

NOTTINGHAM TRENT UNIVERSITY

INSTRUMENT AND ARTICLES OF GOVERNMENT - 28 OCTOBER 1996

CHANGES TO THE ARTICLES

Subsequent to Privy Council approval, the following amendments were made to the University's Articles of Government (version dated 28 October 1996). The current Articles of Government came into effect on 1 August 2011.

ARTICLE	TOPIC	STATUS/COMMENT
1	Interpretation	Wording simplified. Definitions removed where no longer appropriate, or absorbed into Standing Orders.
2	Conduct of the University	Wording updated to include reference to more recent legislation, otherwise unchanged.
3	Responsibilities of the Board of Governors, Principal and Academic Board	No material changes in responsibilities. Tidied to make consistent with current employment legislation. References to "Principal" changed to "Vice-Chancellor". More concise wording used and numbering of sections simplified.
4	Academic Board	Absorbed into Standing Orders.
5	Delegation of Functions and Committees	More concise wording used. Covered more fully in Standing Orders.
6	Appointment of the Clerk to the Board of Governors	Updated to make consistent with current employment practice. Procedure for discipline/dismissal (of Vice-Chancellor and Clerk) to be covered in Standing Orders.
7	Procedures for Meetings	Main points retained in Articles. Operational aspects to be covered in Standing Orders.
8, 9, 10	Appointment, Promotion, Conduct, Suspension and Dismissal of Staff	Main overarching principle retained in Articles. Operational aspects now covered by updated operational policies and procedures.
11	Grievance Procedures	Removed from Articles; now covered by updated operational policy and procedure.
12	Students	Essential elements retained, in more concise form.
13	Financial matters	Essential elements retained, in more concise form.
14	Rules and Bye-Laws	Unchanged.
15	Copies of Articles, Rules and Bye-Laws	Removed - superseded by more recent regulations relating to publication and availability of information.
16	Amendment of Articles	No material change. More concise wording.
17	Date of Articles	No change to wording. The effective date updated to reflect the implementation of the revised Articles.

**Instrument
of
Government**

FOR
REFERENCE
ONLY:
SUPERSEDED
1 AUGUST 2011

At the Council Chamber, Whitehall

THE 29TH DAY OF MARCH 1993

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

WHEREAS section 124A(3) and (4) of the Education Reform Act 1988(a) (hereinafter referred to as "the Act") provide that the Privy Council may by Order make an instrument of government of any higher education corporation with respect to which Section 7 to the Act has effect, and that the said instrument of government shall comply with the requirements of Schedule 7A to the Act and may make any provision authorised to be made by the said Schedule 7A and such other provision as may be necessary or desirable:

AND WHEREAS the The Nottingham Trent University higher education corporation is a higher education corporation with respect to which the said Schedule 7 has effect:

NOW, THEREFORE, Their Lordships, in exercise of the powers conferred on Them by the said section 124A(3) are pleased to, and do hereby, make an instrument of government for the The Nottingham Trent University higher education corporation as set out in the Schedule to this Order, which shall come into force forthwith.

N H Nicholls

(a) 1988 C.40; section 124A was inserted by section 71 of the Further and Higher Education Act 1992 (c.13).

SCHEDULE

INSTRUMENT OF GOVERNMENT REFERRED TO IN THE FOREGOING ORDER

1. INTERPRETATION

(1) In this Instrument, the following words and expressions shall have the meanings indicated in this paragraph:

"the Act" means the Education Reform Act 1988 as amended from time to time;

"the Corporation" means The Nottingham Trent University higher education corporation;

"the Board of Governors" means the members of the Corporation;

"the University" means The Nottingham Trent University conducted by the Corporation;

"the Principal" means the Vice-Chancellor of the University;

"the Academic Board" means the Academic Board of the University constituted in accordance with the Articles;

"the Instrument" means the Instrument of Government of the Corporation;

"the Articles" means the Articles of Government in accordance with which the University is conducted;

"the Clerk" means the person appointed to the office of Corporation Secretary under the Articles;

"the Secretary of State" means the Secretary of State for Education;

and

"the appointing authority" means the Corporation unless otherwise specified.

- (2) References in this Instrument, in relation to the Board of Governors, to a variable category of members are references to any category of members in relation to which the number applicable in accordance with paragraph 3 below is subject to variation.

2. NAME OF THE CORPORATION

- (1) The Board of Governors may, by resolution, change the name of the Corporation, with the consent of the Privy Council.

3. MEMBERSHIP OF THE BOARD OF GOVERNORS

- (1) The Board of Governors shall consist of:
 - (a) not less than twelve and not more than twenty-four members appointed in accordance with the following provisions; and
 - (b) the Principal, unless the person chooses not to be a member.
- (2) Of the appointed members:
 - (a) up to thirteen shall be independent members;
 - (b) up to two may be teachers at the University nominated by the Academic Board and up to two may be students of the University nominated by the students thereof; and
 - (c) at least one and not more than nine shall be co-opted members nominated by the members of the Board of Governors who are not co-opted members.
- (3) Independent members shall be persons appearing to the appointing authority to have experience of, and to have shown capacity in industrial, commercial or employment matters or the practice of any profession.
- (4) The co-opted member required by sub-paragraph 3(2)(c) above shall be a person who has experience in the provision of education.
- (5) A person (other than a person appointed in pursuance of sub-paragraph 3(2)(b) above) who is:
 - (a) employed at the University (whether or not as a teacher);
 - (b) a full-time student at the University; or
 - (c) an elected member of any local authority,is not eligible for appointment as a member of the Board of Governors otherwise than as a co-opted member.
- (6) For the purpose of this paragraph, a person who is not for the time being enrolled as a student at the University shall be treated as such a student during any period when the person has been granted leave of absence from the University for the purposes of study or travel or for carrying out the duties of any office held by the person in the students' union at the University.

- (7) It shall be for the appointing authority to determine any question as to whether any person is qualified in accordance with the preceding provisions of this paragraph for appointment as a member of the Board of Governors of any description or category.

4. DETERMINATION OF MEMBERSHIP NUMBERS

- (1) The Board of Governors shall make a determination with respect to their membership numbers.
- (2) Such a determination shall fix the number of members of each variable category of which the Board of Governors is to consist, subject to the limits applicable in relation to that category in accordance with paragraph 3(2) above.
- (3) In making such a determination, the Board of Governors shall secure that at least half of all the members of the Board of Governors, when constituted in accordance with the determination, will be independent members.
- (4) Such a determination shall not have effect so as to terminate the appointment of any person who is a member of the Board of Governors at the time when it takes effect.
- (5) Such a determination may be varied by a subsequent determination.

5. APPOINTMENT OF MEMBERS OF THE BOARD OF GOVERNORS

- (1) Subject to the provisions of section 124C of the Act, no appointment of members of the Board of Governors may be made before the first determination of the membership in accordance with paragraph 4(1) above takes effect.
- (2) The Board of Governors are the appointing authority in relation to the appointment of any member of the Board of Governors other than an independent member.
- (3) Where an appointment of an additional independent member of the Board of Governors falls to be made in consequence of a determination in accordance with paragraph 4 above, the appointing authority in relation to the appointment:
 - (a) shall be the Board of Governors if the appointment is made within the period of three months beginning with the date of the determination; or
 - (b) if the appointment is not made within that period, shall be the current independent members of the Board of Governors.
- (4) Where a vacancy in the office of an independent member of the Board of Governors arises on any existing independent member ceasing to hold office on the expiry of the member's term of office:
 - (a) the member's successor shall not be appointed more than six months before the expiry of that term; and
 - (b) the appointing authority in relation to the appointment of the successor:
 - (i) shall be the Board of Governors if the appointment is made not less than three months before the expiry of that term; or
 - (ii) if the appointment is not so made, shall be the current independent members of the Board of Governors.
- (5) Where a vacancy in the office of an independent member of the Board of Governors arises on the death of any such member or on any such member ceasing to hold office in accordance with the Instrument, the appointing authority in relation to the appointment of the member's successor:

- (a) shall be the Board of Governors if the appointment is made within the period of three months beginning with the date of death or the date on which the office becomes vacant (as the case may be); or
 - (b) if the appointment is not made within that period, shall be the current independent members of the Board of Governors.
- (6) No appointment of an independent member of the Board of Governors by the Board of Governors in accordance with sub-paragraph 5(3)(a), 5(4)(b)(i) and 5(5)(a) above shall be made unless the appointment has been approved by the current independent members of the Board of Governors.
- (7) If the number of independent members of the Board of Governors falls below the number needed in accordance with the Articles for a quorum, the Secretary of State is the appointing authority in relation to the appointment of such number of independent members as is required for a quorum.

6. TENURE OF OFFICE OF MEMBERS OF THE BOARD OF GOVERNORS

- (1) The Board of Governors shall determine the period of office of members in each of the variable categories set out in paragraph 3(2) above. Such members shall hold and vacate office in accordance with the terms of their appointment and shall, on ceasing to be a member on completion of their period of office, be eligible for reappointment.
- (2) A member of the Board of Governors may at any time by notice in writing to the Clerk resign from office, which will thereupon become vacant from the date of receipt of the notice or date of resignation specified therein whichever shall be the later.
- (3) If at any time the Board of Governors are satisfied that any member of the Board of Governors:
 - (a) has been absent from meetings of the Board of Governors for a period of twelve months without the permission of the Board of Governors; or
 - (b) is unable or unfit to discharge the functions of a member,the Board of Governors may by notice in writing to that member remove that member from office; and thereupon the office shall become vacant.
- (4) Where a member of the Board of Governors appointed as an Academic Board nominee or a student nominee, or a member of staff or student appointed as a co-opted member of the Board of Governors, ceases before the end of his period of office to be a member of staff or a student of the University, as the case may be, his office shall thereupon become vacant.

7. OFFICERS

- (1) The Board of Governors shall appoint from among their members a Chairman and any other officers which the Board may determine.

8. COMMITTEES

- (1) The Board of Governors may establish committees and permit such committees to include persons who are not members of the Board of Governors.

9. ALLOWANCES

- (1) The Board of Governors shall determine any allowances to be paid to members of the Board of Governors.

10. SEAL OF CORPORATION

- (1) The application of the seal of the Corporation shall be authenticated by the signature of the Chairman of the Board of Governors or some other member authorised generally or specially by the Board of Governors to act for that purpose together with that of any other member of the Board of Governors.
- (2) The Corporation Seal shall be held under secure arrangements by the Clerk.

11. COPIES OF INSTRUMENT OF GOVERNMENT

- (1) Copies of the Instrument of Government shall be provided to each member of the Board of Governors.

FOR REFERENCE ONLY:
SUPERSEDED
1 AUGUST 2011

**Articles
of
Government**

FOR REFERENCE ONLY:
SUPERSEDED
1 AUGUST 2011

ARTICLES OF GOVERNMENT OF THE NOTTINGHAM TRENT UNIVERSITY

In exercise of the powers conferred upon it by section 125 of the Education Reform Act 1988, The Nottingham Trent University higher education corporation makes the following Articles of Government in accordance with which The Nottingham Trent University shall be conducted:

1. INTERPRETATION

- (1) In these Articles, unless the context otherwise requires, words and expressions shall have the meanings ascribed to them in paragraph 1 of the Instrument of Government made by the Privy Council on the 29th day of March 1993, and as given in this paragraph:

"the holders of senior posts" means the Principal, the Clerk and the holders of such other senior posts as the Board of Governors determine under Article 3(1)(d) and "holder of a senior post" shall be construed accordingly.

"the staff" includes all employees of the University.

"staff governor" means a member of the Board of Governors appointed on the nomination of the Academic Board, or as a co-opted staff nominee.

"student governor" means a member of the Board of Governors appointed as a student nominee or a co-opted student nominee.

"students union" means any association of the generality of students formed to further the educational purposes of the University and the interests of students as students.

2. CONDUCT OF THE UNIVERSITY

- (1) The University shall be conducted in accordance within the provisions of the Education Acts 1944 to 1993, any subsequent Education Act, any relevant regulations, orders or directions made by the Secretary of State, or by the Privy Council, and subject thereto, in accordance with the provisions of the Instrument, these Articles and any rules or bye-laws made under these Articles.

3. RESPONSIBILITY OF BOARD OF GOVERNORS, PRINCIPAL AND ACADEMIC BOARD

The Board of Governors

- (1) The Board of Governors shall be responsible for:
- (a) the determination of the educational character and mission of the University and for oversight of its activities;
 - (b) the effective and efficient use of resources, the solvency of the University and the Corporation and for safeguarding their assets;
 - (c) approving annual estimates of income and expenditure;
 - (d) the appointment, assignment, appraisal, grading, suspension, dismissal and determination of the pay and conditions of service of the Principal and, after consultation with the Principal, of the Clerk and such holders of senior posts as the Board of Governors may determine;
 - (e) after consultation with the Principal, for setting a framework for the pay and conditions of service of other staff.

The Principal

- (2) Subject to the responsibilities of the Board of Governors, the Principal shall be the chief executive of the University, and shall be responsible for:
- (a) making proposals to the Board of Governors about the educational character and mission of the University and for implementing the decisions of the Board of Governors;
 - (b) the organisation, direction and management of the University and leadership of the staff;
 - (c) the appointment, assignment, grading, appraisal, suspension, dismissal and determination - within the framework set by the Board of Governors - of the pay and conditions of service of staff other than the holders of senior posts;
 - (d) the determination, after consultation with the Academic Board, of the University's academic activities, and for the determination of its other activities;
 - (e) preparing annual estimates of income and expenditure, for consideration by the Board of Governors, and for the management of budgets and resources, within the estimates approved by the Board of Governors;
 - (f) the maintenance of student discipline and, within the rules and procedures provided for within these Articles, for the suspension or expulsion of students on disciplinary grounds and for implementing decisions to expel students for academic reasons.

The Academic Board

- (3) Subject to the provisions of these Articles, to the overall responsibility of the Board of Governors, and to the responsibilities of the Principal, the Academic Board (see Article 4) shall be responsible for:
- (a)
 - (i) policy issues relating to the research, scholarship, learning, teaching and courses at the University, including criteria for the admission of students;
 - (ii) the appointment and removal of internal and external examiners;
 - (iii) policies and procedures for assessment and examination of the academic performance of students;
 - (iv) the content of the curriculum;
 - (v) academic standards and the validation and review of courses;
 - (vi) the award of, and the procedures for the award of, qualifications and academic titles, which, in the case of honorary awards shall be subject to confirmation by the Board of Governors;
 - (vii) agreements with other validating and accrediting bodies, including professional institutions, and other educational providers;
 - (viii) the procedures for the expulsion of students for academic reasons;
 - (b) considering the development of the academic activities of the University and the resources needed to support them and for advising the Principal and the Board of Governors thereon;
 - (c) advising on such other matters as the Board of Governors or the Principal may refer to the Academic Board.
- (4) The Academic Board may establish and disestablish such committees, including Faculty Boards, as it considers necessary to enable it to carry out its responsibilities, provided that the establishment of any such committee and its terms of reference are first

approved by the Principal and the Board of Governors. The number and nature of members of any such committee, the method by which they are to be elected or appointed, and the terms on which they are to hold and vacate office shall be determined by the Academic Board.

4. ACADEMIC BOARD

- (1) There shall be an Academic Board of no more than thirty-four members, comprising the Principal (who shall be Chairman) and, subject to Article 4(2), such other numbers of staff and students as may from time to time be determined by the Academic Board subject to approval by the Board of Governors. The Principal may nominate a Deputy Chairman from among the members of the Academic Board to take the chair in his place. The period of appointment of members and the selection or election arrangements shall be subject to the approval of the Board of Governors.
- (2) In addition to the Principal, and subject to Article 4(1), there shall be the following members of the Academic Board:
 - (a) Any Deputy or Pro Vice-Chancellor, and any senior Director;
 - (b) Deans of Faculty;
 - (c) The senior staff member responsible for each of the University Library, Computing Services and Academic Support Services;
 - (d) One member of the teaching staff of each faculty elected by the teaching staff of that faculty, other than the Dean;
 - (e) Not more than four members of the teaching staff elected by the teaching staff as a whole;
 - (f) One member of the non teaching staff elected by the non teaching staff as a whole;
 - (g) Not more than four student representatives;
 - (h) Not more than two persons, not being members of the staff, co-opted by the Academic Board.

Provided that the aggregate number of members determined under sub-paragraphs (e), (f), (g) and (h) does not exceed nine persons.

5. DELEGATION OF FUNCTIONS AND COMMITTEES

- (1) Subject to the following provisions of this Article, the Board of Governors may establish committees for any purpose or function, other than those assigned elsewhere in these Articles to the Principal or to the Academic Board, and may delegate powers to such committees or to the Chairman of the Board of Governors or to the Principal.
- (2) The Board of Governors shall establish a committee or committees to determine or advise on such matters relating to employment policy or finance as the Board of Governors may remit to them. The members of the committee or committees shall be drawn from the Board of Governors other than staff or student Governors.
- (3) The Board of Governors shall not, however, delegate the following:
 - the determination of the educational character and mission of the University
 - the approval of the annual estimates of income and expenditure
 - ensuring the solvency of the University and the Corporation and the safeguarding of their assets

- the appointment or dismissal of the Principal or of the Clerk
- the varying or revoking of these Articles of Government.

6. APPOINTMENT OF CLERK TO THE BOARD OF GOVERNORS

- (1) The Board of Governors shall appoint a Clerk to act as Secretary to the Board of Governors.

7. PROCEDURES FOR MEETINGS

(1) MEETINGS

- (a) The Annual Meeting of the Board of Governors shall be its first meeting held after the 1st June in each year.
- (b) All meetings of the Board of Governors shall be summoned by the Clerk who shall give at least seven days notice in writing of every meeting.
- (c) The Clerk shall summon an extraordinary meeting at any time at the request of the Chairman of the Board of Governors, Deputy Chairman, Principal or of any five members, of whom at least two shall be independent members.

(2) CHAIRMAN AND DEPUTY CHAIRMAN

The Board of Governors shall at each Annual Meeting elect by secret ballot its Chairman and shall appoint a Deputy Chairman to hold office until the next Annual Meeting. The Chairman and Deputy Chairman shall be eligible for re-election and re-appointment, as the case may be. If both the Chairman and Deputy Chairman are absent from any meeting of the Board of Governors, the Board of Governors shall elect one of its members to preside at the meeting.

(3) PROCEEDINGS

- (a) Every question to be determined at a meeting of the Board of Governors shall be determined by a majority of the votes of the members present and voting on the motion. Where there is an equal division of votes, the person presiding at the meeting shall have a second or casting vote. Voting shall be by show of hands unless the Board of Governors resolve without discussion to hold a secret ballot.
- (b) The quorum of meetings of the Board of Governors shall be seven members of whom four shall be independent members.
- (c) If a meeting is quorate, but less than half the members present are independent members, a majority of the independent members present shall be able to require that the taking of a decision be deferred to an extraordinary meeting to be summoned by the Clerk as soon as practicable unless the Principal or member presiding at the meeting determines that the matter is not urgent. No decision shall be deferred more than once under this provision.
- (d) Members of the Board of Governors shall not be bound in their speaking and voting by mandates given to them by other bodies or persons.
- (e) (i) A member, having any pecuniary interest, whether direct or indirect, in any contract or other matter to be considered at a meeting at which the member is present, shall as soon as practicable disclose the fact of the interest to the meeting and subject to paragraph (f) of this Article shall not take part in the discussion of, or vote on, any motion with respect to that contract or other matter. A member shall not be treated as having a pecuniary interest in a matter by reason only of being an employee of the University or a student at the University if the interest is no greater than that of the members of the staff or students, as the case may be, in general.

- (ii) In relation to this sub-section a pecuniary interest of a member's spouse or partner living with the member shall be construed as an interest of the member.
- (iii) Sub paragraphs (i) and (ii) above shall not have application in relation to any proposal for the Board of Governors to insure the members of the Corporation against liabilities incurred by them arising out of their office or the Corporation obtaining such insurance and paying the premium.
- (f) Unless invited by a majority of independent members present at the meeting to remain, any member who is a staff or student Governor shall withdraw from that part of any meeting of the Board of Governors at which there is consideration of the conditions of service or the appointment, grading, assignment, suspension, dismissal, retirement, or personal affairs of any employee of the University. The Principal shall withdraw from any meeting or part thereof where his own position is under discussion.
- (g) A member who, or a member whose spouse or partner living with the member, is an employee of the University shall not take part in the consideration of his or her grading, suspension, dismissal or retirement except as provided in the Articles of Government.
- (h) Minutes of the proceedings of a meeting of the Board of Governors shall be drawn up and entered by the Clerk on a series of consecutively numbered leaves provided for the purpose. The minutes shall be approved at the next meeting of the Board of Governors and signed by the person presiding at the meeting. Any minutes purporting to be so signed shall be received in evidence without further proof.

(4) ACCESS TO DOCUMENTS: CONFIDENTIALITY

- (a) Subject to sub-section (c), a copy of the agenda, minutes and other documents prepared for a meeting of the Board of Governors shall be deposited in the University Library and made available for inspection by any person with a legitimate interest in the Corporation and its affairs.
- (b) The draft minutes of each meeting of the Board of Governors shall be similarly deposited after initialling by the person presiding at that meeting until those minutes have been approved by the Board.
- (c) The Clerk shall determine whether any document prepared for a meeting of the Board of Governors is to be designated as confidential. Such a document shall not be deposited in the University Library and shall not be sent to any member who would be required to withdraw (whether or not the Board of Governors may resolve otherwise at its meeting) from the meeting during the agenda item when that document would be considered.
- (d) The Board may resolve to revoke or amend the Clerk's determination of confidentiality under sub-section (c) and the Clerk shall then make any retained document available accordingly.

(5) COMMITTEES AND SUB-COMMITTEES

Where the Board of Governors establishes a committee:

- (a) Articles 7(3)(a), (d), (g), and (h) shall apply to the committee or sub-committee as they apply to the Board of Governors.
- (b) Where such a committee or sub-committee has delegated power from the Board of Governors to determine any matter, Articles 7(3)(e) and (f) shall also apply as they do to the Board of Governors.
- (c) The quorum shall be one third of the members included in the constitution of the committee or sub-committee.

(6) APPOINTMENT OF MEMBERS OF THE BOARD OF GOVERNORS

- (a) Where the number of members in any variable category is less than the membership number determined for that category in accordance with the Instrument, or where the Board of Governors has reason to believe that such a situation will occur before the date of the next ordinary meeting, the Board of Governors shall consider the action necessary in accordance with the Instrument where it is the appointing authority and make an appointment or instruct the Clerk to seek a nomination.
- (b) In relation to the appointment of independent members the current independent members shall be summoned by the Clerk to approve an appointment where the Board of Governors is the appointing authority or to make an appointment where the current independent members are the appointing authority, as the case may be, to a meeting which shall conduct the following business only:
- election of a person to preside at the meeting
 - approval of the minutes of the last meeting of independent members
 - approval or appointment, as the case may be, of an independent member of the Board of Governors.

The quorum of meetings of the current independent members shall be four.

8. APPOINTMENT AND PROMOTION OF STAFF

- (1) Each member of staff shall serve under a contract of employment with the Corporation.
- (2) Upon the occurrence of a vacancy or expected vacancy for the post of Principal, the post shall be advertised nationally.
- (3) The appointment and promotion of other staff shall be governed by a code of practice drawn up by the Principal, after consultation with the staff, and approved by the Board of Governors.

9. CONDUCT OF STAFF

- (1) After consultation with the staff, the Board of Governors shall make rules relating to the conduct of the staff.

Academic Freedom

- (2) In making rules under Article 9(1), the Board of Governors shall have regard to the need to ensure that staff of the University 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 or losing their jobs or any privileges that they may have at the University.

10. SUSPENSION AND DISMISSAL OF STAFF

- (1) The Chairman of the Board of Governors, or in the absence of the Chairman, the Deputy Chairman, may suspend from duty, with pay, the holder of a senior post for misconduct or other good and urgent cause. The Chairman or Deputy Chairman shall report such suspension in writing to the Board of Governors within two working days or as soon thereafter as practicable.
- (2) The Principal may suspend from duty, with pay, any member of the staff other than the holder of a senior post for misconduct or other good and urgent cause.
- (3) Anyone who is suspended from duty under Articles 10(1) or 10(2) shall be entitled to receive from the Principal or, in the case of the holders of senior posts, from the

Chairman or Deputy Chairman of the Board of Governors, written notification of the suspension, setting out the grounds on which the decision to suspend has been taken.

- (4) Procedures for the suspension of staff under Articles 10(1) or 10(2) shall be specified in rules made by the Board of Governors after consultation with the staff. The rules shall include provision that:
 - (a) any person who has been under suspension for three weeks or more may appeal in writing to the Board of Governors against the suspension, save that no such right of appeal shall lie if the person is the subject of a reference to a Special Committee under Article 10(5) or of a notification from the Principal under Article 10(12);
 - (b) any appeal made under 10(4)(a) shall be considered as soon as practicable;
 - (c) a suspension against which an appeal is made shall continue to operate pending the determination of the appeal.

Dismissal

(i) Holders of Senior Posts including the Principal and the Clerk

- (5) If the Chairman of the Board of Governors, or in his absence the Deputy Chairman, or a majority of the members of the Board of Governors, consider that it may be appropriate for the Board of Governors to dismiss the holder of a senior post, the Chairman, Deputy Chairman or the Board of Governors, as appropriate, shall refer the matter to a Special Committee of the Board of Governors, which shall be convened as soon as possible to examine the facts, otherwise investigate the grounds for dismissal, and make a report to the Board of Governors.
- (6) The person whose dismissal is to be considered by the Special Committee shall have the right to make representations to the Committee, including oral representations, for which purpose the person may be accompanied and represented by a friend.
- (7) The Special Committee shall prepare a written report for consideration by the Board of Governors, a copy of which shall be sent to the person to whom it relates. The report shall set out the facts relating to the case and any considerations which the Committee considers should be taken into account in the Board of Governors' consideration of the matter. The report should not contain recommendations as to the decisions to be taken by the Board of Governors.
- (8) The Board of Governors shall consider the report of the Special Committee and take such action as it considers appropriate, which may include the dismissal of the person concerned. The person concerned shall have the right to make representations to the Board of Governors, including oral representations for which purpose the person may be accompanied and represented by a friend.
- (9) The Special Committee shall consist of five members of the Board of Governors. The Chairman of the Board of Governors, the Deputy Chairman and the Principal shall not be eligible for membership of the Special Committee.
- (10) The Board of Governors shall make rules specifying procedures for the conduct of the Special Committee and other aspects of the procedure set out in Articles 10(5) to 10(9).

(ii) Other Members of Staff

- (11) The Principal may dismiss any member of the staff other than the holder of a senior post and if the circumstances are such that the Principal is entitled to do so by virtue of the conduct of that member of staff, that dismissal may take immediate effect without any need for prior notice.
- (12) Where the Principal proposes to dismiss such a member of staff and the circumstances described in Article 10(11) do not prevail, the Principal shall notify the member of staff concerned of that proposal. That staff member shall be given an opportunity to make representations to the Principal (including oral representations, for which purpose the

staff member may be accompanied and represented by a friend) before any decision to dismiss by the Principal is taken.

(13) Where a staff member has been dismissed pursuant to Article 10(11) or a decision to dismiss has been taken pursuant to Article 10(12), that staff member may appeal against the dismissal or decision, as the case may be, to the Board of Governors. In the case of an appeal against a decision to dismiss, the dismissal shall not take effect until the appeal has been determined.

(14) Procedures for the dismissal of staff by the Principal and for the consideration of appeals against dismissals shall be specified in rules made by the Board of Governors after consultation with the staff. The rules shall include rights of representation.

11. GRIEVANCE PROCEDURES

(1) After consultation with the staff the Board of Governors shall make rules specifying procedures according to which staff may seek redress of any grievances relating to their employment.

12. STUDENTS

(1) A students' union shall conduct and manage its own affairs and funds in accordance with a constitution approved by the Board of Governors and shall present audited accounts annually to the Board of Governors. No amendment to or rescission of that constitution, in part or in whole, shall be valid unless and until approved by the Board of Governors.

(2) The Board of Governors, after consultation with the Academic Board and representatives of the students, shall make rules with respect to the conduct of students, including procedures for suspension and expulsion.

(3) In exercise of their responsibilities under Article 3(3)(a), the Academic Board, after consultation with the Board of Governors and representatives of the students, shall determine procedures for the expulsion of a student for an unsatisfactory standard of work or other academic reason.

13. FINANCIAL MATTERS

Fees

(1) The Board of Governors shall determine the policy for determining tuition and other fees payable to the Corporation (subject to any terms and conditions attached to grants, loans or other payments paid or made by the appropriate Higher Education Funding Council).

Accounts, Estimates and Audit

(2) The Board of Governors shall keep accounts and records, and appoint auditors in accordance with the provisions of the Education Reform Act 1988.

(3) Annual estimates of income and expenditure shall be prepared by the Principal for the consideration and approval of the Board of Governors.

14. RULES AND BYE-LAWS

(1) The Board of Governors shall have power to make rules and bye-laws concerning such matters with regard to the government and conduct of the University as it shall think fit. Such rules and bye-laws shall be subject to the provisions of these Articles.

15. COPIES OF ARTICLES, RULES AND BYE-LAWS

- (1) A copy of these Articles, and any rules or bye-laws made under them, shall be given to every governor and shall be available for inspection upon request to every member of staff and every student.

16. AMENDMENT OF ARTICLES

- (1) These Articles may be amended or replaced by a resolution of the Corporation either with the approval of the Privy Council or as required by the Privy Council, after consultation with the Corporation, in accordance with section 125 of the Education Reform Act 1988.

17. DATE OF ARTICLES

- (1) These Articles shall come into operation on 28 October 1996 and shall replace the Articles of Government which came into operation on 1 April 1989 which are hereby revoked.

FOR REFERENCE ONLY:
SUPERSEDED
1 AUGUST 2011