



University of Essex

# The Ordinances

University of Essex, Corporate Governance

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# The Ordinances

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# The Ordinances

## Ordinance 1 - The Members of the University

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1. The following persons shall be Members of the University:
  - The Chancellor
  - The Pro-Chancellors
  - The Treasurer
  - The Members of the Court
  - The External Members of the Council
  - The Staff of the University
  - The Emeritus Professors
  - The Students of the University
  - The Former Students of the University
2. The Council, on the recommendation of the Senate, shall have the power to declare such other persons Members of the University as it may deem fit.

## Ordinance 2 - The Chancellor

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1. The Chancellor shall be appointed at a joint meeting of the Senate and the Council on the recommendation of a Joint Committee of the Senate and the Council.
2. The membership of the Joint Committee shall be:
  - The Chair of the Council (Chair)
  - A Pro-Chancellor
  - The Vice-Chancellor
  - The Chair of the Senate Agenda Group
  - The Registrar and Secretary
3. Subject to these Ordinances, the Chancellor shall hold office for a period of five years. The Chancellor's period of office may be extended to a maximum total of ten years.
4. The Chancellor may resign by writing addressed to the Council.

## Ordinance 3 - The Pro-Chancellors

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1. The Pro-Chancellors shall be appointed by the Council on the recommendation of Nominations Committee.
2. A Pro-Chancellor shall hold office until the end of the third year following their appointment, or until such earlier date as the Council may in each case determine and shall be eligible for re-appointment, normally for a further period of three years and a maximum total of nine years.
3. The Chair of the Council of the University shall be appointed by the Council on the recommendation of the Nominations Committee from amongst those members of Council appointed as, or recommended to Council by the Nominations Committee to be appointed as, a Pro-Chancellor.
4. The Chair of the Council shall hold office until the end of the third year following their appointment as Chair of the Council, or until such earlier date as the Council may in each case determine and shall be eligible for re-appointment, normally for a further period of three years and a maximum total of nine years or the point at which their appointment as a member of Council and Pro-Chancellor ceases, whichever is the earlier.
5. If there is more than one Pro-Chancellor, the Pro-Chancellor who is Chair of Council shall, during a vacancy in the office of Chancellor, or during their inability through illness or any other cause to perform their functions, perform all the functions of the Chancellor; during the inability of such Pro-Chancellor through illness or any other cause to perform those functions, the Pro-Chancellor who has been in office for the longest period or aggregate of periods (whether

consecutive or not) shall so act. If no Pro-Chancellor is able to perform all of the functions of the Chancellor, the Vice-Chancellor shall perform all of the functions of the Chancellor.

6. A Pro-Chancellor, who is not the Chair of Council, shall perform the functions of the Senior Independent Director and will chair the Remuneration Committee when it is considering the remuneration and conditions of service of the Vice-Chancellor; chair the Nominations Committee when it is considering succession to the role of Chair of Council; meet with members of Council at least once a year to appraise the Chair's performance and on such other occasions as are deemed appropriate; and will meet with the Chair of Council annually to review performance and feedback.
7. A Pro-Chancellor may resign by writing addressed to the Council, provided that, if they are Chair of the Council, they shall at the same time resign the office of Chair of the Council.

## **Ordinance 4 - The Treasurer**

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1. The Treasurer shall be a member of the Council appointed by the Council to be Treasurer on the recommendation of Nominations Committee.
2. The Treasurer shall be Chair of Audit and Risk Management Committee.
3. The Treasurer shall hold office until the end of the third year following their appointment or until such earlier date as the Council may in each case determine and shall be eligible for re-appointment, normally for a further period of three years and a maximum of total of nine years.
4. The Treasurer may resign by writing addressed to the Council.
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## **Ordinance 5 - The Vice-Chancellor**

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1. The Vice-Chancellor shall be appointed by the Council after consideration by the Council of the report of a Joint Committee of the Senate and the Council.
2. The membership of the Joint Committee shall be:  
The Chair of the Council (Chair)  
Three External Members of the Council appointed by the Council  
Three Academic Staff members of the Senate appointed by the Senate.
3. During a vacancy in the office of Vice-Chancellor or during prolonged inability of the Vice-Chancellor through illness or any other cause to perform their functions, the Council may appoint a Committee with the membership as set out in paragraph 2 above, to recommend to the Council the appointment as Acting Vice-Chancellor, from the professorial members of the Senate, of a person acceptable to the Senate as Acting Vice-Chancellor, for such period and on such conditions as may be determined by the Council.
4. The Vice-Chancellor shall be ex officio, a member of the Court, the Council, the Senate, and of all Committees and Joint Committees of these bodies except the Joint Committee constituted under paragraph 1 of this Ordinance, Audit and Risk Management Committee and Remuneration Committee.
5. The Vice-Chancellor shall have a general responsibility to the Council for maintaining and promoting the efficiency and good order of the University.
6. The Vice-Chancellor may without assigning any reason refuse to admit any person as a student.
7. The Vice-Chancellor may without assigning any reason:
  - (a) suspend any student from any teaching event; or
  - (b) exclude any student from any part of the University or its precincts for such period as they may determine.
8. The Vice-Chancellor may delegate all or any of their functions under paragraph 6 or paragraph 7 of this Ordinance to such Officer or Officers of the University as they may think fit.

## **Ordinance 6 - The Registrar and Secretary**

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1. The Council shall appoint a Registrar and Secretary of the University with such functions, at such remuneration and upon such terms and conditions as it may think fit.

2. The Registrar and Secretary shall be appointed by the Council after consideration by the Council of the report of a Joint Committee of the Council and the Senate.
3. The membership of the Joint Committee shall be:
  - The Chair of the Council (Chair)
  - The Vice-Chancellor
  - Two other External Members of the Council, appointed by the Council
  - Two Academic Staff members of the Senate appointed by the Senate
  - If any External Assessor is appointed they shall act in an advisory capacity to the Joint Committee.
4. The Council shall appoint the Registrar and Secretary to the post of Secretary to the Council.

## **Ordinance 7 - The Deputy Vice-Chancellor and Pro-Vice-Chancellors**

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1. The Deputy Vice-Chancellor and Pro-Vice-Chancellors shall be appointed from among the Academic Staff by the Council on the recommendation of the Senate. The Senate shall make the recommendation to the Council on the basis of a recommendation from a Selection Committee.
2. Recruitment to the roles of Deputy Vice-Chancellor and Pro-Vice-Chancellor will be through internal and external advertisement. Where an external applicant is appointed to one of these roles they will also (subject to clause 4 below) be appointed to a substantive chair in a University department, which is held independently of the appointment as Deputy Vice-Chancellor or Pro-Vice-Chancellor.
3. The composition of the Selection Committee shall normally be:
  - The Vice-Chancellor (Chair)
  - An External Member of the Council
  - The Deputy Vice-Chancellor or a Pro-Vice-Chancellor
  - An Academic Staff member of Senate
  - The Registrar and Secretary
 Additional members may be co-opted at the discretion of the Committee.
4. Where an application is being considered by a Selection Committee, the selection process will consider the applicant's credentials for the award of a substantive chair by the University as well as for the role of Deputy Vice-Chancellor or Pro-Vice-Chancellor for which they have applied. The Chair of the Selection Committee shall be responsible for ensuring that these credentials are tested in line with the University's normal practice for professional appointments.
5. The Deputy Vice-Chancellor or a Pro-Vice-Chancellor shall hold office until the end of the third year following their appointment or until such earlier date as may in each case be determined by the Council on the recommendation of the Senate.
6. The Deputy Vice-Chancellor or a Pro-Vice-Chancellor shall be eligible for re-appointment for a further consecutive period of three years.
7. The re-appointment of the Deputy Vice-Chancellor or a Pro-Vice-Chancellor shall be proposed by the Vice-Chancellor and approved by the Council on the recommendation of the Senate.
8. The Deputy Vice-Chancellor or a Pro-Vice-Chancellor may exceptionally be re-appointed for a further period of up to three years. The re-appointment shall be proposed by the Vice-Chancellor and approved by the Council on the recommendation of the Senate.
9. The Deputy Vice-Chancellor and Pro-Vice-Chancellors will have a review period of six months prior to confirmation in their appointment in their role.
10. The Deputy Vice-Chancellor or a Pro-Vice-Chancellor shall cease to hold office should their employment as a member of the Academic Staff of the University cease.
11. In the absence of the Vice-Chancellor, the Deputy Vice-Chancellor shall act as Chair at meetings of the Senate. In the absence of both the Vice-Chancellor and the Deputy Vice-Chancellor, meetings of Senate shall be chaired by a Pro-Vice-Chancellor.
12. The Deputy Vice-Chancellor or a Pro-Vice-Chancellor shall perform such other functions of the Vice-Chancellor as shall be delegated to them by the Vice-Chancellor.

- 13.If the Deputy Vice-Chancellor or a Pro-Vice-Chancellor becomes unable through illness or any other cause to perform their functions, the Council, or the Chair of the Council acting on behalf of the Council, may, on the recommendation of the Vice-Chancellor, terminate the appointment, appoint an Acting Deputy Vice-Chancellor or Acting Pro-Vice-Chancellor for a specified period or take any other action it thinks fit.

## Ordinance 8 - Deans

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1. Executive Deans of Faculty, the Dean of Postgraduate Research and Education, the Dean of Partnerships, and any deputies to these Deans, shall be appointed from among the members of the Academic Staff by the Council on the recommendation of the Senate. The Senate shall make the recommendation to the Council on the basis of a recommendation from a Selection Committee.
2. Recruitment to the role of Executive Dean will be through internal and external advertisement. Where an external applicant is appointed to one of these roles they will also (subject to clause 5 below) be appointed to a substantive chair in a University department, which is held independently of the appointment as Executive Dean.
3. Normally only Professors, shall be eligible for appointment as Executive Dean.
4. The composition of the Selection Committee for the role of Executive Dean shall normally be:  
The Vice-Chancellor (Chair)  
An External Member of the Council  
The Deputy Vice-Chancellor or a Pro-Vice-Chancellor  
Two Heads of Department from the relevant Faculty  
The Registrar and Secretary  
Additional members may be co-opted at the discretion of the Committee.
5. Where an application for the role of Executive Dean is being considered by a Selection Committee, the selection process will consider the applicant's credentials for the award of a substantive chair by the University as well as the role of Executive Dean. The Chair of the Selection Committee shall be responsible for ensuring that these credentials are tested in line with the University's normal practice for professional appointments.
6. Recruitment to the roles of Dean of Postgraduate Research and Education, Dean of Partnerships, and to any deputy roles supporting the Dean, will be by internal advertisement.
7. Only Professors, Readers and Senior Lecturers shall be eligible for appointment as Dean of Postgraduate Research and Education, Dean of Partnerships, or Deputies to Executive Deans).
8. The composition of the Selection Committee for the roles of Dean of Postgraduate Research and Education and Dean of Partnerships, and deputies to these Deans, shall normally be:  
The Deputy Vice-Chancellor or Pro-Vice-Chancellor (Education) (*Chair*)  
An existing Dean or deputy to a Dean  
Two Heads of Department  
The Academic Registrar
9. The composition of the Selection Committee for a deputy to an Executive Dean shall normally be:  
The Executive Dean (*Chair*)  
The Pro-Vice-Chancellor (Education) or the Pro-Vice-Chancellor (Research)  
Two Heads of Department from the relevant Faculty  
The Academic Registrar or The Director of the Research and Enterprise Office
- 10.The normal term of appointment shall be until the end of the third year following appointment or until such earlier date as the Council on the recommendation of the Senate may in each case determine. A Dean or a deputy to a Dean shall be eligible for re-appointment for further consecutive periods of up to a total of three years; such periods shall be until the end of the third year from the first re-appointment or until such earlier date as the Council on the recommendation of the Senate may in each case determine.
- 11.The re-appointment of a Dean or a deputy to a Dean shall be proposed by the University Steering Group and approved by the Council on the recommendation of the Senate.

12. A Dean or deputy to a Dean may exceptionally be re-appointed for a further period of up to three years. The re-appointment shall be proposed by the University Steering Group and approved by the Council on the recommendation of the Senate.
13. A Dean or a deputy to a Dean shall have such responsibilities as the Senate shall determine.
14. A Dean or a deputy to a Dean shall cease to hold office should their appointment as a member of the Academic Staff of the University cease.
15. If a Dean or deputy to a Dean becomes unable through illness or any other cause to perform their functions, the Council, or the Chair of the Council acting on behalf of the Council, may, on the recommendation of the Vice-Chancellor, terminate the appointment, appoint an Acting Dean or a deputy to a Dean for a specified period of up to three years or take any other action it thinks fit.
16. Other Deans with specific functions not falling within paragraph 1 of this Ordinance (including deputies to such other Deans) may be appointed by Council on the recommendation of the Vice-Chancellor.

## **Ordinance 9 - Heads of Department**

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1. A Head of Department shall be appointed by the Council on the recommendation of the Senate on receipt of a joint nomination from the members of the Academic Staff holding posts allocated to the Department and the Vice-Chancellor, determined in accordance with the published procedures for nomination of Heads of Department. The nominee shall be a Professor, Reader or Senior Lecturer, normally holding a post allocated to the Department concerned.
2. A Head of Department shall hold office until the end of the third year following their appointment or until such earlier date as the Council on the recommendation of the Senate may in each case determine.
3. A Head of Department shall be eligible for re-appointment for further consecutive periods of up to a total of three years; such periods shall normally be until the end of the third year from the date re-appointment or until such earlier date as the Council on the recommendation of the Senate may in each case determine.
4. A Head of Department who has held office for two consecutive periods shall normally be ineligible for further appointment until one year has elapsed from the date of completion of their second period of office. A Head of Department may exceptionally be re-appointed for further terms of office on the recommendation of the Senate on receipt of a joint nomination from the members of Academic Staff holding posts allocated to the Department and the Vice-Chancellor.
5. A Head of Department shall cease to hold office upon resignation or retirement from the Academic Staff of the University.
6. If a Head of Department becomes unable through illness or any other cause to perform their functions, the Council, in accordance with Ordinance 41, may terminate the appointment, appoint an Acting Head of Department for a specified period or take any other action it thinks fit. An Acting Head shall be appointed in the same manner as a Head (paragraph 1 above); in exceptional circumstances, however, a Lecturer may act as Acting Head. An Acting Head of Department shall be an ex officio member of the Senate during their period of office.
7. Nominations of Heads of Departments shall normally be received at a meeting of the Senate during the Spring Term for appointments to take effect on the first day of August following.
8. A Head of Department shall be responsible to the Executive Dean for maintaining and promoting the efficiency and good order of the Department, in accordance with the Charter, Ordinances and Regulations of the University, and the policies and procedures determined from time to time by resolutions of the Council and the Senate.
9. A Head of Department may resign their office by writing addressed to the Council.



# Ordinance 10 - Powers of the Council

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In accordance with the Charter, the Council shall exercise all the powers of the University and has the specific powers as set out in the Council's Statement of Primary Responsibilities as set out below:

## Statement of Primary Responsibilities

### A Powers of appointment and employment

1. To appoint the Vice-Chancellor in accordance with the provisions of Ordinance 5 and to put in place suitable arrangements for monitoring their performance.
2. Jointly with the Senate to appoint the Chancellor on the recommendation of a Joint Committee of the Senate and the Council.
3. To appoint the Pro-Chancellors, the Treasurer and the External Members of the Council.
4. To appoint the Registrar and Secretary as Secretary to the Council; to ensure that there is an appropriate separation in the lines of accountability.
5. To be the employing authority for all Staff in the University and to be responsible for establishing a human resources strategy.

### B Financial and legal powers

6. To be the principal financial and business authority of the University, to ensure that proper books of account are kept, to approve the annual budget and financial statements, and to have overall responsibility for the University's assets, property and estate.
7. 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.
8. To act as trustee for any property, legacy, endowment, bequest or gift in support of the work and welfare of the University.

### C Planning, monitoring and control

9. To approve the mission and strategic vision of the University, long-term academic and business plans and key performance indicators, and to ensure that these meet the interests of stakeholders.
10. To delegate authority to the Vice-Chancellor, as chief executive, for the academic, corporate, financial, estate and personnel management 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 head of the University.
11. 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.
12. To ensure processes are in place to monitor and evaluate the performance and effectiveness of the University against the plans and approved key performance indicators, which should be, where possible and appropriate, benchmarked against other comparable institutions.
13. To conduct its business in accordance with best practice in higher education corporate governance and with the principles of public life drawn up by the Committee on Standards in Public Life.
14. To safeguard the autonomy, good name and values of the University of Essex.
15. To ensure compliance with the provisions of the Charter, Statutes and Ordinances at all times and that appropriate advice is available to enable this to happen.
16. To establish processes to monitor and evaluate the performance and effectiveness of the Council itself.

### D Student welfare

17. To make such provision as it thinks fit for the general welfare of students, in consultation with the Senate.

## Ordinance 11 - Standing Orders for the Council

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The Council shall determine Standing Orders, which shall govern its proceedings and which shall be approved annually by the Council.

## Ordinance 12 - Elected Members of the Council

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1. The five Academic Staff members of the Senate elected by the Senate to the Council in accordance with Section 1 of the Statutes shall include at least three Heads of Department and at least one member who is not a Professor at the time of election.
2. The normal term of office for members elected to the Council by the Senate shall be three years, and members may be re-elected for a further term of up to three years, except that a member must stand down from membership of the Council if they cease to be a member of the Senate.
3. The method of election of members elected to the Council by the Senate and of filling casual vacancies among the same shall be determined by the Senate.
4. There shall be a non-academic staff member elected to the Council in accordance with Section 1 of the Statutes. The method of election of the non-academic staff member shall be determined by the Council. All non-academic staff who have a contract which extends to at least 31 July in the following academic year shall be eligible to stand for nomination and to vote in the election of the non-academic staff member.
5. The normal term of office for the non-academic staff member elected to the Council shall be three years, and the member may be re-elected for a further term of three years, except that they must stand down from membership of the Council if they cease to be a member of the non-academic staff.

## Ordinance 13 - The Senate

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1. The Senate shall consist of the following persons, namely:
  - Ex Officio Members:
    - The Vice-Chancellor (Chair)
    - The Deputy Vice-Chancellor
    - The Pro-Vice-Chancellors
    - The Dean of Postgraduate Research and Education
    - The Dean of Partnerships
    - Executive Deans
    - The Heads of the Departments
  - Appointed Member:**
    - Academic Registrar
  - Elected Members:**
    - Sixteen members of permanent Academic Staff, including at least nine of whom shall hold non-professorial posts at the time of election.
  - Co-opted Members:**
    - University Librarian and Director of Library Services
    - The Director of Information and Technology Solutions
  - Student Members:**
    - President of the Students' Union
    - Vice-President of the Students' Union (Southend) or President East 15 Loughton
    - Vice-President (Education) of the Students' Union
    - Faculty Convenors (3)
    - Postgraduate Taught Officer
    - Postgraduate Research Officer
2. (a) Ex officio Members of the Senate shall remain members only so long as they hold the offices by virtue of which they became members.

- (b) Elected Members of the Senate shall hold office until the end of the fourth year following their election or until such earlier date as may in each case be determined by the Senate to effect rotation; they shall be eligible for re-election for consecutive terms of office.
  - (c) Appointed members of the Senate shall be appointed by the Vice-Chancellor.
  - (d) Co-opted members of the Senate shall hold office for such periods as may be determined in each case by the Senate.
  - (e) Student members of the Senate shall hold office for one year; they shall be eligible to be re-elected as members of the Senate in the year immediately following and in any subsequent year.
3. Observers shall be invited to attend meetings of the Senate at the discretion and by invitation of the Vice-Chancellor.

## **Ordinance 14 - Powers of the Senate**

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The Senate shall be the supreme academic authority of the University and shall, subject to the powers reserved to the Council by these Ordinances, take such measures and act in such a manner as shall appear to it best calculated to promote the academic work of the University both in teaching and research and for the regulation and superintendence of the education and, subject to the powers of the Vice-Chancellor, the discipline of the students of the University. The Senate shall, subject to the Charter and these Ordinances, in addition to all other powers vested in it, have the following powers:

### **Academic Policy and Strategy**

- 1. To discuss, declare an opinion and make recommendations to the Council on any matter of academic policy and strategy concerning the University.
- 2. To maintain oversight of the quality of education and the arrangements for its enhancement.
- 3. To be responsible for the University's policy on admission of students.
- 4. To maintain oversight of the quality of research and the arrangements for its enhancement.
- 5. To review, amend, refer back or disallow any act of any committee or advisory group of Senate.

### **Powers of appointment**

- 6. Jointly with the Council to appoint the Chancellor on the recommendation of a Joint Committee of the Senate and the Council.
- 7. To recommend to the Council the appointment of Pro-Vice-Chancellors, Deans and Heads of Departments, as prescribed by the Ordinances.
- 8. To review from time to time the conditions of service of all members of the Academic Staff and to make recommendations thereon to the Council.
- 9. To define the functions of Deans, as covered by Ordinance 8, and Heads of Departments and members of the Academic Staff.
- 10. To stipulate which posts shall qualify a person to be a member of the Academic Staff.
- 11. In accordance with the provisions of the Ordinances, to confer the title of Emeritus Professor and Honorary Fellow.
- 12. To stipulate which honorary titles may be assigned to visitors to the University.
- 13. To make recommendations to the Council for the appointment of members of the Academic Staff.
- 14. To establish the rules, procedures and criteria for the decisions of the Senate committees responsible for staffing matters.
- 15. To determine the conditions of appointment and service of examiners.
- 16. To elect members of the Senate to be members of the Council in accordance with the Ordinances.
- 17. To appoint a Senate Agenda Group in accordance with the Ordinances.
- 18. To co-opt members of the Senate in accordance with the Ordinances.

### **Degree regulation and awarding powers**

- 19. To be responsible for the maintenance and assurance of academic standards by ensuring that the University has an effective quality assurance framework in place.
- 20. To be responsible for the approval, review and discontinuation of programmes of study.

21. To institute new awards of the University.
22. To approve the rules of assessment governing progression and the award of Degrees, Diplomas and Certificates.
23. To be responsible for the academic policies associated with programmes of study.
24. To confer Degrees, Diplomas, Certificates and other awards of the University.
25. To revoke any Degrees, Diplomas or Certificates or other distinctions or titles conferred by the University on what the Senate deems to be good cause.

#### **Academic Regulation**

26. To review the research, teaching, staffing and general work of any School, Department or other academic unit of the University, and, if the Senate so wishes, to report and make recommendations thereon to the Council.
27. To institute a review of Schools, Faculties, Departments, Institutes, Centres or other academic units of the University, as appropriate.
28. To make recommendations to the Council to institute, merge, discontinue or otherwise modify Schools, Faculties, Departments, Institutes, Centres or other academic units of the University as appropriate.
29. To recommend to the Council the establishment of academic partnerships with other educational bodies, as appropriate.
30. To receive records and reports of the proceedings of Senate's committees, and to give directions to and to consider recommendations from the same.
31. To be responsible for the general policy concerning the University's Library and Information Systems, and to make recommendations thereon to Council, as Senate deems appropriate.
32. To oversee the arrangements for assuring the ethical conduct of research.

#### **Student regulation**

33. To regulate and superintend the discipline of the students of the University.

#### **General**

34. To conduct the business of the Senate in accordance with the Ordinances.
35. To report and make recommendations to the Council from time to time on the Ordinances.
36. To report to the Council on any matter referred to the Senate by the Council.
37. Generally to exercise all such powers as are or may be conferred on the Senate by the Charter and these Ordinances, including the power to make Regulations in the exercise of the powers hereinbefore expressly set out in this Section of these Ordinances and of all the other powers of the Senate, and to carry such Regulations into effect.

## **Ordinance 15 - Standing Orders for Senate**

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The proceedings of the Senate shall be governed by the following Standing Orders and rules of procedure.

### **Setting the Agenda**

1. The elected Senate Agenda Group may request that an item shall be placed on the Agenda of an ordinary meeting of Senate. Such a request together with papers and notice of motion shall be sent to the Registrar and Secretary at least 14 days before the meeting.
2. The Vice-Chancellor shall cause the Agenda and accompanying papers for Senate to be prepared in consultation with the Senate Agenda Group. Together they shall see that the Agenda and papers provide, as far as possible, notice of matters to be raised, essential information and, where appropriate, motions for consideration by the Senate.
3. The Agenda and Papers for a Senate meeting shall normally be available to all members of the Senate not less than seven days before the meeting.
4. The Vice-Chancellor, or their deputy, may waive any of the preceding rules but only in order to call an extraordinary meeting of the Senate to address urgent business.
5. The Agenda for a Senate meeting shall be divided into two parts: the first on matters of academic strategy and policy (including the Vice-Chancellor's report); the second on matters of academic business (including the reports from Senate's committees). All items of the first part shall be taken for discussion. All items of the second part shall be business taken without discussion, except when starred for discussion either by the Vice-Chancellor, or their deputy,

or by any member of the Senate, no later than noon on the day before the Senate meets. All items remaining unstarred shall be deemed to have been approved, or recommended to the Council, without discussion.

### **Addressing the Agenda**

6. At any meeting the business shall be confined to the particulars in the Agenda and accompanying papers, and no member shall be entitled to propose a motion other than one directly arising out of the discussion of a subject before the Senate.
7. The first item of business at an ordinary meeting shall be the Minutes of the last ordinary meeting and any subsequent extraordinary meetings. Discussion on the Minutes shall normally be confined to errors and omissions.
8. After the Minutes of previous meetings have been approved the meeting will address the items on the first part of the Agenda, normally beginning with the Vice-Chancellor's report, before moving to discuss the starred items of academic business.
9. No resolution or recommendation of the Senate shall normally be rescinded within six calendar months.

### **The Conduct of the Meeting**

10. All motions and any questions where the sense of the meeting may be in doubt shall be decided by show of hands.
11. All members shall be allowed to put motions and amendments to motions, and all variations upon a motion shall be deemed amendments and treated as such.
12. No discussion shall be allowed on a motion or amendment which has not been seconded. All motions except procedural motions (see Standing Order 18) and all amendments shall, if the Chair so decides, be handed to the Registrar and Secretary in writing, signed by the mover.
13. The mover of a motion shall normally have the right of reply.
14. At any time in the course of a discussion a member may speak to a point of order, and the discussion shall be suspended until the point of order has been decided by the Chair.
15. A member may dissent from any resolution or recommendation come to by the Senate and shall be entitled to have their dissent recorded in the Minutes of the meeting, provided that they have proposed a motion or spoken on the matter under discussion.
16. No member shall speak more than once on the same item of business, subject to the mover's right of reply (Standing Order 13).
17. Any of the foregoing orders may be suspended at any meeting after a motion to that effect has been passed by a majority of two-thirds of the members present and voting. Such suspension shall be for a specified item of business only and shall lapse when that item is concluded.
18. The following procedural motions may be put and debated in the following order of precedence, provided they have a proposer and a seconder:
  - (a) the motion be not put
  - (b) the motion be now put (closure of debate)
  - (c) the meeting be adjourned to a specific time
  - (d) the matter be deferred to the next meeting
  - (e) the matter be referred to the appropriate committee
  - (f) the order of business be changed
  - (g) the voting figures be recorded in the Minutes
  - (h) a part or parts of a motion be voted on separately
  - (i) the meeting be closed.

A motion for the closure of debate (b) shall be put to the vote without discussion, subject to the mover's right of reply (Standing Order 13).

19. The Chair shall determine all questions of procedure not expressly provided for in these Standing Orders subject to the consent of the meeting, absence of consent being determined by a two-thirds majority in support of a challenge to the ruling of the Chair.

## **Ordinance 16 - Senate Agenda Group**

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The appointment and proceedings of the Senate Agenda Group shall be governed by the following rules and Standing Orders:

1. The members of the Senate elected to the Council shall constitute the Senate Agenda Group.

2. The Senate shall co-opt the Students' Union representative on Council onto its Agenda Group.
3. The Senate Agenda Group shall elect a Chair from among its Academic Staff members.
4. The Chair of the Senate Agenda Group shall normally meet with the Vice-Chancellor and/or their deputy prior to each ordinary meeting of the Senate to discuss items for the first part of the agenda. The Secretary to the Senate shall normally be in attendance.
5. The Senate Agenda Group may request that an item be placed on the agenda of an ordinary meeting of Senate, in accordance with Ordinance 15.
6. The Senate Agenda Group may recommend to the Vice-Chancellor or their deputy that an extraordinary meeting of the Senate be called to discuss any urgent matter of academic strategy or policy.

## **Ordinance 17 - Procedure for Election of Members of Academic Staff to Senate**

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1. Elections to the Senate shall normally be held annually on a date or dates to be fixed on each occasion by the Registrar and Secretary who shall act as Returning Officer.
2. The only persons entitled to vote in an election to the Senate shall be members of the Academic Staff who are indicated as such in the master copy of the University Calendar which is available from the Registrar and Secretary's office.
3. The only persons entitled to stand for election and to be elected to the Senate shall be persons who are entitled to vote in that election and who are also indicated as permanent members of the Academic Staff in the master copy of the University Calendar which is available from the Registrar and Secretary's office.
4. Not less than four weeks before the date of an election, the Registrar and Secretary shall invite all persons entitled to vote in that election to submit nominations of persons eligible to stand for election. Nominations shall be in writing, shall be signed by not less than two electors at least one of whom shall be the holder of a post allocated to a Department other than that to which the nominee's post is allocated, and shall include a statement signed by the nominee that they are willing to stand. Nominations shall be in the hands of the Registrar and Secretary not less than two weeks before the date of election.
5. If the number of persons nominated exceeds the number of vacancies there shall be an election. Voting shall be by secret ballot. The ballot paper shall indicate the post held by each candidate and the Department to which it is allocated, and a personal statement written by each candidate. It shall also indicate the number of persons to be elected and each elector shall vote by placing the requisite number of crosses against the names of the candidates.
6. The election as a whole shall not necessarily be invalidated if an invitation to submit nominations or a ballot paper is inadvertently not sent to or not received by a person entitled to vote in the election.
7. Ballot papers which are placed in the hands of the Registrar and Secretary or their deputy acting as Returning Officer later than midday on the day of election shall be void.

## **Ordinance 18 - Procedure for Filling a Casual Vacancy in the Elected Membership of Senate**

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In the event of a vacancy occurring among the Elected Members of Senate, the vacancy shall normally be filled by the person for whom the highest number of votes (excluding votes for members elected) was cast in the last elections to the Senate, subject to Ordinance 13, paragraph 1. Members so elected shall hold office for the remainder of the academic year in question and the next three academic years.

## Ordinance 19 - Student Members of the Senate

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1. The following students of the University, shall, in accordance with Ordinance 13, paragraph 1, be members of the Senate:  
President of the Students' Union  
President of the Students' Union (Southend) or President East 15 Loughton  
Vice-President (Education) of the Students' Union  
Faculty Convenors (3)  
Postgraduate Taught Officer  
Postgraduate Research Officer.
2. The method of election of student representatives shall be approved by the Senate, on the recommendation of the Students' Union.
3. If any student member ceases to be a student of the University they shall cease to be a member of the Senate and for the remainder of their year of appointment the Senate may, after consultation with the President of the Students' Union, co-opt another student to take their place.

## Ordinance 20 – The Court

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1. The Court shall consist of the following persons, namely:  
**Ex Officio Members:**  
The Chancellor  
The Pro-Chancellors  
The Treasurer  
The External Members of the Council  
The Vice-Chancellor  
The Deputy Vice-Chancellor  
The Pro-Vice-Chancellors  
The Deans  
University Librarian and Director of Library Services  
The Emeritus Professors  
The Principal Officers of the Students' Union  
**Appointed Members:**  
Persons who have been External Members of the Council;  
Such other persons appointed by the Council on the recommendation of Nominations Committee.
2. Ex officio Members of the Court shall remain members only so long as they continue to hold the office by virtue of which they became members.
3. Persons appointed by the Council shall hold office for such periods as may be determined by the Council.
4. Former members may be re-appointed.
5. Any member of the Court may resign by writing addressed to the Registrar and Secretary.

## Ordinance 21 - Meetings of the Court

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1. Members of Court shall be invited to a meeting, normally at least once a year within 15 months of the preceding meeting.
2. The Chancellor shall act as Chair of Court.
3. The Court will receive a report from the Vice-Chancellor on the workings and sustainability of the University since the last meeting.

## **Ordinance 22 - The Boards and Committees of the Council and the Senate**

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1. The Council and the Senate may appoint Boards and Committees consisting either wholly or partly of members of the Council and/or the Senate.
2. The Boards and Committees of the Council and the Senate shall be as published annually in the University Calendar.
3. The Council and the Senate shall determine annually the membership and terms of reference of their Boards and Committees, and these shall be published in the University Calendar.
4. The Council and the Senate may delegate such functions and the exercise of specified powers to Boards and Committees as it may think fit.
5. The Council and the Senate shall receive annually a schedule of delegated powers in accordance with paragraph 4.
6. Nothing in this Ordinance shall enable the Council to delegate its power to reach a decision under paragraph 8(b) of the Charter.

## **Ordinance 23 - Procedure for Council and Senate and their Boards and Committees**

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1. In accordance with Statute 1, paragraph 4(a), there shall be a quorum at the meeting of the Council when not less than half the members are present, rounded up to a whole number, which shall include a majority of External Members.
2. There shall be a quorum at the meeting of the Senate and the meeting of any Board or Committee of the Council and the Senate when not less than half of the members are present, rounded up to a whole number.
3. The proceedings of the Council, the Senate and of any Board or Committee thereof shall not be invalidated by any vacancy in its number or by any defect in the appointment or qualification of the members.
4. At meetings of the Council, the Senate and the Boards and Committees thereof, when a vote is taken a matter shall be determined by the majority of the members present and voting on the matter. In the case of equality of votes the Chair shall have the casting vote.
5. In the absence of a person who is Chair by appointment or ex officio, any Board or Committee of the Council or the Senate shall elect a Chair for the meeting.
6. Subject to the Charter and Statutes, the Council, the Senate and Boards and Committees thereof shall have the power to make their own standing orders or otherwise to determine the procedure to be followed at meetings.
7. Whether specifically empowered to do so or not, the Chair of the Council, the Senate and of any Board or Committee thereof shall have the power, in cases of urgency, to take action on behalf of the Council, the Senate or Board or Committee of which they are Chair, provided that they report any such action at the next meeting.
8. A member, other than an ex officio member, of the Council, the Senate or any Board or Committee thereof may resign from membership of the Council, the Senate or the Board or Committee by writing addressed to the Chair.

## **Ordinance 24 - Reserved Business**

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1. Any student member or members of the Council or the Senate or a Board or Committee thereof shall be required to withdraw from a meeting when it is declared by the Chair of the meeting that the meeting is about to discuss a reserved area of business and shall not return to the meeting until the discussion on the reserved area of business is concluded.
2. Minutes and other records which relate to the discussion of reserved areas of business shall not at any time be made available to student members.



3. The Chair of the Council or the Senate or a Board or Committee thereof shall decide whether a matter is a reserved area of business or not, consulting as appropriate, and their decision shall be final.

## **Ordinance 25 - Schools, Faculties, Departments and Centres**

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1. There shall be Faculties in the University as follows:  
Humanities  
Science and Health  
Social Sciences
2. There shall be Departments in the University as follows:  
School of Life Sciences  
School of Computer Science and Electronic Engineering  
East 15 Acting School  
Department of Economics  
Essex Business School  
Edge Hotel School  
Department of Government  
School of Health and Social Care  
Department of History  
Essex Pathways  
Department of Language and Linguistics  
School of Law  
Department of Literature, Film, and Theatre Studies  
Department of Mathematical Sciences  
School of Philosophy and Art History  
Department of Psychology  
Department of Psychosocial and Psychoanalytic Studies  
Institute for Social and Economic Research  
Department of Sociology  
School of Sport, Rehabilitation and Exercise Sciences  
The UK Data Archive
3. There shall be Centres and Institutes in the University, established from time to time by the Senate and the Council, and listed annually in the University Calendar.
4. The membership of Faculties shall be as follows:

### **Faculty of Humanities**

East 15 Acting School  
Edge Hotel School  
Department of History  
Essex Pathways  
Department of Literature, Film, and Theatre Studies  
School of Law (incorporating the Human Rights Centre)  
School of Philosophy and Art History (incorporating the Interdisciplinary Studies Centre)

### **Faculty of Science and Health**

School of Life Sciences  
School of Computer Science and Electronic Engineering  
School of Health and Social Care  
Department of Mathematical Sciences  
Department of Psychology  
School of Sport, Rehabilitation and Exercise Sciences

## **Faculty of Social Sciences**

The UK Data Archive

Department of Economics

Department of Government

Essex Business School

Institute for Social and Economic Research

Department of Language and Linguistics

Department of Psychosocial and Psychoanalytic Studies

Department of Sociology

## **Ordinance 26 - Academic Partnerships**

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The University may establish academic partnerships with other educational bodies in accordance with the provisions of the Charter. A register of the University's academic partnerships shall be maintained by the Registrar and Secretary.

## **Ordinance 27 - Departmental Meetings**

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1. A meeting of the Academic Staff holding posts allocated (primarily or otherwise) to a Department shall be known as a 'Departmental Meeting'.
2. The Head of each Department shall convene a Departmental Meeting at least once in each term, and at other times within seven days of them having received a request in writing signed by at least one quarter of the Academic Staff holding posts allocated to the Department that such a meeting should be convened.
3. The agenda for each Departmental Meeting shall contain a standing item in relation to the Senate. The item shall provide the Head of Department with an opportunity to update Academic Staff on Senate decisions and related activity and provide a forum for discussion.

## **Ordinance 28 - General Meeting of Staff**

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The Vice-Chancellor may at any time at their discretion, and shall, upon the request in writing of not fewer than 25 employees of the University, convene a General Meeting which shall be open to all employees of the University.

## **Ordinance 29 - The Students' Union**

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1. There shall be a Students' Union for the purposes of advancing the education and social welfare of students of the University, and to serve as a channel of communication between the members of the Students' Union and the University and other bodies.
2. The name of the Students' Union shall be 'The University of Essex Students' Union' (hereinafter referred to as 'The Students' Union').
3. All registered students of the University shall be Full Members of the Students' Union, unless they exercise their right to elect not to be a member of the Students' Union. Students who exercise that right shall not be unfairly disadvantaged with regard to the provision of services or otherwise by reason of having done so.
4. The Students' Union shall make a Constitution, which shall not conflict with the Charter and Ordinances of the University.
5. The Constitution of the Students' Union and any amendments thereto shall be approved by the Council of the University and shall be reviewed by the Council of the University at intervals of not less than five years.
6. The financial affairs of the Students' Union shall be properly conducted and its budget approved by the University Council, who shall also be responsible for monitoring its income and expenditure.

7. The procedures for a student to elect not to be a Full Member of the Students' Union and other matters governing the operation of the Students' Union and its relationship with the University shall be laid down in a Code of Practice which shall be approved by the Council of the University and shall be reviewed by the Council of the University at intervals of not less than five years.

## **Ordinance 30 - The Alumni Association**

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1. All persons who have been students of the University of Essex shall be members of the Alumni Association.
2. Persons on whom honorary degrees have been conferred by the University shall be entitled to become members of the Association.
3. The principal function of the Alumni Association is to establish and develop a mutually beneficial relationship between the University and its body of alumni.

## **Ordinance 31 - Graduation**

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Degrees of the University shall be conferred at ceremonies held from time to time which shall be presided over by the Chancellor or, in their absence, a Pro-Chancellor or other Principal Officer of the University.

## **Ordinance 32 - Honorary Degrees and Honorary Fellowships**

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1. The Council, on the recommendation of the Senate, may agree recipients of honorary degrees of the University and may award honorary fellowships of the University.
2. The Honorary Degrees and Honorary Fellowships Committee shall consider candidates for the conferment of honorary degrees and the award of honorary fellowships, in accordance with the criteria for eligibility for these awards and the procedure approved by the Council.
3. The Honorary Degrees and Honorary Fellowships Committee is a joint committee of the Council and the Senate and shall report to the Council and to the Senate.
4. All members of the University shall have the right to submit, in confidence, proposals for the conferment of honorary degrees and the award of honorary fellowships, and all such proposals shall be considered by the Honorary Degrees and Honorary Fellowships Committee. Self-nominations will not be accepted.

## **Ordinance 33 - The Academic Staff**

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The Council shall appoint such Academic Staff and other Officers as it may deem necessary at such remuneration and upon such terms and conditions as it may think fit; provided that no permanent member of the Academic Staff shall be appointed except on the recommendation of the Senate.

## **Ordinance 34 - Definition of Academic Staff**

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'Academic Staff' means all persons holding appointments as Professors, Readers, Senior Lecturers, Senior Research Fellows, Lecturers, Research Fellows, Senior Research Officers or Research Officers of the University, or in other posts stipulated by the Senate.

## **Ordinance 35 - Allocation of Posts on the Academic Staff**

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1. For the purposes of these Ordinances, 'Department' shall mean one of those Departments, Schools and Centres established from time to time by the Senate and the Council and listed annually in the University Calendar. 'Head of Department' shall mean 'Head of Department or Head or Director of School or Director of a Centre', provided the Department or Centre is listed in the University Calendar.
2.
  - (a) The University Steering Group shall have the power to establish a post on the Academic Staff, to be allocated within a specified Department;
  - (b) The University Steering Group shall have the power subsequently to make changes to any such established post, save that no such change shall be made without the consent of the current holder of the post;
  - (c) Every allocation of a post on the Academic Staff shall lapse on the promotion, resignation, retirement, removal from office, or death of the holder of the post;
  - (d) No post on the Academic Staff shall be filled by an appointment unless it has been established, or change approved, by University Steering Group.
3. Where a post is allocated to more than one Department, the University Steering Group shall indicate to which Department the post is primarily allocated
4. The University Steering Group may also impose on such an allocation constraints which it deems appropriate concerning the field of study, the duration of an appointment, and any other matter consistent with the Ordinances;
5. The University Steering Group may delegate its power set out in paragraphs 2 to 4 to an Executive Dean.

## **Ordinance 36 - Appointment of Professors**

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1. When the University Steering Group has resolved that a Professorship be established in a Department and does not constrain the appointment to be temporary, the following procedure shall be followed:
  - (a) the Vice-Chancellor shall appoint a Selection Committee, normally including the Vice-Chancellor as Chair, a Pro-Vice-Chancellor, an Executive Dean, the Head of the Department to which the Professorship is allocated, and up to five other persons of whom no member of the Academic Staff shall be appointed who has not been granted permanency of office;
  - (b) the vacancy shall be publicly advertised, subject to any constraints laid down by the University Steering Group;
  - (c) the Vice-Chancellor shall appoint at least two External Assessors who shall be neither members of the Academic Staff nor of the Selection Committee, to advise the Selection Committee on its decision;
  - (d) the Selection Committee alone shall have the power to resolve the appointment of a person to the vacant Professorship. The Selection Committee shall report to the Senate and the Council the name of the person appointed to the vacant Professorship.
  - (e) the Vice-Chancellor may delegate their powers as set out in paragraphs (a) and (c) above to a Pro-Vice-Chancellor or an Executive Dean.
2.
  - (a) Under the provisions of Ordinance 22 the Senate shall appoint an Academic Staffing Committee, the membership and terms of reference of which shall be approved annually by the Senate and published in the Calendar.
  - (b) The Academic Staffing Committee alone shall have the power to resolve that a Reader, Senior Lecturer or Senior Research Fellow who is a member of the permanent Academic Staff should be promoted to a Professorship. The rules, procedures and criteria of the Academic Staffing Committee shall be determined from time to time by the Senate.

- (c) The Academic Staffing Committee shall report to the Senate and the Council the promotion of a member of Academic Staff to a Professorship.
3. In cases of urgency, the Vice-Chancellor shall be empowered to appoint a member of Academic Staff to a Professorship, subject to the following conditions:
  - (a) that the member of Academic Staff has received a definite offer of a Professorship from another university or an offer at an equivalent level from outside the university sector;
  - (b) that the following are consulted before the offer of a Professorship is made: the Pro-Vice-Chancellor (Education), the Pro-Vice-Chancellor (Research), the relevant Executive Dean, the permanent professorial staff and the Head of the member of staff's Department;
  - (c) that at least two External Assessors appointed by the Vice-Chancellor are unambiguously of the opinion that the member of Academic Staff is a suitable person to appoint to a Professorship.

Appointments made in this way will be reported to the Senate and the Council.

## **Ordinance 37 - Appointment of Readers and Senior Lecturers**

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1. When the University Steering Group has resolved that a Readership or Senior Lectureship be established in a Department and does not constrain the appointment to be temporary, the following procedure shall be followed:
  - (a) the Vice-Chancellor shall appoint a Selection Committee, normally including the Faculty Executive Dean as chair, the Head of the Department to which the Readership or Senior Lectureship is allocated, and up to three other persons of whom no member of the Academic Staff shall be appointed who has not been granted permanency of office;
  - (b) the vacancy shall be publicly advertised, subject to any constraints laid down by the University Steering Group;
  - (c) the Vice-Chancellor shall appoint at least one External Assessor, who shall be neither a member of the Academic Staff nor of the Selection Committee, to advise the Selection Committee on its decision;
  - (d) the Selection Committee alone shall have the power to resolve the appointment of a person to the vacant Readership or Senior Lectureship. The Selection Committee shall report to the Senate and the Council the name of the person appointed to the vacant Readership or Senior Lectureship;
  - (e) the Vice-Chancellor may delegate their powers as set out in paragraphs (a) and (c) above to an Executive Dean.
2. The University Steering Group may delegate its powers set out in paragraph 1 to an Executive Dean.
3.
  - (a) Under the provisions of Ordinance 22 the Senate shall appoint an Academic Staffing Committee, the membership and terms of reference of which shall be approved annually by the Senate and published in the Calendar.
  - (b) The Academic Staffing Committee shall have the power to resolve that a Lecturer who is a member of the permanent Academic Staff should be promoted to a Senior Lectureship, or that a Senior Lecturer who is a member of the permanent Academic Staff should be promoted to a Readership. The rules, procedures and criteria of the Academic Staffing Committee shall be determined from time to time by the Senate.
  - (c) The Academic Staffing Committee shall report to the Senate and the Council the promotion of a member of Academic Staff to a Readership or Senior Lectureship.
4. In cases of urgency, the Vice-Chancellor shall be empowered to appoint a member of Academic Staff to a Readership or Senior Lectureship subject to the following conditions:
  - (a) that the member of Academic Staff has received a definite offer of a Professorship, Readership or Senior Lectureship from another university or an offer at an equivalent level from outside the university sector;
  - (b) that the following are consulted before the offer of a Readership or Senior Lectureship is made: the Pro-Vice-Chancellor (Education), the Pro-Vice-Chancellor (Research), the relevant Executive Dean, the permanent senior staff of the member of staff's Department;

- (c) that at least two External Assessors appointed by the Vice-Chancellor are unambiguously of the opinion that the member of Academic Staff is a suitable person to appoint to a Readership or Senior Lectureship.

Appointments made in this way will be reported to the Senate and the Council.

## **Ordinance 38 - Appointment of Lecturers**

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1. When the University Steering Group has resolved that a Lectureship be established in a Department and does not constrain the appointment to be temporary, the following procedure shall be followed:
  - (a) the Vice-Chancellor shall normally appoint the relevant Faculty Executive Dean as Chair of a Selection Committee, and shall appoint to membership of that Committee the Head of the Department to which the post is allocated, and, on the nomination of the Chair of the Selection Committee, up to five other members of whom no member of the Academic Staff shall be appointed who has not been granted permanency of office and of whom at least one shall be a Professor, Reader or Senior Lecturer in a Department different from that to which the post is allocated. If the appointed Chair is unable to take the chair, a Pro-Vice-Chancellor or an Executive Dean shall do so;
  - (b) The vacancy shall be publicly advertised, subject to any constraints laid down by the University Steering Group.
  - (c) The Selection Committee alone shall have the power to resolve the appointment of a person to the vacant Lectureship. The Selection Committee shall report to the Senate and the Council the name of the person appointed to the vacant Lectureship.
  - (d) The Vice-Chancellor may delegate their powers as set out in paragraph (a) above to an Executive Dean.
2. The University Steering Group may delegate its powers set out in paragraph 1 to an Executive Dean.

## **Ordinance 39 - Functions of the Academic Staff**

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1. The Academic Staff shall perform such functions as may from time to time be defined by the Senate, in accordance with the Charter and these Ordinances.
2. It shall be the duty of Professors, Readers, Senior Lecturers, or Lecturers to devote themselves to the advancement of knowledge in their subjects. It shall be the duty of all Academic Staff to give instruction in their subjects to students of the University and to take part in examining, and generally to promote the function of the University as a centre of learning and education. It shall also be their duty to undertake such functions of teaching and administration as may reasonably be assigned to them by the Head of the Department to which their posts are allocated.
3. Professors, Readers and Senior Lecturers shall, provided that they hold permanently established posts in the University, normally be appointed with permanency of office (subject to the provisions of the Ordinances as to termination). Lecturers who have held a permanent appointment in a teaching post in a university may, provided that they hold permanently established posts in the University, be appointed with permanency of office (subject to the provisions of the Ordinances as to termination). Lecturers who are appointed without having held a permanent appointment in a teaching post in a university shall normally be appointed subject to confirmation after a probationary period of three years, and if this appointment as Lecturer is confirmed they shall then have permanency of office (subject to the provisions of the Ordinances as to termination).
4. Decisions as to confirmation of an appointment which has been made with a view to permanency are made by Academic Staffing Committee. The Committee may make a decision on confirmation at any point prior to the end of the probationary period and the decision will be based on evidence that, having regard to their standing, experience and the opportunities which have been afforded to them, the member of Academic Staff under review has met the criteria laid down for probationary staff by the Committee.

- Members of Academic Staff may undertake consultancy work in accordance with the terms of the University's Consultancy Policy, or other additional paid work with the permission of the Vice-Chancellor.

## **Ordinance 40 - Research Leave and Leave of Absence**

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This Ordinance applies only to those Academic Staff ('eligible Academic Staff') who have a contractual requirement to carry out research.

- Each member of eligible Academic Staff employed as a Lecturer, Senior Lecturer, Reader or Professor has an entitlement to research leave. The fundamental purpose of research leave is to enable eligible Academic Staff to undertake research that contributes to the University's mission and research strategy and to the further development of the individual as a scholar.
- The entitlement is one term of research leave with full salary for each six terms' service as a member of the full time eligible permanent or probationary Academic Staff. Temporary Academic Staff are not entitled to research leave. However, if a member of the temporary Academic Staff becomes permanent or probationary, they can count their length of service as a member of the temporary Academic Staff for the purpose of accruing entitlement to research leave, provided that they are eligible for research leave. Part time Academic Staff who are eligible for research leave are entitled to research leave on a pro-rata basis. A term of research leave will start half-way between the end of the preceding term and the start of the term to be taken as research leave, and will end half-way between the end of the term taken as research leave and the start of the term in which duties re-commence. If more than one term of research leave is taken consecutively then the research leave will end half-way between the end of the final term and the start of the term in which duties re-commence.  
For the purpose of accruing entitlement to research leave, time spent on maternity leave will count towards entitlement. Time spent on paid leave of absence (funded, for example, by a Research Council or academic foundation) which results in research that contributes to the University's mission will also count towards entitlement. Time spent on unpaid leave of absence, research leave or extended sick leave will not count towards entitlement. However, the Pro-Vice-Chancellor (Research) may agree to the counting of time spent on unpaid leave of absence or sick leave if this is clearly in the interests of the Department concerned.
- Providing an eligible academic member of staff has accrued the necessary entitlement then research leave will be granted subject to the following conditions:
  - that the work to be undertaken during a period of research leave is of benefit to the University, the Department and the individual member of staff;
  - that the application has been signed by the Head of Department (and, if appropriate, Executive Dean) who will comment on whether they approve the application in relation to content and timing;
  - that the research leave will be spent on the work specified in the application for leave;
  - that the member of staff submits a report on the study undertaken at the end of the period of research leave which indicates how far the stated objectives of the research leave have been achieved. In certain circumstances a member of staff may for good reason change their plans provided that a case has been made to their Head of Department.
  - A satisfactory report on the research undertaken during a period of research leave is required before further applications for research leave can be approved.
- Application for research leave for a particular term or terms shall be made by the member of staff, using the appropriate form, at least two terms before the first day of the term from which research leave is requested.
- The Pro-Vice-Chancellor (Research) will be responsible for approving research leave applications. If the Pro-Vice-Chancellor (Research) does not approve an application they will give the reason(s) to the individual.
- During a period of research leave a member of Academic Staff shall not be required to undertake teaching or administrative duties.
- Members of staff are reminded that the purpose of research leave is to enhance the research profile of the University and the individual. It is not intended to function as an indirect subsidy for the research output of other universities. For that reason special provisions apply where a

member of staff tenders their resignation immediately before or during a period of research leave. Following discussions with the member of staff, the University reserves the right to withdraw approval of research leave at the point where a member of staff tenders their resignation. The options to be discussed with the member of staff will be:

- (a) To allow the member of staff to continue with their research leave where the planned programme of research is agreed to be in the interests of the University, the Department and the individual member of staff.
- (b) To terminate the research leave and require the member of staff to undertake such teaching, research and administrative duties as reasonably allocated by the Head of Department.
- (c) To waive the notice period in order to allow the member of staff to leave their employment with the University early and take up their new post.

In the event that neither (a), (b) nor (c) above are agreed and the member of staff does not return to work, the University will stop pay during what will then be deemed a period of unauthorised absence.

## **Ordinance 41 - Grievance, Discipline, Dismissal and Related Matters**

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### **Part I Construction, Application and Interpretation**

#### **Construction**

1. This Ordinance or any 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.

#### **Reasonableness of Decisions**

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

#### **Application**

3.
  - (1) This Ordinance shall apply:
    - (a) to the persons defined as 'Academic Staff' in Ordinance 34;
    - (b) to the Registrar and Secretary, University Librarian, Academic Staff and designated Senior Support Staff and
    - (c) to the Vice-Chancellor to the extent and in the manner set out in the Annex to this Ordinance.
  - (2) In this Ordinance any reference to 'Academic Staff' is a reference to persons to whom this Ordinance applies.

#### **Interpretation - Meaning of 'dismissal'**

4. In this Ordinance 'dismiss' and 'dismissal' mean dismissal of a member of the Academic Staff and:
  - (a) include remove or, as the case may be, removal from office; and



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

### **Meaning of 'good cause'**

5.

- (1) For the purposes of this 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:
- (a) conviction for an offence which may be deemed by a Tribunal appointed under Part III to be such as to render the person convicted unfit for the execution of the duties of the office or employment as a member of the Academic Staff; or
  - (b) conduct of an immoral, scandalous or disgraceful nature incompatible with the duties of the office or employment; or
  - (c) conduct constituting failure or persistent refusal or neglect or inability to perform the duties or comply with the conditions of office; or
  - (d) physical or mental incapacity established under Part IV.
- (2) In this paragraph:
- (a) 'capability', in relation to such a member, means capability assessed by reference to skill, aptitude, health or any other physical or mental quality; and
  - (b) 'qualifications', in relation to such a member, means any degree, diploma or other academic, technical or professional qualification relevant to the office or position held by that member.

### **Meaning of 'redundancy'**

6.

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

- (a) the fact that the University has ceased, or intends to cease, to carry on the activity for the purposes of which the member of the Academic Staff concerned was appointed or employed by the University, or has ceased, or intends to cease, to carry on that activity in the place in which the member concerned worked; or
- (b) the fact that the requirements of that activity for members of the Academic Staff to carry out work of a particular kind, 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.

### **Incidental, Supplementary and Transitional Matters**

7.

- (a) In any case of conflict, the provisions of this Ordinance shall prevail over those of any other Ordinances and Regulations. Provided that Part III of and the Annex to this Ordinance shall not apply in relation to anything done or omitted to be done before the date on which the instrument making these modifications was approved under subsection (9) of section 204 of the Education Reform Act 1988.
- (b) 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:  
Provided that nothing in this sub-paragraph shall prevent waivers made under section 142 of the Employment Protection (Consolidation) Act 1978 from having effect.
- (c) Nothing in any Ordinance or Regulation made there under shall authorise or require any officer of the University 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.
- (d) In this Ordinance references to numbered Parts, paragraphs, and sub-paragraphs are references to Parts, paragraphs, and sub-paragraphs so numbered in this Ordinance.

## **Part II Redundancy**

### **Purpose of Part II**

8.

This Part enables the Council, as the appropriate body, to dismiss any member of the Academic Staff by reason of redundancy.

### **Exclusion From Part II of Persons Appointed or Promoted Before 20 November 1987**

9.

- (1) Nothing in this Part shall prejudice, alter or affect any rights, powers or duties of the University or apply in relation to a person unless:
  - (a) their appointment is made, or their contract of employment is entered into, on or after 20 November 1987; or
  - (b) they are promoted on or after that date.
- (2) For the purposes of this paragraph in relation to a person, a reference to an appointment made or a contract entered into on or after 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.

### **The Appropriate Body**

10.

- (1) The Council shall be the appropriate body for the purposes of this Part.
- (2) This paragraph applies where the appropriate body has decided that it is desirable that there should be a reduction in the Academic Staff:
  - (a) of the University as a whole; or
  - (b) of any school, department or other similar area of the University by way of redundancy.

11.

- (1) Where the appropriate body has reached a decision under paragraph 10(2) it shall appoint a Redundancy Committee to be constituted in accordance with sub-paragraph (3) of this paragraph to give effect to its decision by such date as it may specify and for that purpose:
  - (a) to select and recommend the requisite members of the Academic Staff for dismissal by reason of redundancy; and
  - (b) to report their recommendations to the appropriate body.
- (2) The appropriate body shall either approve any selection recommendation made under sub-paragraph (1), or shall remit it to the Redundancy Committee for further consideration in accordance with its further directions.
- (3) A Redundancy Committee appointed by the appropriate body shall comprise:
  - (a) a Chair; and
  - (b) two members of the Council, not being persons employed by the University; and
  - (c) two members of the Academic Staff nominated by the Senate.

### **Notices of Intended Dismissal**

12.

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

## Part III Discipline, Dismissal and Removal from Office Disciplinary Procedures

13.

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

### **Stage 1 - Oral Warning**

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

### **Stage 2 - Written Warning**

If the offence is a serious one, or if a further offence occurs, a WRITTEN WARNING will be given to the member of the Academic Staff by the Executive Dean. (For posts within Professional Services coming within the scope of this ordinance a written warning will be issued by the appropriate Head of Section). This will give details of the complaint, the improvement required and the timescale. It will warn that a complaint may be made to the Registrar and Secretary seeking the institution of charges to be heard by a Tribunal appointed under paragraph 16 if there is no satisfactory improvement and will advise of the right of appeal under this paragraph. A copy of this written warning will be kept but it will be disregarded for disciplinary purposes after two years subject to satisfactory conduct and performance.

### **Stage 3 - Appeals**

A member of the Academic Staff who wishes to appeal against a disciplinary warning shall inform the Registrar and Secretary within two weeks. The appropriate Pro-Vice-Chancellor shall hear all such appeals and their decision shall be final.

## Preliminary Examination of Serious Disciplinary Matters

14.

1. If there has been no satisfactory improvement following a written warning given under Stage 2 of the procedure in paragraph 13, or in any other case where it is alleged that conduct or performance may constitute good cause for dismissal or removal from office, a complaint seeking the institution of charges to be heard by a Tribunal appointed under paragraph 16 may be made to the Registrar and Secretary who shall bring it to the attention of the Vice-Chancellor.
2. To enable the Vice-Chancellor to deal fairly with any complaint brought to their attention under sub-paragraph (1) they shall institute such investigations or enquiries (if any) as appear to them to be necessary.
3. If it appears to the Vice-Chancellor that a complaint brought to their attention under sub-paragraph (1) relates to conduct or performance which does not meet acceptable standards but for which no written warning has been given under paragraph 13 or which relates to a particular alleged infringement of rules, regulations or byelaws for which a standard penalty is normally imposed in the University or within the School, Department or other relevant area, or is trivial or invalid they may dismiss it summarily, or decide not to proceed further under this Part.
4. If the Vice-Chancellor does not dispose of a complaint under sub-paragraph (3) they shall treat the complaint as disclosing a sufficient reason for proceeding further under this Part and, if they see fit, they may suspend the member on full pay pending a final decision.
5. Where the Vice-Chancellor proceeds further under this Part they shall write to the member of the Academic Staff concerned inviting comment in writing.
6. As soon as may be following receipt of the comments (if any) the Vice-Chancellor shall consider the matter in the light of all the material then available and may:
  - (a) dismiss it themselves; or
  - (b) refer it for consideration under paragraph 13; or
  - (c) deal with it informally themselves if it appears to the Vice-Chancellor appropriate to do so and if the member of the Academic Staff agrees in writing that the matter should be dealt with in that way; or

- (d) direct the Registrar and Secretary to prefer a charge or charges to be considered by a Tribunal to be appointed under paragraph 16.
- 7. If no comment is received within 28 days the Vice-Chancellor may proceed as aforesaid as if the member concerned had denied the substance and validity of the alleged case in its entirety.

### **Institution of Charges**

15.

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

### **The Tribunal**

16.

A Tribunal appointed by the Council shall comprise:

- (a) a Chair; and
- (b) one member of the Council, not being a person employed by the University; and
- (c) one member of the Academic Staff nominated by the Senate.

### **Provisions Concerning Tribunal Procedure**

17.

- (1) The procedure to be followed in respect of the preparation, hearing and determination of charges by a Tribunal shall be that set out in Ordinance made under this paragraph.
- (2) Without prejudice to the generality of the foregoing such Ordinances shall ensure:
  - (a) that the member of the Academic Staff concerned is entitled to be represented by another person, whether such person be legally qualified or not, in connection with and at any hearing of charges by a Tribunal;
  - (b) that a charge shall not be determined without an oral hearing at which the member of the Academic Staff concerned and any person appointed by them to represent them 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 them is based; and
  - (d) that full and sufficient provision is made:
    - i. for postponements, adjournments, dismissal of the charge or charges for want of prosecution, remission of the charge or charges to the Vice-Chancellor for further consideration and for the correction of accidental errors; and
    - ii. for appropriate time limits for each stage (including the hearing) to the intent that any charge thereunder shall be heard and determined by a Tribunal as expeditiously as reasonably practicable.

## **Notification of Tribunal Decisions**

18.

- (1) A Tribunal shall send its decision on any charge referred to it (together with its findings of fact and the reasons for its decision regarding that charge and its recommendations, if any, as to the appropriate penalty) to the Vice-Chancellor and to each party to the proceedings.
- (2) A Tribunal shall draw attention to the period of time within which any appeal should be made by ensuring that a copy of Part V (Appeals) accompanies each copy of its decision sent to a party to the proceedings under this paragraph.

## **Powers of the appropriate Officer where charges are upheld by Tribunal**

19.

- (1) Where the charge or charges are upheld and the Tribunal finds good cause and recommends dismissal or removal from office, but in no other case, the appropriate officer shall decide whether or not to dismiss the member of the Academic Staff concerned.
- (2) In any case where the charge or charges are upheld, other than where the appropriate officer has decided under sub-paragraph (1) to dismiss the member of the Academic Staff 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 their future conduct; or
  - (c) to warn the member concerned; or
  - (d) to suspend the member concerned for such period as the appropriate officer shall think fair and reasonable, not to exceed 3 months after the Tribunal's decision; or
  - (e) any combination of any of the above or such further or other action under the member's contract of employment or terms of appointment as appears fair and reasonable in all the circumstances of the case.

## **Appropriate Officers**

20.

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

## **Part IV Removal for Incapacity on Medical Grounds**

21.

- (1) This Part makes separate provision for the assessment of incapacity on medical grounds as a good cause for dismissal or removal from office.
- (2) In this Part references to medical grounds are references to capability assessed by reference to health or any other physical or mental quality.
- (3) In this Part references to the appropriate officer are references to the Vice-Chancellor or an officer acting as their delegate to perform the relevant act.
- (4) References to the member of the Academic Staff include, in cases where the nature of the alleged disability so requires, a responsible relative or friend in addition to (or instead of) that member.

22.

- (1) Where it appears that the removal of a member of the Academic Staff on medical grounds would be justified, the appropriate officer:
  - (a) shall inform the member accordingly; and
  - (b) shall notify the member in writing that it is proposed to make an application to the member's doctor for a medical report and shall seek the member's consent in writing in accordance with the requirements of the Access to Medical Reports Act 1988.
- (2) If the member shares that view the University shall meet the reasonable costs of any medical opinion required.
- (3) If the member does not share that view the appropriate officer shall refer the case in confidence, with any supporting medical and other evidence (including any medical

evidence submitted by the member), to a Board comprising one person nominated by the Council; one person nominated by the member concerned or, in default of the latter nomination, by the Senate; and a medically qualified Chair jointly agreed by the Council and the member or, in default of agreement, to be nominated by the President of the Royal College of Physicians.

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

### **Termination of Employment**

23.

If the Board determines that the member shall be required to retire on medical grounds, the appropriate officer shall direct the Registrar and Secretary or their delegate to terminate the employment of the member concerned on those medical grounds. Part V Appeals

### **Purpose of Part V**

24.

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

### **Application and Interpretation of Part V**

25.

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

### **Institution of Appeals**

26.

A member of the Academic Staff shall institute an appeal by serving on the Registrar and Secretary, within the time allowed under paragraph 27, notice in writing setting out the grounds of the appeal.

### **Time for Appealing and Notices of Appeal**

27.

- (1) A notice of appeal shall be served within 28 days of the date on which the document recording the decision appealed from was sent to the appellant or such longer period, if any, as the person appointed may determine under sub-paragraph (3).
- (2) The Registrar and Secretary shall bring any notice of appeal received (and the date when it was served) to the attention of the Council and shall inform the appellant that they have done so.

- (3) Where the notice of appeal was served on the Registrar and Secretary outside the 28 day period the person appointed under paragraph 28 shall not permit the appeal to proceed unless they consider that justice and fairness so require in the circumstances of the case.

### **Persons Appointed to Hear and Determine Appeals**

28.

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

### **Provisions Concerning Appeal Procedures and Powers**

29.

- (1) The procedure to be followed in respect of the preparation, consolidation, hearing and determination of appeals shall be that set out in paragraphs 2 and 3 below.
- (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 their appeal;
  - (b) that an appeal shall not be determined without an oral hearing at which the appellant, and any person appointed by them to represent them are entitled to be present and, with the consent of the person or persons hearing the appeal, to call witnesses;
  - (c) that full and sufficient provision is made for postponements, adjournments, dismissal of the appeal for want of prosecution and for the correction of accidental errors; and
  - (d) that the person appointed may set appropriate time limits for each stage (including the hearing itself) to the intent that any appeal shall be heard and determined as expeditiously as reasonably practicable.
- (3) The person or persons hearing the appeal may allow or dismiss an appeal in whole or in part and, without prejudice to the foregoing, may:
  - (a) remit an appeal from a decision under Part II to the Council as the appropriate body (or any issue arising in the course of such an appeal) for further consideration as the person or persons hearing the appeal may direct; or
  - (b) remit an appeal arising under Part III for re-hearing by a differently constituted Tribunal to be appointed under that Part; or
  - (c) remit an appeal from a decision of the appropriate officer under Part IV for further consideration as the person or persons hearing the appeal may direct; or
  - (d) substitute any lesser alternative penalty that would have been open to the appropriate officer following the finding by the Tribunal which heard and pronounced upon the original charge or charges.

### **Notification of Decisions**

30.

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

## **Part VI Grievance Procedures**

### **Purpose of Part VI**

31.

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

### **Application**

32.

The grievances to which this Part applies are ones by members of the Academic Staff concerning their appointments or employment where those grievances relate:

- (a) to matters affecting themselves as individuals; or
- (b) to matters affecting their personal dealings or relationships with other staff of the University, not being matters for which express provision is made elsewhere in this Ordinance.

### **Exclusion and Informal Procedures**

33.

- (1) If other remedies within the school, department or other relevant area have been exhausted the member of the Academic Staff may raise the matter with the Head of the school, department or other relevant area.
- (2) If the member of the Academic Staff is dissatisfied with the result of an approach under sub-paragraph (1) or if the grievance directly concerns the Head of the school, department or other relevant area, the member may apply in writing to the Vice-Chancellor for redress of the grievance.
- (3) If it appears to the Vice-Chancellor that the matter has been finally determined under Part III, IV or V or that the grievance is trivial or invalid, they may dismiss it summarily, or take no action upon it. If it so appears to the Vice-Chancellor they shall inform the Council accordingly.
- (4) If the Vice-Chancellor is satisfied that the subject matter of the grievance could properly be considered with (or form the whole or any part of):
  - (a) a complaint under Part III;
  - (b) a determination under Part IV; or
  - (c) an appeal under Part Vthey 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 they shall notify the member and the Grievance Committee accordingly.
- (5) If the Vice-Chancellor does not reject the complaint under sub-paragraph (3) or if they do not defer action upon it under sub-paragraph (4) they shall decide whether it would be appropriate, having regard to the interests of justice and fairness, for them to seek to dispose of it informally. If they so decide they shall notify the member and proceed accordingly.

### **Grievance Committee Procedure**

34.

If the grievance has not been disposed of informally under paragraph 33(5), the Vice-Chancellor shall refer the matter to the Grievance Committee for consideration.

35.

The Grievance Committee to be appointed by the Council shall comprise:

- (a) a Chair; and
- (b) one member of the Council not being a person employed by the University; and
- (c) one member of the Academic Staff nominated by the Senate.



## **Procedure in Connection with Determinations; and Right to Representation**

36.

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

## **Notification of Decisions**

37.

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

**Annex (See Paragraph 3(1)(c))**

### **Provisions as to the Vice-Chancellor**

1. The Council may request its Chair to remove the Vice-Chancellor from office for good cause in accordance with the procedure described in this Annex.
  - (1) A complaint seeking the removal from office of the Vice-Chancellor for good cause may be made by not less than three members of the Council to the Chair of the Council.
  - (2) If it appears to the Chair of the Council, on the material before them, that the complaint raises a *prima facie* case and that this could, if proved, constitute good cause for dismissal or removal from office they shall request the Council to appoint a Tribunal to hear and determine the matter.
  - (3) If it appears to the Chair of the Council that a complaint made to them under sub-paragraph (1) does not raise a *prima facie* case or is trivial or invalid, they may recommend to the Council that no further action be taken upon it.
  - (4) When the Council has appointed a Tribunal under sub-paragraph (2) it shall instruct a solicitor or other suitable person to formulate a charge or charges and to present, or arrange for the presentation of, the charges before the Tribunal.
  - (5) A Tribunal appointed by the Council shall comprise:
    - (a) an independent Chair; and
    - (b) one member of the Council, not being a person employed by the University; and
    - (c) one member of the Academic Staff.
  - (6) Subject to the principles of justice and fairness the Tribunal may determine its own procedure.
  - (7) The Tribunal shall send its reasoned decision on any charge referred to it together with its findings of fact regarding the charge and its recommendations, if any, as to the appropriate penalty to the Chair of the Council and to the Vice-Chancellor drawing attention to the period of time within which any appeal should be made.
  - (8) Persons appointed to hear such an appeal shall be persons independent of the University holding, or having held, judicial office or being barristers or solicitors of at least ten years' standing and the person so appointed shall, subject to the principles of justice and fairness, determine the procedure to be adopted in hearing the appeal.
  - (9) A person appointed shall send the reasoned decision on the appeal, together with any findings of fact different from those come to by the Tribunal and their recommendations, if any, as to the appropriate penalty, to the Vice-Chancellor and to the Chair of the Council.
  - (10) Where a charge or charges have been upheld by the Tribunal and not dismissed on appeal, the Chair of the Council shall decide whether or not to dismiss the Vice-Chancellor.
2. Where a complaint is to be referred to a Tribunal under this Ordinance, the Chair of the Council may suspend the Vice-Chancellor from their duties and may exclude the Vice-Chancellor from the precincts of the University or any part thereof without loss of salary.
3. 'Good cause' in this Annex has the same meaning as in paragraph 5 of this Ordinance.
4. For the purpose of the removal of the Vice-Chancellor for incapacity on medical grounds, Part IV of this Ordinance shall have effect subject to the following modifications:
  - (a) for references to a member of the Academic Staff there shall be substituted references to the Vice-Chancellor;
  - (b) for any reference to the office of Vice-Chancellor there shall be substituted a reference to the office of Chair of the Council;

- (c) for paragraph 23 there shall be substituted: '23. If the Board determines that the Vice-Chancellor should be required to retire on medical grounds, it shall ask the Chair as the appropriate officer, to decide whether or not to terminate the appointment of the Vice-Chancellor on those medical grounds.'

## **Ordinance 42 - Retirement, Resignation or Termination of Contract of Officers and Academic Staff**

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1. The members of the Academic Staff, the Vice-Chancellor, the Registrar and Secretary, and the holders of any other posts specified contractually for this purpose may retire from office on a date of their choosing subject to the provision of notice in accordance with paragraph 2.
2. The holder of any of the posts referred to in paragraph 1 shall be at liberty to resign their appointment and terminate their engagement with the Council on giving the Council in writing at least three calendar months' notice and shall include one complete full academic term, unless a longer period of notice is agreed mutually at the time of appointment.
3. The holder of any of the posts referred to in paragraph 1 whose employment with the University is to be terminated under Ordinance 41 shall be entitled to be given, in writing, three calendar months' notice.

## **Ordinance 43 - Removal of Officers and Members**

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1. The Chancellor, the Pro-Chancellors, the Treasurer and any other member of the Council (other than an ex officio member or a member of the Academic Staff to whom Ordinance 41 applies) may be removed from their respective offices for good cause by the Council.
2. No person shall be removed from office by the Council unless they shall have been given a reasonable opportunity of being heard by the Council and of questioning the witnesses upon whose evidence the case against them is based.
3. 'Good cause' in this section means:
  - (a) conviction of an offence which may be deemed by the Council, as the case may be, to be such as to render the person convicted unfit for the execution of the duties of the office; or
  - (b) conduct of an immoral, scandalous or disgraceful nature incompatible with the duties of the office; or
  - (c) conduct constituting failure or persistent refusal or neglect or inability to perform the duties or comply with the conditions of office whether such failure results from physical or mental incapacity or otherwise.

## **Ordinance 44 - Emeritus Professors**

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A Professor, on retirement and in recognition of distinguished service to the University of Essex, may be granted by the Senate, the title Emeritus Professor. Emeritus Professors shall not have any specific duties or powers, but are expected to maintain contact with their School or Department and contribute, as appropriate and in so far as they are able, for the benefit of their School or Department and the University as a whole. As part of this association with the University, in accordance with Ordinance 20, Emeritus Professors shall be members of the Court.

## **Ordinance 45 - External Examiners**

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1. For every assessment for an award of the University there shall be at least one External Examiner.
2. **Taught provision**  
An External Examiner may be appointed as an 'Award External Examiner' or a 'Module External Examiner'. No External Examiner shall be a current member of staff or shall have

been a member of staff within the previous five years, either of the University of Essex or of a partner institution delivering programmes of study leading to a degree of the University. The Senate may designate awards of the University other than degrees, for which External Examiners should be appointed.

3. External Examiners shall be appointed for a period of four years by the Chair of the relevant Faculty or Partnerships Education Committee or nominee appointed by the Chair, under powers delegated by the Senate, receiving nominations from the Departments or partner institutions concerned. Appointments may be terminated with two months' notice by either party. External Examiners for taught degree courses may not normally be re-appointed by the University for four years. Exceptional cases may require approval by the Pro-Vice-Chancellor (Education).
4. Decisions as to the classification of a degree and the conferment or not of a Bachelor's degree shall normally require the consent of the appropriate Award External Examiner. If the External Examiner cannot consent, the decision requires the consent of a two-thirds majority of the examination board, including the Chair. The exception to this is when the board is suspended under Regulation 6.28.
5. **Research provision**  
In any examination for a research degree of the University there shall be at least one External Examiner.
6. External Examiners for research degrees shall be appointed by the Chair of the relevant Faculty Education Committee or nominee appointed by the Chair under powers delegated by the Senate, receiving nominations from the Departments or partner institutions concerned.
7. No External Examiner for research provision shall be a current member of staff or shall have been a member of staff within the previous five years, either of the University of Essex or of a partner institution delivering programmes of study leading to a degree of the University. Exceptional cases may require approval by the Pro-Vice-Chancellor (Education).

## **Ordinance 46 - Boards of Examiners**

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1. The Senate has responsibility to confer Degrees, Diplomas, Certificates and other awards of the University. As such, Senate is responsible for the system of academic governance whereby final decisions on the results for modules, progression, awards and degree classification for all students of the University are determined.
2. **Taught provision**  
The Senate has delegated to Boards of Examiners the power to make the final decision on the results for modules, progression, awards and degree classification for all students of the University, provided that the Board of Examiners is properly constituted in accordance with the procedures approved by the Senate.
3. In circumstances in which Boards of Examiners are not able to be properly constituted in accordance with the procedures approved by Senate, or are unable for any other reason to exercise the powers delegated to them by the Senate, the Chair of that board (or where this is not possible the Secretary) after taking all reasonable steps to address the situation shall be responsible for drawing this matter to the attention of the Chair of Senate and requesting that this power should revert to the Senate. The Chair of Senate may delegate authority to an alternative board of examiners which, provided it is properly constituted, can take forward the responsibilities subject to the normal powers outlined in (1) above.
4. **Research provision**  
The Senate has delegated to the Chair of relevant Faculty Education Committee or nominee appointed by the Chair the power to make the final decision on the results for all research degrees following recommendations from the examiners.

## **Ordinance 47 - Regulations, Policies and Procedures**

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The Senate shall determine University regulations, policies and procedures for all programmes of study of the University. The Academic Registrar shall ensure that accurate and timely information

is published to students. No change of substance shall be made to the regulations, policies and procedures pertaining to programmes of study of the University unless such change has been approved by the Senate and published by the Academic Registrar before the end of the academic year preceding that in which the change is to apply or, in exceptional circumstances, to be approved in each case by the Vice-Chancellor, on behalf of the Senate, before the first day of the period of study in which the change is to apply. Where changes in the law or obligations imposed upon the University by government require an in-year change in institutional regulations, policies or procedures then that change shall be enacted immediately, subject to approval by the Vice-Chancellor, and the Academic Registrar shall ensure the relevant information is published in a timely manner and shall report that change to the next meeting of the Senate.

## **Ordinance 48 - Year and Term**

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1. In the Charter, Ordinances and Regulations 'year' shall be defined as 12 calendar months.
2. With reference to the report of the Auditors and the Accounts, 'year' shall be 12 calendar months from the first day of August, unless in a particular case the circumstances require otherwise.
3. With reference to the offices of Pro-Chancellor, Treasurer, Chair of the Council, Pro-Vice-Chancellor, Executive Dean or their deputy, Head of Department and all other academic offices, 'year' shall be 12 calendar months from the first day of August, unless in a particular case the circumstances require otherwise.
4. With reference to meetings of the Council and the Senate and their Boards and Committees, and to the Annual Report, 'year' shall be 12 calendar months from the first day of August.
5. The period from the first day of the Autumn Term to the last day of September, both days included, shall be known as the 'academic year'.
6. The structure of the academic year shall be determined by the Senate.

## **Ordinance 49 - Use of the University Seal**

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1. All deeds and documents requiring to be sealed by the University shall be sealed in the presence of two members of the Council, or of one member of the Council and the Registrar and Secretary or the Director of Finance, Planning and Data Insight, or of the Registrar and Secretary and the Director of Finance, Planning and Data Insight.
2. A Register shall be kept, listing all deeds and documents signed under seal. The Register shall be available for inspection by any member of the Council.

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| <b>Title</b>                   | The Ordinances   |
| <b>Document manager</b>        | Nicky Jackson, Governance Assistant  |
| <b>Section</b>                 | Corporate Governance, Vice-Chancellor and Registrar's Office   |
| <b>Document owner</b>          | Bryn Morris, Registrar and Secretary   |
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| <b>Reporting required</b>      | Not applicable   |
| <b>Questions and queries</b>   | <a href="mailto:governance@essex.ac.uk">governance@essex.ac.uk</a>   |
| <b>Related policies</b>        | <ul style="list-style-type: none"> <li>■ <a href="#">Charter, Statutes and Ordinances</a></li> <li>■ <a href="#">University Regulations</a></li> </ul>   |
| <b>Supersedes</b>              | The Ordinances 2018-19   |
| <b>Superseded by</b>           | Not applicable   |
| <b>Stakeholders</b>            | <p>The Vice-Chancellor;<br/> Registrar and Secretary;<br/> Pro-Vice-Chancellors;<br/> Executive Deans;<br/> Deputy Deans;<br/> Academic Services;<br/> Corporate Governance;<br/> Departments/Schools and Centres;<br/> Human Resources;<br/> Chair of Council and Council members;<br/> The Senate;<br/> Heads of Departments/Schools;<br/> Student Progress team;<br/> Members of Court;<br/> The Students' Union;</p> |

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|--|---|
|  | Graduation team;<br>Advancement team;<br>Director of Finance, Planning and Data Insight |
| <b>Stakeholder role</b>  | Not applicable  |
| If you require this document in an alternative format, such as braille, please contact Nicky Jackson |   |