*At the Council Chamber, Whitehall*

THE 1st DAY OF MAY 2019

BY THE LORDS OF HER MAJESTY'S MOST HONOURABLE PRIVY COUNCIL

The Privy Council has approved the revised Statutes of the University of Manchester as set out in the Schedule to this Order.

*Ceri King*

---

*SCHEDULE*

REVISED STATUTES OF THE UNIVERSITY OF MANCHESTER

**Statute I**

**Definitions**

In these Statutes, and in the Ordinances and Regulations, the following words and expressions shall, except where the context otherwise requires, have the meanings hereby assigned to them, namely:

(a) 'the University' means The University of Manchester;

(b) 'the Charter' means the Charter of the University granted in the year 2004 as may be amended from time to time;

(c) 'Statutes' means any of the Statutes of the University;

(d) 'Ordinances' and 'Regulations' mean any Ordinance or Regulation made pursuant to these Statutes;

(e) 'the laws of the University' means the Charter, these Statutes, the Ordinances and the Regulations;

(f) 'the Board', 'the General Assembly' and 'the Senate' mean respectively the University Board of Governors, the University General Assembly and the University Senate;

(g) 'Faculty' means any of the Faculties of the University;

(h) 'Dean of Faculty' means a person appointed as prescribed by Statute XV and Ordinance;

(i) 'School' means any of the Schools of the University;

(j) 'School Board' means a board of a School constituted by Ordinance, as referred to in Statute XV;

(k) 'student' means a person for the time being registered for a programme of study in the University;

(l) 'union of students' means the union of students designated by Ordinance under the provisions of Statute XVII;

(m) 'student residence' means a hall of residence or other unit of accommodation maintained by the University for the residence of students;

(n) 'lay member' without further qualification means a member of the Board or the General Assembly who holds no paid employment in the University and who is not a student of the University;

(o) 'academic staff' means members of staff holding posts that have been designated academic posts by the Board, having consulted the Senate;

(p) 'academic-related staff' means members of staff holding posts that have been designated academic-related posts by the Board and includes staff holding posts designated as research posts;

(q) 'other staff' means members of staff holding posts that have not been designated as academic posts or academic-related posts by the Board;

(r) 'academic year' means the period from 1 September in one year to 31 August in the next year.

In the laws of the University, unless the context otherwise requires, words in the singular shall include the plural and words in the plural shall include the singular.

**Statute II**

**The Chair and other Officers of the Board**

1. The Chair of the Board, one or more Deputy Chairs, and such other officers as the Board may consider necessary from time to time shall be appointed by the Board from

among the members of the Board who hold membership in Category 2 as defined in Statute VI, and shall, without prejudice to the foregoing and subject to the Ordinances, hold office for such initial period, and on such terms and conditions, as the Board shall determine. They may be reappointed by the Board, but they shall not serve continuously as officers for a total of more than six years unless, exceptionally, in the interests of the University, the Board approves a further appointment for an additional period of no more than three years.

2. The Chair, or in his or her absence one of the Deputy Chairs, or in their absence some other lay member chosen by the members present, shall preside over meetings of the Board.

3. The Chair, the Deputy Chair or Chairs and other officers of the Board as may have been appointed in accordance with paragraph 1 above:

   (a) shall undertake such other duties as may from time to time be assigned to them by the Board;

   (b) shall be designated officers of the University pursuant to Article VI of the Charter;

   (c) may resign in writing addressed to the Board.

4. During the tenure of office of the Chair of the Board, the Board may, at its discretion, grant to him or her the additional title of Pro-Chancellor, provided that the grant of such title shall not permit the Chair of the Board to undertake any of the duties and responsibilities reserved by these Statutes to the office of Pro-Chancellor provided for in Statute IV.7.

**Statute III**

**The President and Vice-Chancellor**

1. Pursuant to Article VI of the Charter, the officer fulfilling the function of Chief Executive Officer of the University shall hold the title of President and Vice-Chancellor.

2. The President and Vice-Chancellor shall be appointed by the Board following consultation with the Senate.

3. The President and Vice-Chancellor shall hold office for such period and with such terms and conditions as the Board shall determine.

4. Pursuant to Article IV of the Charter, the President and Vice-Chancellor shall be responsible to the Board for the effective and efficient management of the University, for the conduct of its business generally and for the achievement of institutional objectives, including:

(a) in relation to academic management (and subject to the powers and authority of the Senate provided for in these Statutes), establishing, in consultation with the Senate, the Deans of Faculties and such other appropriate academic or academic-related officers and in furtherance of the Objects of the University, operational limits and processes satisfactory to the Board and the Senate as prescribed in Ordinance or Regulation;

(b) in relation to corporate, financial and estate management, establishing in consultation with the Senate or the Registrar, Secretary and Chief Operating Officer as may be required, and in furtherance of the Objects of the University, operational limits and processes satisfactory to the Board as prescribed in Ordinance or Regulation;

(c) in relation to human resources management, establishing in consultation with the Senate or the Registrar, Secretary and Chief Operating Officer, as may be required, and in furtherance of the Objects of the University (and subject to Statute XIII), operational limits and processes satisfactory to the Board as prescribed by Ordinance or Regulation

5. The President and Vice-Chancellor shall preside at meetings of the Senate and shall report to the Board, at such times as the Board may require, on the academic work of the University and the strategic development thereof.

6. In fulfilment of these responsibilities, the President and Vice-Chancellor may be assisted by such academic or academic-related officers of the University as the Board, in consultation with the Senate, may from time to time designate and appoint, with such terms and conditions of service as it may determine. The President and Vice-Chancellor shall also establish, with a composition and in a manner satisfactory to the Board, a management team to assist him or her in fulfilling the functions of the office.

7. The President and Vice-Chancellor may resign in writing addressed to the Board.

**Statute IV**

**The Chancellor and the Pro-Chancellor**

1. Pursuant to Article VI of the Charter the officer fulfilling the function of non-executive Chair of the General Assembly of the University shall hold the title of Chancellor.

2. The Chancellor shall not hold any paid appointment in the University and shall be elected by:

(a) the staff of the University holding paid superannuable appointments;

(b) the members of the Alumni Association provided for in Statute XVIII and prescribed by Ordinance;

(c) the members of the General Assembly;

according to procedures prescribed by Ordinance.

4. Subject to paragraph 6 of this Statute, the Chancellor shall hold office for a period of seven years from the date of appointment and shall not be eligible for re-appointment.

5. The Chancellor shall, if present, preside over meetings of the General Assembly and over Congregations of the University for the conferment of degrees. The Chancellor may undertake such other ceremonial and formal duties as the Board may from time to time request.

6. The Chancellor, for good cause, after a proper hearing and through a process determined by the Board and the General Assembly and as prescribed by Ordinance, may be removed from office by the Board.

7. Subject to the Ordinances, during the absence or inability of the Chancellor or vacancy in the office, the functions of the office, except the conferment of degrees, shall be exercisable by a Pro-Chancellor, who shall not hold any paid appointment in the University, and who shall be appointed by the General Assembly on the recommendation of the Nominations Committee provided for in Statute VI.2 according to procedures prescribed by Ordinance.

8. Such Pro-Chancellor shall hold office for a period of four years and shall be eligible for reappointment to one further term of office. The office-holder shall be designated an officer of the University pursuant to Article VI of the Charter.

9. The Chancellor and the Pro-Chancellor appointed pursuant to paragraph 7 of this Statute may resign in writing addressed to the General Assembly.

**Statute V**

**The Registrar, Secretary and Chief Operating Officer**

1. The Board, in consultation with the Senate, shall appoint a Registrar, Secretary and Chief Operating Officer who, in addition to serving as Secretary to the Board, the Senate and the General Assembly, shall be the Head of the Administration of the University, responsible to the President and Vice-Chancellor for the provision of the administrative and support services required for the effective and efficient conduct of the business of the University.

2. The Registrar, Secretary and Chief Operating Officer shall hold office for such period and, subject to Statute XIII, with such terms and conditions as the Board shall determine. The office-holder shall be designated an officer of the University pursuant to Article VI of the Charter.

3. The Registrar, Secretary and Chief Operating Officer may resign in writing addressed to the Board.

**Statute VI**

**The Board of Governors**

1. Subject to the laws of the University, and in pursuance of its function as the governing body of the University, the Board shall be responsible for the conduct and activity of the University and the exercise of all its powers including those specified in Article IV of the Charter. Further to Article V.2 and Article V.3 of the Charter, Statute VII (and supporting Ordinances) and Statute IX describe powers delegated by the Board to Senate and General Assembly respectively.

2. The primary responsibilities of the Board shall be prescribed in the Ordinances and these shall include responsibility for:

   (a) keeping the strategic direction of the University under regular review;

   (b) overseeing the academic management of the University;

   (c) overseeing the financial management of the University including responsibility for the financial sustainability and viability of the University;

   (d) overseeing the human resource management of the University including the employment of staff by the University.

3. The Board shall consist of the following persons, namely:

   (a) **Category 1, *ex officio* members**

   The President and Vice-Chancellor

   An officer of the union of students, as prescribed by Ordinance.

   (b) **Category 2, lay members**

   Thirteen lay members appointed according to the provisions of paragraph 2 of this Statute, one of whom shall have been proposed for appointment by the Alumni Association according to procedures prescribed by Ordinance.

   (c) **Category 3, members of the Senate**

   Six members elected by the Senate from amongst those of its members in Senate Categories 2 and 3, in such manner, prescribed by Ordinance, as to reflect the broad range of academic experience and culture across the Faculties provided for in Statute XV. At least one of those elected shall be from Senate Category 2, and at least three shall be from Senate Category 3, at least one of whom shall hold a professorial or equivalent appointment and at least one of whom shall hold non-professorial appointments.

(d) **Category 4, member of staff other than academic or research staff**

One member of staff holding a paid superannuable appointment in the University elected by the General Assembly from amongst its staff members other than members holding academic or research appointments.

(e) **Category 5, Student member**

One elected officer of the union of students (in addition to the *ex-officio* member prescribed by Ordinance) nominated annually by the union of students.

4. The members in Category 2 shall be appointed by the Board on the recommendation of a Nominations Committee appointed by the Board subject to the following conditions:

(a) the Committee shall be chaired by the Chair of the Board;

(b) the majority of the Committee shall be members of the Board;

(c) the remaining membership of the Committee shall be drawn from amongst the lay members of the General Assembly who are not members of the Board. One of these members shall be the Pro-Chancellor referred to in Statute IV.7, who shall be an *ex-officio* member of General Assembly;

(d) in formulating its recommendations to the Board, the Committee shall have regard to the experience and capacity of potential members within the full range of activities that have relevance to the fulfilment of the Objects of the University.

Subject to the above provisions, the constitution, duties and responsibilities of the Committee shall be prescribed by Ordinance.

5. The procedure for the election of members in Categories 3 and 4 shall be prescribed by Regulation. Members of the Board other than *ex officio* members and the member in Category 5, shall each hold office for a period of up to three academic years, subject to Statute XIII (where appropriate) and the Ordinances. A casual vacancy amongst the appointed or elected members shall be filled as soon as conveniently possible by the body which appointed or elected the member whose place has become vacant, and shall be for the unexpired portion of the previous member's term of office, provided that the unexpired portion is for a period of at least twelve months. Where the unexpired portion is for a period of less than twelve months, a member may be elected or appointed for a period of up to three academic years.

6. Members of the Board, other than *ex officio* members (but otherwise irrespective of category of membership) shall not, subject to what follows, serve continuously more than three terms of three academic years (or, where appointed for whatever reason for any period of fewer than three years, for longer than nine years in total),. Exceptionally, in the interests of the University, the Board may approve the eligibility of a member to be appointed or elected for a fourth and final term or for longer than nine years (subject always to an overall maximum of twelve years).

7. At such times as the Board may deem necessary for the effective and efficient conduct of its business, it may invite appropriate academic or academic-related officers to attend its meetings.

8. In order for meetings of the Board to be quorate, a majority of lay members must always be present, subject to a minimum total number of twelve members being present.

**Statute VII**

**The Senate**

1. Subject to the Charter, these Statutes and the authority of the Board, the Senate shall be the principal academic authority of the University, with delegated authority from the Board for the regulation of the education and teaching of students, for research and for the enhancement of academic quality and assurance of academic standards. The powers of Senate shall be prescribed by Ordinance and shall include:

   (a) in consultation with the Faculties, keeping the academic strategy of the University under regular review and making such recommendations to the Board as may be requisite for its implementation;

   (b) making recommendations to the Board in relation to the academic structure and organisation of the University;

   (c) discussing and declaring an opinion on any matter relating to the University to the Board , whose duty it shall be to consider and respond to the same.

2. The Senate shall consist of the following persons, namely:

   (a) ***Ex officio* members**

   **Category 1**

   The President and Vice-Chancellor, who shall preside at meetings of the Senate

   The Deputy President and Deputy Vice-Chancellor

   The Vice-Presidents, including those who are also Deans of the Faculties.

   **Category 2**

   The holders of such other academic offices or posts as may be determined by the Senate and designated for membership by Ordinance, being offices and posts in the University, provided that the total number of *ex officio* members at any time does not exceed one-half of the elected membership.

   (b) **Elected members**

**Category 3**

Forty members of staff holding paid academic or research appointments in the University elected from amongst their number in each of the Faculties on such basis as prescribed by Ordinance.

(c) **Co-opted members**

**Category 4**

Up to five persons co-opted by the Senate. Co-opted members shall be persons holding appointments in the University, and shall hold office for such period, subject to Statute XIII, and under such conditions as the Senate in each case shall determine.

(d) **Student members**

**Category 5**

Five students, including the elected officers of the union of students responsible for academic affairs and postgraduate affairs respectively. The remaining members shall be elected by the Council of the union of students from amongst its own number.

At such times as the Senate may deem necessary for the effective and efficient conduct of its business, it shall invite appropriate academic or academic-related officers to attend its meetings.

3. The procedure for the election of elected members shall be prescribed by Regulation. Elected members of the Senate shall each hold office for a period of three academic years, subject to Statute XIII.

4. All retiring members shall be eligible for re-election under conditions determined by the Senate and prescribed by Ordinance.

5. *Ex officio* and co-opted members of the Senate shall not be eligible to hold office as elected members.

6. The Senate shall provide such evidence as the Board may seek that the principles of academic governance set out above and in the Ordinances are being properly upheld and exercised.

7. Twenty-two members shall be a quorum.

**Statute VIII**

**Meetings of the Board and the Senate; conduct of business and delegation of authority**

1. Subject to the laws of the University, the Board and the Senate shall each have power to make, amend or revoke standing orders governing the proceedings of their meetings and the conduct of their business. The membership of students, and their attendance at meetings, of the Board and the Senate, and of any committees (or other bodies) appointed under the provisions of paragraph 3 below, shall be subject to their compliance with the arrangements for the conduct of reserved business as prescribed from time to time by Ordinance.

2. Meetings of the Board and the Senate may be summoned by the direction of their respective presiding officers, or on such other authority and in such manner as may be prescribed in any standing orders as may have been made as aforesaid, and shall be so summoned at least once in every academic year.

3. Subject to paragraph 4 below, the Board and Senate may delegate any of their powers, functions and duties to any person, committee or body.

4. The Board shall not delegate responsibility for:

   (a) appointing the President and Vice-Chancellor or Registrar, Secretary and Chief Operating Officer;

   (b) the approval of the University's strategic plan;

   (c) making, amending or revoking any of the Ordinances or Regulations;

   (d) the approval of the University's financial forecasts and annual budget;

   (e) the institution of procedures for dismissal by means of redundancy as prescribed by Statute XIII 6 (b).

5. The Board or Senate may revoke or alter a delegation at any time.

6. All acts done by a meeting of the Board or Senate, or of a committee of the Board or Senate, shall be valid notwithstanding the participation in any act by a member of such body who:

   (a) was disqualified from holding office;

   (b) had previously retired or who had been obliged by the Statutes to vacate office;

   (c) was not entitled to vote on the matter, whether by reason of a conflict of interests or otherwise;

   if without:

(a) the vote of that member; and

(b) that member being counted in the quorum

the decision has been made by a majority of the members of the Board or Senate at a quorate meeting.

7. A technical defect in service of which the Board and Senate is unaware does not invalidate decisions taken at a meeting.

8. A technical defect in the appointment of a member of the Board or Senate of which the relevant body is unaware at the time does not invalidate a decision taken at a Board and Senate meeting or by written resolution.

**Statute IX**

**The General Assembly**

1. Subject to the provisions of the Charter, the General Assembly shall have such membership as prescribed by Ordinance, ensuring representation of a broad and diverse range of external stakeholders and representation from students, staff, Senate and the Alumni Association of the University. Before approving, adding to or amending such Ordinance, the Board shall seek the opinion of General Assembly.

2. As prescribed in the Charter, the General Assembly shall have the authority to present the University and its achievements to the wider community and to receive the views thereupon from that community. In doing so, the General Assembly shall have the power:

(a) to receive from the Board, and to discuss, comment and express an opinion thereon, an annual report on the working of the University and the audited annual financial statements of the University;

(b) to appoint the Pro-Chancellor of the University, as provided for in Statute IV.7, on the recommendation of the Nominations Committee provided for in Statute VI.2;

(c) pursuant to the provisions of Articles VIII and IX of the Charter, to scrutinise and express an opinion on proposals from the Board for the amendment of the Charter and these Statutes;

(d) to discuss and declare an opinion on any matter whatsoever relating to the University, on reference from the Board or otherwise, and to transmit such opinion to the Board, whose duty it shall be to consider the same;

(e) to be a constituency in the election of the Chancellor as provided for in Statute IV and the Ordinances.

3. An ordinary meeting of the General Assembly shall be held, on a date to be determined by the Board in consultation with the officer presiding, at least once in every calendar year and within fifteen months of the preceding ordinary meeting. The General Assembly shall hold special meetings at other times when convened by the officer presiding, acting alone or on the request in writing of at least thirty members, or by the Board. The quorum of the General Assembly shall be prescribed by Ordinance, but otherwise the General Assembly shall, subject to the laws of the University, determine the procedure for the conduct of its meetings and of its affairs.

**Statute X**

**Academic freedom**

Academic staff shall have the 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.

**Statute XI**

Deleted in entirety

**Statute XII**

Deleted in entirety

**Statute XIII**

**Academic and Academic-Related Staff: Dismissal, Discipline, Grievance Procedures and Related Matters**

Any proposals for the amendment of this Statute or its subsidiary Ordinances and Regulations may not be considered by the Board until negotiations with the appropriate recognised trade union(s) have taken place.

***Part I: General***

1. **Application**

(a) This Statute applies to the following:

(i) the members of the academic staff and academic-related staff (except for the President and Vice-Chancellor and those excluded from Part II by paragraph 5(b) below);

(ii) such other members of staff or categories of staff of the University as are brought within its scope by the Board;

and 'member(s) of staff' in this Statute means those members of the staff to whom this Statute applies.

(b) This Statute will override any provision in any contract, term or condition of employment which is inconsistent with this Statute, whether dated before or after the commencement of this Statute, but:

(i) it shall not affect the validity of any waiver under section 197 of the Employment Rights Act 1996, any compromise agreement under section 203 of the Employment Rights Act 1996, or any similar waiver or agreement permitted by law; and

(ii) it shall not preclude any member of staff deciding or agreeing to terminate employment with the University, whether by voluntary severance, early retirement or otherwise, on whatever terms have been agreed.

(c) Parts II to V of this Statute shall not apply to removal from an appointment, designated as such by the Board, to which a member of staff has been elected or appointed and which is distinct from that individual's substantive post, where dismissal from the substantive post is not contemplated. The Board shall prescribe by Ordinance a procedure for handling such removals prior to the prescribed or normal termination date, which shall include the right to be heard by a panel and the right to appeal to a panel.

2. **General principles**

(a) This Statute and any Ordinances or Regulations made under it shall be applied and construed in every case to give effect to the following guiding principles:

(i) to ensure that members of staff have freedom (hereafter referred to as 'academic 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;

(ii) to enable the University to provide education, promote learning and engage in research efficiently and economically; and

(iii) to apply the principles of justice and fairness.

(b) Where, in any proceedings under this Statute, a member of staff invokes paragraph (a)(i) above, that claim shall be considered by the person(s) or panel designated to deal with the matter under the relevant Part of this Statute and, if it is found that any action has been taken against the member of staff that contravenes the principle of academic freedom, such person(s) or panel shall cancel that action and it shall be treated as invalid.

(c) Where there is any issue as to the meaning of 'academic freedom' in any proceedings under Parts II, III, IV, V and VI of this Statute, regard shall be had to

Sections VI and VII of the Recommendation concerning the Status of Higher Education Teaching Personnel adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) in Paris on 11 November 1997.

(d) It is the general policy of the University to appoint members of staff on contracts of indefinite duration. The appointment of a member of staff on a limited-term contract is only to be made in the following circumstances:

(i) where a current member of staff (the 'postholder') holding a contract of indefinite duration is unable to continue to fulfil the duties of the post, either because he or she has been seconded to other duties for a limited period or has been granted leave of absence for a limited period, which may in either instance be subject to periodic review; or

(ii) where the duties of the member of staff are for a specific and determinable limited period, and where there are other necessary and objective circumstances for making categories or types of appointment on a limited-term basis that have been identified from time to time after meaningful consultations have taken place with staff representatives.

(e) Any reference in this Statute to a provision in an Act of Parliament, or to other recommendations or guidance to which reference is made, shall be taken to be a reference to that provision, recommendation, or guidance as it may have been amended or superseded from time to time.

3. **Dismissal**

(a) For the purpose of this Statute, 'dismissal' shall have the same meaning as in section 95 of the Employment Rights Act 1996.

(b) A member of staff may be dismissed if that dismissal is for a reason set out in section 98 of the Employment Rights Act 1996.

(c) (i) A dismissal by reason of redundancy shall be handled in accordance with Part II;

(ii) a dismissal for disciplinary reasons shall be handled in accordance with Part III;

(iii) a dismissal on health grounds shall be handled in accordance with Part IV; and

(iv) a dismissal on any other grounds shall be handled in accordance with Part V.

4. **Hearing, appeal and grievance panels**

(a) Any panel established pursuant to paragraphs 8(a), 10(b)(iv) and (vii), 15(b), 17(b) and 19(e) of this Statute shall consist of three persons, none of whom shall previously have had any involvement with the case, at least one of whom shall be a lay member of the Board and one a member drawn from a list agreed from time to time by the Senate in the instance of a panel considering the case of a member of the academic or research staff, or by the Board in the instance of a panel considering the case of a member of the academic-related (excluding research) staff. Panels established to hear appeals against dismissals shall have as the third member an appropriately experienced person who is independent of the University.

(b) Ordinances may provide for any relevant National Health Service or other relevant body to be represented on any panel established under this Statute to deal with a member of staff falling within paragraph 18(a) below and for the panel to be enlarged for this purpose.

(c) At any panel within sub-paragraph (a) above, the member of staff shall be entitled to be represented or assisted by a workplace colleague or by a trade union representative.

(d) Any panel within sub-paragraph (a) above shall give a reasoned decision in writing which shall be provided to the member of staff and reported to the Board.

***Part II: Redundancy***

5. **Definition and Application**

(a) Dismissal by reason of redundancy for the purpose of this Part has the same meaning as in section 139 of the Employment Rights Act 1996.

(b) The power to dismiss, and the procedures prescribed, under this Part shall not apply to those staff defined in sub-sections (3) to (6) of section 204 of the Education Reform Act 1988 [*staff appointed prior to, and not promoted after, 20 November 1987*], who shall for this purpose continue to be subject to such powers, if any, as applied to them prior to the introduction of the Statute made by the University Commissioners in the exercise of their powers under sections 203 and 204 of the Education Reform Act 1988.

6. **Procedure for dismissal by reason of redundancy**

(a) The Board shall prescribe by Ordinance the procedures for dismissing members of staff on grounds of redundancy, other than by termination of a limited-term appointment (which shall be dealt with under paragraph 7), which shall include the following:

(i) a preliminary stage involving consultation with appropriate representatives in accordance with and to the extent required by section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 and discussion with the staff concerned;

(ii) a procedure which is fair and which allows each member of staff concerned, having been informed of the selection criteria to be employed, to make written and oral representations on his or her behalf;

(iii) provision for informing any member of staff dismissed under this Part of the reasons for the dismissal and, where selection has taken place, why he or she was selected; and

(iv) authorising the President and Vice-Chancellor or other person to dismiss any member of staff selected for dismissal under this Part and requiring reports of dismissals to be submitted to the Board.

(b) The procedures following the preliminary stage may be used at any particular time only after the Board has first determined that the circumstances are such that these procedures should be instituted. In making such determination, the Board shall be advised by a Committee, the title, constitution, duties and responsibilities of which shall be prescribed by Ordinance. *Inter alia* these shall include the review of the evidence provided by the President and Vice-Chancellor in support of a proposal that there should be dismissal(s) amongst the staff by reason of redundancy, and an investigation of any alternative strategies in a University-wide context for resolution of the circumstances leading to such proposal. In doing so, the Committee shall take into consideration a report on the process and the outcome of the preliminary stage of consultation undertaken pursuant to paragraph 6(a)(i) above and may, before formulating its advice to the Board, require further consultations to be undertaken and reported on. Subject to these requirements, the Committee shall establish its own *modus operandi* in a manner satisfactory to the Board.

7. Special provisions relating to dismissal by reason of redundancy arising from the termination of a limited-term appointment

(a) The President and Vice-Chancellor, or other person(s) designated by him or her, in every case where a limited-term appointment is due to terminate by virtue of a limiting event (as defined in section 1 of the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002) shall review all the circumstances, including, where appropriate, the availability of the postholder to resume the duties of the appointment, and shall determine:

(i) whether, instead of terminating by virtue of the limiting event [*the expiry of a specific term, or the completion of a particular task, or the occurrence or non-occurrence of any other specific event*], the limited-term appointment should be extended, or an appointment of indefinite duration should be offered; or

(ii) in circumstances where there has been more than one limited-term appointment within a continuous period of employment such that the provisions of the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002 are applicable, instead of the appointment terminating by virtue of the limiting event, whether there are objective and justifiable reasons for further extending the appointment, or whether an appointment of indefinite duration should be offered;

(iii) whether there are opportunities for the redeployment of the member of staff to other appropriate duties in the University.

(b) A member of staff whose limited-term appointment is to terminate following the completion of the procedure set out at paragraph 7(a)(i) above shall be given full reasons for the decision and shall be entitled to appeal against such decision to a panel as provided for in paragraph 8(a). The panel, whose decision shall be final, shall consider whether the reasons advanced in support of the decision are reasonable and supportable.

(c) In the case of a member of staff whose limited-term appointment has been deemed by the Board to be one of indefinite duration by the application of the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002, and that such appointment is to terminate following the completion of the procedure set out at paragraph 7(a)(ii) above, the proposal for dismissal by reason of redundancy shall be considered according to the procedures set out at paragraph 6.

8. **Appeal against dismissal by reason of redundancy**

(a) The Ordinances shall include provision for an appeal to a panel by a member of staff who has been given notice of dismissal under this Part.

(b) The panel shall be entitled to review all aspects of the matter other than, where applicable, the Board's determination under paragraph 6(b) above that the procedures set out in paragraph 6(a) that follow the preliminary stage should be instituted.

(c) The panel shall have the power to reach a final decision on the matter, or to remit the matter for further consideration by the body whose decision is being appealed against.

***Part III: Disciplinary Procedures***

9. **Grounds for disciplinary action**

Disciplinary action under this Part may be taken, and where found to be appropriate a penalty imposed, in respect of the following:

(a) conduct amounting to a criminal offence, whether or not there has been a prosecution and conviction, of a kind that is judged in all the circumstances to impact adversely on the member of staff's employment in the University;

(b) refusal, neglect or failure to perform some or all of the duties or to comply with some or all of the conditions attaching to the post, or performing those duties or complying with those conditions in an unsatisfactory or inadequate manner;

(c) conduct of a kind judged to be inappropriate or unacceptable on the part of a holder of the post held by the member of staff, such as (but not confined to) the following:

(i) breach of any obligation or duty arising under any of the University's regulations regarding financial matters, harassment, equal opportunities, public interest disclosure, health and safety, or data protection or any other rules, regulations or codes binding on the member of staff;

(ii) wilful damage to or improper use of University facilities, premises, property or equipment;

(iii) improper interference with or disruption of, the activities of the University, or of any Member thereof or visitor thereto (other than any lawful industrial action);

(iv) violent, indecent, disorderly, threatening, abusive, insulting or harassing behaviour or language (whether written, spoken or in any other form);

(v) fraud, deceit, deception or dishonesty in relation to the University or any related activity, including research and examining;

(vi) action likely to cause injury or impair safety;

(vii) divulging information or material received that has been marked or otherwise indicated as being in confidence (unless the disclosure is permitted under the Public Interest Disclosure Act 1998 or in accordance with the University's Public Interest Disclosure Procedure).

10. **Disciplinary procedures**

The Board shall prescribe by Ordinance disciplinary procedures for members of staff, which shall provide:

(a) for less serious matters to be dealt with by warnings following a fair and appropriate procedure, and for a member of staff to be able to appeal against the imposition of a warning to a person designated by the President and Vice-Chancellor; and

(b) for dealing with more serious matters, which shall include provision for the following:

(i) fair and reasonable time limits for each stage;

(ii) investigating complaints and dismissing those found to be without substance;

(iii) suspension, on full pay, by the President and Vice-Chancellor pending an investigation or hearing where this is necessary;

(iv) a hearing by a panel, authorised by the President and Vice-Chancellor, at which the member of staff against whom the complaint has been made shall have been informed of the complaint, shall be entitled to be present, to hear the evidence, to call relevant witnesses, and to examine and cross-examine witnesses (but provision may be made for witnesses in appropriate cases to give their evidence behind a screen or from another room or place and for questions to be asked only by a representative);

(v) an appropriate range of penalties;

(vi) designating a member of staff's conduct as constituting 'gross misconduct' such as to merit summary dismissal without notice;

(vii) a right to appeal against the finding of, or penalty imposed by, the panel, including a finding under sub-paragraph (vi) above. An appeal shall not take the form of a re-hearing of the evidence and witnesses may be called only with the appeal panel's permission.

However, nothing in this Statute or the Ordinance aforementioned shall prevent cases of misconduct or unsatisfactory performance being resolved using informal procedures, rather than through the use of formal procedures provided for above.

11. **Code of Practice**

In drawing up the procedures, and in any Regulations made or action taken thereunder, regard shall be had to Section 1 of the Code of Practice on Disciplinary and Grievance Procedures issued in September 2000 by the Advisory, Conciliation and Arbitration Service (ACAS) and brought into effect by order of the Secretary of State under section 199 of the Trade Union and Labour Relations (Consultation) Act 1992.

12. **Dismissal**

(a) The Registrar, Secretary and Chief Operating Officer, or other designated officer, shall give effect to a decision of a panel that a member of staff should be dismissed:

(i) where the panel has designated the conduct as 'gross misconduct' such as to merit summary dismissal pursuant to paragraph 10(b)(vi), the Registrar,

Secretary and Chief Operating Officer shall forthwith dismiss the member of staff;

(ii) in all other cases, the Registrar, Secretary and Chief Operating Officer shall issue the notice of dismissal or dismiss together with payment in lieu of notice.

(b) Any dismissal or notice of dismissal shall be cancelled, withdrawn or modified if an appeal panel decides that the member of staff should not be dismissed or should only be dismissed with notice.

13. **Relationship with Part IV**

The Ordinances shall make provision for dealing with a case in progress under this Part where it emerges that the member of staff's conduct or performance may have been wholly or partly attributable to a medical condition, but any proceedings under this Part shall be valid even if they could have been brought under Part IV, and a member of staff may, subject to the Disability Discrimination Act 1995, be subject to penalty, including dismissal, under this Part notwithstanding the fact that his or her conduct may have been wholly or partly attributable to a medical condition.

14. **Clinical staff**

Action under this Part or under Part IV may be taken against a member of staff falling within paragraph 18(a) below in respect of conduct or incapacity arising in connection with that member of staff's clinical work or activities as if the work or the activities were performed in and for the University.

***Part IV: Incapacity on Health Grounds***

15. **Dismissal on health grounds**

(a) The Board shall prescribe by Ordinance a procedure for dealing with staff, including dismissal, because of incapacity on health grounds, whether physical or mental.

(b) The procedure shall include a hearing by a panel, with a right of appeal to another panel, and both panels shall contain an appropriately medically qualified person.

(c) No member of staff may be dismissed whether under this Part or under Part III where that dismissal would contravene the Disability Discrimination Act 1995.

***Part V: Other Dismissals***

16. **Probationary appointments**

(a) This Part shall also apply to members of staff who have been appointed subject to review after a period of probationary service.

(b) The Board shall prescribe by Ordinance a procedure under which members of staff on probation shall be reviewed against the criteria established by the Board for the satisfactory completion of a probationary period and shall include provision for non-confirmation in post at the end of the probationary period if their performance is found to be deficient or for any other substantial reason or reasons they are judged unsuitable to be confirmed in post.

(c) The review referred to in sub-paragraph (b) above may encompass matters which, in other circumstances, would fall to be dealt with under Parts II, III or IV of this Statute.

(d) A member of staff whose probationary period is to terminate following the completion of the procedure set out at sub-paragraph (b) above shall be given full reasons for the decision and shall be entitled to have the decision reviewed by a panel in accordance with a procedure to be prescribed by Ordinance. The panel, whose decision shall be final, shall consider whether the reasons advanced in support of the decision are reasonable and supportable.

17. **Dismissal on other grounds**

(a) This paragraph covers dismissals on any ground falling within paragraph 3(b) other than those covered by Parts II, III, IV and paragraphs 16 and 18 of Part V of this Statute (i.e. 'some other substantial reason of a kind such as to justify the dismissal of an employee holding the position which the employee held' (Employment Rights Act 1996, section 98(1)(b); 'the employee could not continue to work in the position which he held without contravention (either on his part or on that of his employer) of a duty or restriction imposed by or under an enactment' (section 98 (2)(d)).

(b) Dismissals covered by sub-paragraph (a) above shall be handled in accordance with a procedure prescribed by Ordinance, which shall include the right to be heard by a panel and the right to appeal to a panel.

18. **Clinical staff**

(a) This paragraph applies to a member of staff who is required to engage in clinical work or activities and for that purpose to be registered with the General Medical or Dental Council or similar body and/or to have an honorary or substantive contract or status with a National Health Service Trust or similar body, and may by Ordinance be extended to other groups of staff in a similar situation.

(b) Where the registration, contract or status referred to in sub-paragraph (a) above is terminated, withdrawn or revoked, the President and Vice-Chancellor may, having first afforded an opportunity to the member of staff concerned to make representations, dismiss the member of staff concerned; and where the registration, contract or status is suspended, the President and Vice-Chancellor may suspend the member of staff from employment for so long as the registration, contract or status is suspended, that suspension from employment to

be without pay where the registration, contract or status has been suspended as a substantive disciplinary measure.

***Part VI: Grievance Procedures***

19. **Grievance Procedure**

(a) The Board shall prescribe by Ordinance a Grievance Procedure for members of staff and in doing so shall have regard to Section 2 of the Code of Practice (as may be amended or replaced from time to time) referred to in paragraph 11 above.

(b) The Procedure shall apply to grievances by members of staff concerning their appointments or employment in relation to matters affecting themselves as individuals or their personal dealings or relationships with other staff of the University, other than those for which provision is made elsewhere in this Statute or in respect of the outcome of any matter dealt with under this Statute, or where the Board has prescribed other procedures, provided those other procedures are no less favourable to the individual than under the Grievance Procedure.

(c) The Procedure shall provide that consideration of a complaint under the Procedure may be deferred if other proceedings under this Statute concerning the individual and relevant to the substance of the grievance are pending or in progress.

(d) The Procedure shall provide for the fair and speedy resolution of complaints, informally wherever possible, and for the complainant to be entitled to be assisted by a workplace colleague or by a trade union representative at any hearings prior to that under sub-paragraph (e) below.

(e) The Procedure shall make provision for a member of staff who is dissatisfied with the outcome of a complaint to be able to appeal against such outcome to a Grievance Panel, unless the complaint has been ruled frivolous, vexatious or invalid in accordance with the Procedure.

**Statute XIV**

**The Auditors**

1. The Board shall from time to time appoint auditors who shall be members of a recognised supervisory body (with recognition determined in accordance with the Companies Act 2006) and eligible for appointment under the rules of that body.

2. The auditors shall hold office for a period determined by the Board consistent with prevailing external regulatory requirements and shall receive such remuneration as may be determined by the Board.

## Statute XV

## The Faculties and Schools

1. The Board, in consultation with the Senate, shall establish:

   (a) Faculties, an aggregation of academic disciplines within which, subject to the control of the Senate and the Board, the academic work of the University is resourced, programmes of study are regulated, and through which degrees and other academic qualifications are awarded by the Senate. Arrangements for Faculties, including the number and designation, shall be prescribed by Ordinance.

   (b) Schools within a Faculty from amongst the academic disciplines assigned to it, for the purpose of providing for the effective and efficient organisation, management and delivery of the academic work of the University.

2. The number and designation of the Schools established within each Faculty shall be determined from time to time by the Board on the recommendation of the Senate. Further arrangements for Schools, including the constitution and powers of School Boards, shall be prescribed by Ordinance and shall include the power to discuss and declare an opinion on any matter relating to or impinging on the work of the School and to report such opinion to the Head of School, the Dean of Faculty, the Senate and/or the Board through the Registrar, Secretary and Chief Operating Officer. Each of the above shall have the duty to consider and report on any such opinion.

3. The work and affairs of each Faculty shall be directed by a Dean with responsibilities as prescribed by Ordinance. The work and affairs of each School shall be directed by a Head of School with responsibilities as prescribed by Ordinance.

## Statute XVI

## Freedom of Speech

1. In addition to the protection of academic freedom provided in Statute X, the University shall take such steps as are reasonably practical to ensure that freedom of speech within the law is secured for its students and staff and for visiting speakers.

2. The University shall approve and regularly review a code of practice setting out the procedures to be followed by students and staff of the University with respect to meetings and other activities held on the premises of the University (including those occupied by the union of students).

**Statute XVII**

**The union of students**

There shall be a union of the students of the University, whose precise designation and relationship to the University shall be prescribed by Ordinance.

**Statute XVIII**

**The Alumni Association**

1. There shall be an Alumni Association of the University which, as its primary objective, shall serve as an organised association of the graduates of the University for the purpose of the maintenance and promotion of contact between the graduates and the University and to further the interests of the University. It shall be the recognised means of communication between its members and the authorities of the University, and it shall be entitled to discuss and declare an opinion on any matter whatsoever relating to the University and to transmit such opinion to the Board or to the General Assembly, whose duty it shall be to consider the same.

2. Membership of the Alumni Association and regulations for its internal management and administration shall be prescribed by Ordinance.

3. Pursuant to Statute VI.1(b), the Alumni Association shall be entitled to make nominations to the Nominations Committee, in the manner prescribed by Ordinance, for the appointment of one of its members to membership of the Board in Category 2.

4. The Alumni Association shall be entitled to elect members to membership of the General Assembly in the manner prescribed by Ordinance.

**Statute XIX**

**Meetings of the staff**

Notwithstanding any other consultative arrangements provided for or permitted by these Statutes, in order that staff of the University may be provided with the opportunity to be informed and consulted on matters of interest or concern to them in relation to the work of the University, arrangements for meetings of staff of the University may be prescribed by Ordinance:

**Statute XX**

**Degrees and other academic distinctions**

The Senate may award degrees and other academic distinctions to, and authorise the conferment of degrees on, students in the manner and subject to the conditions prescribed by Ordinance and Regulation.

**Statute XXI**

**Conduct, discipline, and academic progress of students**

Every student shall maintain at all times and in all places an acceptable standard of conduct. Arrangements relating to conduct, discipline and academic progress of students shall be prescribed by Ordinance and Regulation.

**Statute XXII**

**Ordinances and Regulations**

1. Subject to the provisions of the Charter and these Statutes, Ordinances may govern:

   (a) the conditions to be satisfied by prospective students before admission to any programme of study in the University;

   (b) the arrangements under which the University may enter into agreements with external partner organisations for the provision of collaborative educational services consistent with the Objects of the University;

   (c) such other matters as may seem to the Board proper to be so governed.

2. Pursuant to Article VIII.1 of the Charter, the Board may from time to time by resolution add to, amend or repeal the Ordinances, provided that in the exercise of this power:

   (a) any Ordinance dealing with a matter which is within the purview of the Senate shall not be made, amended or repealed until the Senate shall have had the opportunity of expressing an opinion thereon, and it shall be the duty of the Board to consider such opinion;

   (b) the adoption of a motion which proposes adding to, amending or repealing the Ordinances shall require a vote in favour of not less than two-thirds of the members present and voting.

3. Subject to these Statutes and the Ordinances, the Senate may, after report from the Dean of the Faculty concerned, make and from time to time amend or repeal, Regulations prescribing the programmes of study, assessments and other requirements for the award of degrees, diplomas, certificates and other academic distinctions.

4. Subject to these Statutes and the Ordinances, the Senate may make and from time to time amend or repeal Regulations:

   (a) governing the admission, regulation, conduct, discipline and education of students of the University, or on any other academic matter not covered by paragraph 3 above;

(b) prescribing, subject to any conditions which are for the time being binding upon the University, the conditions and manner of award of any fellowships, scholarships, prizes or other grants for the encouragement of research, scholarship, learning and teaching.

5. Subject to these Statutes and the Ordinances, the Board may make and from time to time amend or repeal, Regulations governing any matters for which it considers Regulations ought to be made, provided that any Regulation dealing with a matter that is within the purview of the Senate shall not be made, amended or repealed until the Senate shall have had the opportunity of expressing an opinion thereon, and it shall be the duty of the Board to consider such opinion.

**Statute XXIII**

**Transitional Provisions**

1. The persons who, immediately before the date this provision comes into force, were members of the Board shall remain members of the Board after that date for a period equivalent to the remainder of their respective terms of office as members of the Board.

2. At no time during the operation of these transitional provisions shall the total membership of the Board exceed twenty five persons.

3. The transitional provisions set out in paragraphs 1 and 2 of this Statute XXIII shall remain in force until all members of the Board holding office at the time of these provisions coming into effect have completed their respective terms of office.

4. This Statute shall be revoked in its entirety and removed automatically from these Statutes without the need to obtain further approval of the Privy Council, at the point when the conditions set out in paragraphs 1 to 3 of this Statute XXIII have been fulfilled.