representation
- 11.6.4.4 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.

11.6.5 Notification of decisions

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

12 Dismissal and Removal from Office: The Tribunal

12.1 This Ordinance sets out the procedures for the appointment and operation of the Tribunal under the provisions of Part III of Ordinance 11 above.

12.1.2 Ordinance 11 covers the first stage Oral Warning, the second stage Written Warning, Appeals against Disciplinary Warnings, the preliminary examination of serious disciplinary matters by the President & Vice-Chancellor, the Institution of Charges, and the setting up of a Tribunal to hear charges and determine whether the conduct or performance of the member of Academic Staff concerned constitutes good cause for dismissal or otherwise. This Ordinance sets out the procedure to be followed by the Tribunal.

12.1.3 In any case of conflict Ordinance 11 takes precedence over this Ordinance.

12.2 The Tribunal

12.2.1 The Tribunal 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 Senate.

12.2.2 Council shall appoint annually (or more frequently to fill a vacancy) a Chairman and one substitute.

12.2.3 Council and Senate shall approve annually lists of four persons each suitable for inclusion as the members of the Tribunal.

12.2.4 When it is determined that a Tribunal is required its members shall be selected from the Council and Senate lists by the Chairman or Vice-Chairman of Council acting on behalf of Council.

12.2.5 No person directly involved in earlier disciplinary proceedings, where applicable, shall be a member of the Tribunal.

12.2.6 Once the Tribunal is constituted a member shall (unless disabled for medical or other reasons) continue to complete the enquiry even though his or her nomination period by Council or Senate may have ended.

12.2.7 The quorum for any meeting of the Tribunal shall be all the members of the Tribunal, unless a member is disabled for medical or other reasons.

12.2.8 The names of the Tribunal members shall be notified to the member of Academic Staff who is the subject of the charge or charges. He/she may object to any or all of them on reasonable grounds. Such an objection should be made in writing within seven days of receiving notification of the membership. Any such objection shall be considered by the Chairman or Vice-Chairman of Council who would normally be expected to consult as appropriate regarding the basis of the objection and whose decision on the objection shall be final and binding on all parties. The Chairman or Vice-Chairman of Council shall have power to act on behalf of Council in the appointment of substitute members of the Tribunal.

12.3 Tribunal Procedures

12.3.1 The procedure to be followed in respect of the preparation, hearing and determination of any charge or charges by a Tribunal shall be as follows:

12.3.2 The Parties: The parties to the hearing shall be the University Secretary & Registrar on behalf of the University and the member of Academic Staff who is the subject of the charge or charges. If the University Secretary & Registrar is unable to act, another officer appointed by the President & Vice-Chancellor shall take charge of the proceedings.

12.3.3 Notices: Where any notice is required by this Ordinance it is to be delivered by hand or sent to the member of the Academic Staff by registered or first class recorded delivery post to the address of the member of the Academic Staff as registered with the University Personnel Office. It will be presumed to have been received by the member of the Academic Staff two working days after being sent, unless there is evidence that, through no fault on the member of the Academic Staff's part, the notice was not in fact received within the two days.

12.3.4 Evidence: The Tribunal shall cause a record to be taken of:

- (a) all evidence and arguments presented to it by the parties and any witnesses not previously in written form; and
- (b) all procedural or other interim decisions.

12.3.5 A senior member of the University Personnel Office, not previously connected with the case, shall provide administrative assistance to the Tribunal. When no suitable member of the Personnel Office is available an alternative shall be determined by the Deputy Secretary of the University.

12.3.6 The member who is the subject of the charges shall be notified in writing of the grounds upon which it is intended to proceed against the member not less than fourteen days before the meeting of the Tribunal.

12.3.7 The parties to the hearing shall have the right to be present throughout the hearing but shall not be present whilst the Tribunal considers its decision. The parties shall have the right to assistance in the preparation and presentation of their cases by another person, whether such person be legally qualified or not. The parties shall also have the right either personally or through any persons representing them to question any witnesses, inspect and obtain copies of any documents submitted and call witnesses or submit documents themselves.

- 12.3.8 The University will not normally be responsible for any costs which are incurred by the member of staff who is subject to the charges. However, the Tribunal may, where it considers that the University's actions were unreasonable, make an award of costs against the University.
- 12.3.9 The Tribunal shall also have the right to receive in such reasonable time before any hearing as it shall specify copies of any documents to be submitted by the parties, the substance of their evidence, and the names of any witnesses to be called, by the parties. The Tribunal shall rule in any case of dispute concerning witnesses or documentation.
- 12.3.10 Following consultation, the Tribunal shall fix a timetable to enable the charge or charges to be heard and determined as expeditiously as reasonably practicable. The Tribunal may fix time limits for any step which needs to be taken before the hearing and the consequences of not complying with such time limits.
- 12.3.11 A copy of all statements and details provided to the Tribunal by each party shall be sent to the other party at least seven complete days before any hearing commences together with copies of all written, photographic or other evidence which can be copied and which the Tribunal proposes to consider at such a hearing and a list of the witnesses.
- 12.3.12 The Hearing: The Tribunal shall conclude its proceedings as expeditiously as is reasonably practicable allowing for:
- postponements;
 - adjournments;
 - dismissal of the charge or charges for want of prosecution;
 - remission of the charge or charges to the President & Vice-Chancellor for further consideration;
 - for the correction of accidental errors.
- 12.3.13 The Tribunal may:
- set time limits on the duration of all or part of the hearing;
 - issue directions to witnesses to ensure the relevance of evidence;
 - disallow questions or evidence considered vexatious or irrelevant to the issues.
- 12.3.14 The Tribunal shall normally adopt the following order of proceedings but has discretion to modify or adjust these arrangements and notify the parties accordingly should that be deemed appropriate:
- opening statement on behalf of the University;
 - oral evidence of witnesses on behalf of the University;
 - opening statement on behalf of the member of staff;
 - oral evidence of witnesses on behalf of the member of staff;
 - closing statement on behalf of the University;
 - closing statement on behalf of the member of staff.

In presenting the oral evidence either party or witnesses may refer to written or other evidence.

- 12.3.15 An opportunity will be given for the parties to cross-examine witnesses called to give evidence. The Tribunal may question either party including their representatives and all witnesses. After cross-examination there will be a right to re-examine by the party calling the witnesses to clarify answers given in cross-examination and in response to questions put by the Tribunal.
- 12.3.16 The Tribunal shall at its absolute discretion decide all other matters of procedure and evidence.
- 12.4 **Conclusion of the Hearing**
- 12.4.1 At the conclusion of its enquiry the Tribunal shall consider in private what it has read, heard and seen in relation to the charges and to the evidence and shall produce in writing a report ("the Report") containing:
- 12.4.2 an index of the written papers and other evidence received by the Tribunal in relation to the allegations and a list of the names of those persons who gave oral evidence to the Tribunal;
- 12.4.3 those facts which it has found to be proved which are relevant to the allegations;
- 12.4.4 those charges which it has found to be upheld because of the findings of fact in 12.4.3 together with its reasons;
- 12.4.5 a statement as to any mitigating or serious features found to be present in respect of charges found to be upheld;
- 12.4.6 a statement, where appropriate, on:
- a) the dismissal of the charge or charges whether through failure to uphold them or for want of prosecution, or
 - b) the remission of the charge or charges to the President & Vice-Chancellor for further consideration, or
 - c) a recommendation, if any, as to the appropriate penalty for consideration by the President & Vice-Chancellor in respect of the charges found to have been upheld.
- 12.4.7 The Tribunal shall send a copy of the Report to the President & Vice-Chancellor and to each party to the proceedings.
- 12.4.8 Appeals: In accordance with the provisions of paragraph 11.3.5.2 of Part III, Ordinance 11, the Tribunal shall draw attention to the period of time by which an appeal under Part V (Appeals) of Ordinance 11 may be made. A copy of Part V of Ordinance 11 (Appeals) together with the Ordinance on Appeals shall accompany each copy of the Tribunal's decision sent to the parties to these proceedings.
- 12.4.9 President & Vice-Chancellor's Powers: Where the charge or charges are found to be proved by the Tribunal the President & Vice-Chancellor shall have the following powers in accordance with paragraph 11.3.6 of Part III of Ordinance 11:

- 12.4.10 Where the Tribunal finds good cause and recommends dismissal or removal from office, but in no other case, the President & Vice-Chancellor shall decide whether or not to dismiss the member of the Academic Staff concerned.
- 12.4.12 In any case where the charge or charges are found to be proved, other than where the President & Vice-Chancellor has decided under 12.4.10 to dismiss the member of the Academic Staff concerned, the action available to the President & Vice-Chancellor (not comprising a greater penalty than that recommended by the Tribunal) may be:
- a) to discuss the issues raised with the member of Academic Staff concerned; or
 - b) to advise the member concerned about his or her future conduct; or
 - c) to warn the member concerned; or
 - d) to suspend the member concerned for such period as the President & Vice-Chancellor shall think fair and reasonable, not to exceed three 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.

13 Appeals Against Action Taken In Accordance With Ordinance 11

13.1 This Ordinance establishes procedures for hearing and determining the following appeals by members of the Academic Staff arising from an application under paragraph 11.5.2.1 Part V of Ordinance 11:

- appeals against the decision to dismiss under Part II (Redundancy);
- appeals arising in any proceedings, or out of any decision reached, under Part III (Discipline, Dismissal and Removal from Office), other than appeals under paragraph 11.3.1 (Appeals against Disciplinary Warnings);
- appeals against dismissal otherwise than in pursuance of Part II (Redundancy) or Part III (Discipline, Dismissal and Removal from Office); e.g.: dismissal during probation;
- appeals against discipline otherwise than in pursuance of Part III (Discipline, Dismissal and Removal from Office); and
- appeals against decisions reached under Part IV (Removal for Incapacity on Medical Grounds).

13.1.1 No appeal shall however lie against:

- a decision of the Appropriate Body under paragraph 11.2.2.2 of part II (Redundancy);
- the findings of fact of a Tribunal under paragraph 11.3.5.1 of part III (Discipline, Dismissal and Removal from Office) 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;
- any finding by a Board set up under paragraph 11.4.7.

- In any case of conflict the provisions of Part V of Ordinance 11 of the University take precedence over this Ordinance.

13.2 **Person Appointed to Hear and Determine Appeals**

- 13.2.1 Council shall nominate an appropriate person to hear and determine appeals. Such persons shall not be employed by the University and should hold, or have held, judicial office or be barristers or solicitors of at least ten years standing.
- 13.2.2 The Person Appointed shall sit alone unless s/he considers that justice and fairness will best be served by sitting with two other persons.
- 13.2.3 Other persons who may sit with the Person Appointed shall be:
- 13.2.3.1 one member of the Council, not being a person employed by the University, together with
- 13.2.3.2 one member of Academic Staff nominated by Senate.
- 13.2.4 None of the persons appointed shall have been in any way directly connected with the case previously.
- 13.2.5 Council and Senate shall approve annually lists of four persons each of whom is suitable to sit with the Person Appointed. Where the Person Appointed determines that he or she requires two other persons to sit with him or her they shall be selected from the prescribed Council and Senate lists by the Chairman or Vice-Chairman of Council acting on behalf of Council.
- 13.2.6 Reference to the Person Appointed throughout this Ordinance shall be deemed to include any persons sitting with the Person Appointed.
- 13.2.7 The Appellant shall be notified in writing not less than fourteen days before the date of the hearing. The name of the Person Appointed shall be notified at the same time (together with the names of any other persons sitting with the Person Appointed), and the Appellant may object to any or all of them on reasonable grounds. Any such objection shall be considered by the Chairman or Vice-Chairman of Council who would normally be expected to consult as appropriate regarding the basis of the objection and whose decision on the objection shall be final and binding on all parties. The Chairman or Vice-Chairman of Council shall have power to act on behalf of Council in the appointment of substitute persons to hear the appeal.

13.3 **Provisions Concerning Appeal Procedures and Powers**

- 13.3.1 The member of Academic Staff may institute an appeal by notifying the University Secretary & Registrar within twenty eight days of the date on which the document recording the decision appealed from was sent to the appellant. This period may be extended by the Person Appointed if s/he considers that justice and fairness so require in the circumstances of the case.
- 13.3.2 The notice of appeal shall be in writing and set out the grounds of the appeal.

- 13.3.3 The member of Academic Staff shall provide details of any person appointed by him/her to be present with the member of staff at the appeal or give an undertaking to provide such information as soon as possible thereafter.
- 13.3.4 The procedure to be followed in respect of the preparation, consolidation, hearing and determination of appeals shall be as follows:
- 13.3.4.1 The Parties: As defined in the Ordinances the parties to the appeal shall be the appellant and the University Secretary & Registrar and any other person added as a party at the direction of the Person Appointed.
- 13.3.4.2 Notices: Where any notice is required by this Ordinance it is to be delivered by hand or sent to the appellant by registered or first class recorded delivery post to the address of the appellant as registered with the University Personnel Office. It will be presumed to have been received by the appellant two working days after being sent, unless there is evidence that, through no fault on the appellant's part, the notice was not in fact received within the two days.
- 13.3.4.3 Evidence: The Person Appointed shall cause a detailed record to be taken of:
- a) all evidence and arguments presented to it by the parties and any witnesses not previously in written form; and
 - b) all procedural or other interim decisions.
 - c) A senior member of the University Personnel Office, not previously connected with the case, shall provide administrative assistance to the University Secretary & Registrar and the Person Appointed. When no suitable member of the Personnel Office is available an alternative shall be determined by the Deputy Secretary of the University.
 - d) The Person Appointed shall have the right to receive, in such reasonable time before any hearing as he/she shall specify, copies of any documents to be submitted by the parties. The parties should exchange copies of this documentation no later than seven days before the hearing. Any subsequent application by either party to introduce further documentation will be subject to the consent of the Person Appointed whose decision shall be final. The calling of witnesses to the hearing by either party will also be subject to the consent of the Person Appointed.
 - e) The parties shall have the right to be present throughout the hearing but shall not be present while the Person Appointed considers the evidence and reaches a decision. The parties shall have the right to assistance in the preparation and presentation of their cases by a friend or trades union or other representative or legal adviser.
 - f) The University will not normally be responsible for any costs which are incurred by the appellant. However, the Person Appointed may, where he/she considers that the University's actions were unreasonable, make an award of costs against the University.

- g) The Person Appointed shall conclude proceedings as expeditiously as is reasonably practicable allowing for:
- postponements;
 - adjournments;
 - dismissal of the appeal for want of prosecution;
 - for the correction of accidental errors.
- h) Subject to meeting the requirements of justice and fairness the Person Appointed may:
- set time limits on each stage of the procedure including all or part of the hearing;
 - issue direction to witnesses to ensure the relevance of evidence;
 - disallow questions considered vexatious or irrelevant to the issues.
- i) The Person Appointed shall decide upon the procedure to be followed at the hearing, following consultation with both parties prior to the hearing.
- j) The Person Appointed shall at his/her absolute discretion decide on all matters of procedure and evidence and shall give such rulings and directions as are necessary for the efficient and effective conduct of the hearing.
- k) At the conclusion of the hearing the Person Appointed shall consider in private (with such legal advice, if any, as he/she considers appropriate) his/her findings and reach a decision which shall be final. In accordance with paragraph 11.5.5.3 of Ordinance 11 the person or persons hearing the appeal may allow or dismiss the appeal in whole or in part, and may:
- i) remit an appeal from a decision under Part II (Redundancy) to Council (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
- (ii) remit an appeal arising under Part III (Discipline, Dismissal and Removal from Office) for re-hearing by a differently constituted Tribunal to be appointed under that Part; or
- (iii) remit an appeal from a decision of the President & Vice-Chancellor under Part IV (Removal for Incapacity on Medical Grounds) for further consideration as the person or persons hearing the appeal may direct; or
- (iv) substitute any lesser alternative penalty that would have been open to the President & Vice-Chancellor following the finding by the Tribunal which heard and pronounced upon the original charge or charges.

13.4 **Notification of Decisions**

13.4.1 In compliance with the provisions of Ordinance 11.5.6 the Person Appointed shall send the reasoned decision, including any decision reached in exercise of his/her powers under paragraph 13.3.4.3(k) above, on any appeal together with any findings of fact different from those come to by the Council under Part II (Redundancy) or by the Tribunal under Part III (Discipline, Dismissal and Removal from Office) as the case may be, to the President & Vice-Chancellor and to the parties to the appeal.

14 **Grievance Committee**

14.1 This Ordinance establishes procedures for hearing and determining Grievances by the Grievance Committee under Ordinance 11 of the University. This Ordinance should be read in conjunction with Part VI of Ordinance 11 which also defines the purpose of the Grievance Procedure and the initial Informal Procedures.

14.2 In any case of conflict the provisions of Ordinance 11 take precedence over this Ordinance.

14.2.1 **The Grievance Committee**

14.2.1.1 Council shall appoint annually a Grievance Committee which 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 Senate.

14.2.1.2 Council and Senate shall each approve annually a list of three persons to act as substitutes for their respective members of the Grievance Committee.

14.2.1.3 Once a member of the Grievance Committee is involved in the consideration of a Grievance or she shall (unless disabled for medical or other reasons) continue to complete the enquiry even though his or her nomination period by Council or Senate may have ended. If, during the course of a hearing, a member of the Grievance Committee becomes unavailable to continue, a substitute shall be appointed by the Chairman or Vice-Chairman of Council acting on behalf of Council and the proceedings shall be re-commenced.

14.2.1.4 The quorum for any meeting of the Grievance Committee shall be all the members of the Committee.

14.2.1.5 All proceedings of the Grievance Committee and all evidence placed before it shall be and shall remain confidential and shall not be published by any party to the Committee's proceedings outside the University.

14.2.2 **The Grievance Committee Procedure**

14.2.2.1 The Grievance Committee shall complete its task as expeditiously as is reasonably practicable, allowing for all reasonable postponements and adjournments. In any event the Grievance Committee shall normally conclude its proceedings no later than six weeks from the date of commencement of the hearing.

- 14.2.2.2 The aggrieved person and the person(s) against whom the grievance lies shall be notified in writing not less than fourteen days before the date of the hearing. The names of the members of the Grievance Committee shall be notified at the same time, none of whom shall have been directly connected with the case previously. Any objection to those names on reasoned grounds shall be considered by the Chairman or Vice-Chairman of Council whose decision on the objection shall be final and binding upon the parties. The Chairman or Vice-Chairman of Council shall have power to act on behalf of Council in the appointment of substitute persons to hear a grievance.
- 14.2.2.3 A senior member of the University Personnel Office, not previously connected with the case, shall provide administrative assistance to the Grievance Committee. When no suitable member of the Personnel Office is available an alternative shall be determined by the University Secretary & Registrar.
- 14.2.2.4 The aggrieved person and the person against whom the grievance lies shall have the right to be present at the hearing and to be accompanied by a friend or representative who may be a trades union representative or representative of a professional body relevant to either person's role and duties, but not a practising lawyer.
- 14.2.2.5 The Grievance Committee shall have the right to receive in such reasonable time before the hearing copies of documents to be submitted. The Grievance Committee and both parties shall have access to all relevant documentation.
- 14.2.2.6 The procedure to be followed at the hearing of the Grievance Committee shall be determined by the Chairman following consultation with the aggrieved person and the person against whom the grievance lies prior to the commencement of the hearing.
- 14.2.2.7 The Grievance Committee shall at its absolute discretion decide all other matters of procedure and evidence. Neither the aggrieved person nor the person against whom the grievance lies shall be present whilst the Committee considers its decision.

14.2.3 **Notification of Decisions**

- 14.2.3.1 The Grievance Committee shall prepare a written report of its findings and its determination as to whether the grievance is or is not well-founded. If it is well-founded the Committee shall include in the Report such proposals for the redress of the Grievance as it sees fit.
- 14.2.3.2 A copy of the written report of the Grievance Committee shall be forwarded to the aggrieved person and the person against whom the grievance lies.
- 14.2.3.3 The Committee shall inform the Council whether the Grievance is or is not well-founded and if it is well-founded the Committee shall confirm any such proposals for the redress of the Grievance as it sees fit.]

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 should approve the Union's budget and monitor its expenditure. 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.
- 15.4.5 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.
 - a) Chief Financial Officer
 - b)
- 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. *Intentionally left blank.*

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 19 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.

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