



The Charter

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The Charter

ELIZABETH THE SECOND

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

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

WHEREAS an humble Petition has been presented unto Us by the Members of the Academic Planning Board for the University of Essex praying that We should constitute and found a University within Our County of Essex for the advancement of learning and knowledge by teaching and research and for enabling students to obtain the advantages of University education and to grant a Charter with such provisions in that behalf as shall seem to Us right and suitable:

AND WHEREAS We have taken the said Petition into Our Royal Consideration and are minded to accede thereto:

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

1.

The Chancellor, the Pro-Chancellors, the Vice-Chancellor, the Treasurer, the Pro-Vice-Chancellors and the Deans for the time being, the members for the time being of the Court, the Council, the Senate and the Staff, the Graduates of the University, the Graduate and the Undergraduate students of the University and all others who shall pursuant to this Our Charter and the Statutes of the University for the time being be Members of the University are hereby constituted and from henceforth for ever shall be one Body Politic and Corporate, with perpetual succession and a Common Seal, by the name and style of 'The University of Essex' (hereinafter called 'the University').

2. Definitions and Interpretations

(a) In the Charter and Statutes

The words 'Alumni Association', 'Court', 'Charter', 'Council' and 'Senate' refer respectively to the Alumni Association, the Court, the Charter, the Council and the Senate of the University.

The words 'Chancellor', 'Pro-Chancellor', 'Vice-Chancellor', 'Treasurer' and 'Pro-Vice-Chancellor' refer respectively to the Chancellor, the Pro-Chancellor, the Vice-Chancellor, the Treasurer and the Pro-Vice-Chancellor of the University.

'Graduates' means persons upon whom Degrees of the University have been conferred.

'External members' means members of the Council who are neither Staff nor Students of the University and are otherwise independent of the University.

'Officers' means persons holding any office in the University established under the Charter and the Statutes.

'Ordinances' means Ordinances made under the Charter or the Statutes.

'Ordinary Resolution' means a resolution passed by a simple majority at a meeting of the Council.

'Regulations' means Regulations made under the Charter, the Statutes or the Ordinances.

'Special Resolution' means a resolution passed at one meeting of the Council and confirmed at a subsequent meeting held not less than one calendar month nor more than six calendar months after the former, provided that notice of each meeting is given to each member of the Council not less than fourteen days before the meeting, and that the resolution is passed by a majority of not less than three fourths of the members of the Council present and voting. The notice of the meeting shall set out the resolution in full.

'Staff' means all persons employed by the University.

'Court' means a meeting of persons who have been appointed by the Council and have an interest in, or relationship to, the University.

'Students' means persons pursuing any programme of study in the University.

'Students' Union' means an association of all Students of the University.

'University' means The University of Essex.

- (b) Words defined in the Charter shall have the same meaning in the Statutes, the Ordinances and the Regulations unless the context indicates otherwise.
- (c) The headings used in the Charter and in the Statutes, Ordinances and Regulations are provided for reference only and are not intended to have legal effect.

3. Objects of the University

The objects of the University shall be to advance education, scholarship, knowledge and understanding by teaching and research, for the benefit of individuals and society at large.

4. Powers of the University

Subject to the provisions of the Charter and Statutes, and in the furtherance of its objects, the University shall have all the powers of a natural person including, but not limited to, power:

(A) IN RELATION TO TEACHING AND RESEARCH:

- i. to provide instruction and programmes of study and research;
- ii. to engage in scholarship and conduct research;
- iii. to admit applicants to programmes of study in accordance with their qualifications or experience;
- iv. to determine fees in relation to programmes of study and to require payment of such fees;
- v. to determine and conduct appropriate forms of assessment, including examinations;
- vi. to confer degrees and grant other academic awards;
- vii. to withdraw degrees and other academic awards conferred or granted by the University;

(B) IN RELATION TO STUDENTS:

- i. to prescribe rules for the discipline of Students;
- ii. to determine procedures for the hearing of complaints by Students;

(C) IN RELATION TO STAFF:

- i. to employ Staff in such positions as may be required, and to prescribe their conditions of service.

(D) IN RELATION TO OTHER INSTITUTIONS:

- i. to affiliate other institutions, or branches or departments of other institutions;
- ii. to co-operate and collaborate with other institutions;
- iii. to award joint degrees and other academic awards with other institutions;
- iv. to incorporate into the University any other institution and take over its rights, property and liabilities, for any purpose not inconsistent with the Charter.

**(E) IN RELATION TO THE PROVISION OF SERVICES AND GOODS,
WITHIN THE LIMITS APPLICABLE TO A CHARITY:**

- i. to exploit for the University's benefit a facility or resource of the University, including study, research or knowledge, or the practical application of study, research or knowledge, belonging to the University, whether alone or with someone else;
- ii. to sell books, and other learning resources, intellectual property and other goods and services consistent with the Charter;
- iii. to print, reproduce and publish research and other works initiated by the University, or to provide for their printing, reproduction and publication;
- iv. to provide facilities and resources for the wellbeing of the University's Students and Staff.

(F) IN RELATION TO THE TRANSACTION OF UNIVERSITY BUSINESS:

- i. to enter into contracts;
- ii. to acquire, hold, dispose of and deal with property;
- iii. to raise funds;
- iv. to act as trustee or manager of any property or funds given or bequeathed to the University for purposes of education or research or other objects of the University, and to invest any such funds.

(G)

To do anything else necessary or convenient, whether incidental to these powers or not, in order to further the objects of the University as a place of education, learning and research.

5. The Council

There shall be a Council of the University. The Council shall be the supreme Governing Body of the University and shall act in a way that promotes the University's interests.

6. Functions of the Council

The Council's functions shall be to:

- (a) have ultimate responsibility for the affairs of the University;
- (b) determine the strategic direction of the University;

- (c) ensure the effective management and control of the University's affairs, property and finances;
- (d) determine the structure, staffing and overall composition of the University;
- (e) appoint the Chancellor, Pro-Chancellors, Vice-Chancellor, and other officers of the University.

7. Powers of the Council

Subject to the Charter, and in furtherance of its role as the supreme Governing Body, the Council shall exercise all the powers of the University; and without limiting the above, the Council has the specific powers set out in the Ordinances.

8. Delegation by the Council

(a) Subject to sub-paragraph (b) below, the Council may delegate its powers under the Charter, the Statutes and Ordinances to:

- i. an appropriately qualified member of the Council; or
- ii. an appropriately qualified committee that contains one or more members of the Council; or
- iii. an appropriately qualified member of the University's staff.

Provisions governing the delegation of the Council's powers are set out in the Ordinances.

(b) The Council may not delegate its powers:

- iv. to appoint and dismiss the Vice-Chancellor and to approve the Vice-Chancellor's terms and conditions on appointment;
- v. to approve the annual budget;
- vi. to amend the Charter under the provisions of Article 18;
- vii. to make, amend or remove University Statutes under the provisions of Article 19;
- viii. to make, amend or remove University Ordinances under the provisions of Article 20;
- ix. to adopt the University's Annual Accounts;
- x. to appoint the University's Auditors.

9. The Senate

There shall be a Senate of the University which shall have delegated authority from the Council to oversee the academic work of the University, the enhancement of academic quality and assurance of

academic standards, and the regulation of student discipline, and which shall have the composition, powers and functions conferred on it in the Ordinances.

10. The Court

There shall be a Court of the University comprising persons who have been appointed by the Council and which shall have the composition and functions prescribed in the Ordinances.

11. Students' Union

There shall be a Students' Union of the University which shall have the composition, powers and functions prescribed in the Ordinances.

12. Alumni Association

There shall be an Alumni Association of the University which shall have the composition and functions prescribed in the Ordinances.

13. The Chancellor

- (a) There shall be a Chancellor of the University who shall be the Chief Officer of the University.
- (b) The Chancellor shall be entitled to preside over the Annual Meeting of the Court and to confer degrees on behalf of the University.

14. The Pro-Chancellor

There shall be Pro-Chancellors of the University not exceeding three in number. One of the Pro-Chancellors shall be the Chair of Council and shall act as Chancellor in the absence of the Chancellor or in the event of a vacancy in that post.

15. The Vice-Chancellor

- (a) There shall be a Vice-Chancellor of the University who shall be the principal academic and administrative Officer of the University and ex officio Chair of the Senate.
- (b) The Vice-Chancellor shall assume the role of the chief executive officer of the University.
- (c) In the event of the Vice-Chancellor's death or incapacity, or a vacancy in the office of Vice-Chancellor, the Council may appoint an Acting Vice-Chancellor in accordance with the Ordinances. In such an event, the term 'the Vice-Chancellor' in this Charter, the Statutes and the Ordinances shall apply to the duly appointed Acting Vice-Chancellor.

16. The Treasurer

There shall be a Treasurer of the University who shall be the Chair of the audit committee.

17. The Pro-Vice-Chancellor

There shall be Pro-Vice-Chancellors of the University who shall in the event of the Vice-Chancellor's incapacity through illness or any other cause perform functions and duties of the Vice-Chancellor. The Council may designate a Pro-Vice-Chancellor as Deputy Vice-Chancellor in accordance with the Ordinances.

18. The Charter

The Council may at any time add to, amend, or revoke the Charter by a Special Resolution. Such addition, amendment, or revocation shall only become effective when approved by Us, Our Heirs or Successors in Council. A certificate under the hand of the Clerk of the Privy Council shall be conclusive evidence of such approval. This Article shall apply to the Charter as added to, amended, or revoked in this manner.

19. The Statutes

Subject to the provisions of the Charter, Statutes shall prescribe:

- (a) the constitution and business of the Council;
- (b) such other provisions as the Council may see fit in connection with the governance of the University, or for the promotion of the objects of the Charter.

The Statutes may direct that any of the matters prescribed or regulated by Statute as authorised or directed in the Charter shall be further prescribed or regulated by Ordinance, by Regulation, or by decision made by the Council.

The Council may, at any time, by Special Resolution, make Statutes for the University which may add to, amend or revoke the Statutes for the time being in force; provided that such Statutes shall not be inconsistent with the provisions of the Charter. Such addition, amendment or revocation shall only become effective when approved by the Privy Council. A Certificate under the hand of the Clerk of the Privy Council shall be conclusive evidence of such approval.

20. The Ordinances

Subject to the provisions of the Charter and the Statutes the Council may, on the recommendation of the Senate, and by Ordinary Resolution, make, add to, amend or revoke such Ordinances as it considers necessary or desirable for the purpose of carrying out the objects of the University, and shall

stipulate when such Ordinances come into effect; provided that no Ordinances shall be inconsistent with the provisions of the Charter or Statutes.

21. The Regulations

Subject to the provisions of the Charter, the Statutes and Ordinances, the Senate may, within the responsibilities delegated to it by the Council, make, add to, amend or revoke Regulations relating to:

- (a) teaching, research, programmes of study and the award of degrees and other academic distinctions;
- (b) the conduct of examinations;
- (c) the University Library;
- (d) the requirements for admission to the University and to any particular programme of study;
- (e) the conditions under which Students shall be permitted to continue their studies in the University;
- (f) academic dress;
- (g) the discipline of the Students of the University; and
- (h) such other matters within its delegated responsibilities as it considers necessary or desirable for the purpose of carrying out the objects of the University.

22. Academic Freedom

Academic staff shall 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.

23. Discrimination

The University shall show no discrimination, as required by law, against any person in determining whether they are to be admitted as a member of the Staff, or as a Student, or to graduate from the University or to hold any advantage or privilege of the University.

24. Dividend, Gift, Division or Bonus in Money

The University shall not make any dividend, gift, division or bonus in money to or between any of its members except by way of prize, reward or special grant.

25. Visitor

We reserve unto Ourselves, Our Heirs and Successors, on representation from the Council following a Resolution passed by a simple majority of the members of the Council present and voting, the right by Order in Council to appoint a Visitor of the University for such period and with such duties as We, Our Heirs and Successors shall see fit.

26.

Our Royal Will and Pleasure is that this Our Charter shall ever be construed benevolently and in every case most favourably to the University and the promotion of the objects of this Our Charter.

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

WITNESS Ourselves at Westminster the eleventh day of January in the thirteenth year of Our Reign.

BY WARRANT UNDER THE QUEEN'S SIGN MANUAL, COLDSTREAM

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