

THE BOARD OF GOVERNORS

ANGLIA RUSKIN UNIVERSITY HIGHER EDUCATION CORPORATION

ARTICLES OF GOVERNMENT

In exercise of the powers conferred upon it by Section 125 of the Education Reform Act 1988, the Anglia Ruskin University higher education corporation make the following Articles of Government in accordance with which the Anglia Ruskin University shall be conducted:

1. INTERPRETATION

- (1) In these Articles words and expressions shall have the meanings ascribed to them in paragraph 1 of the Instrument of Government made by the Privy Council on 16 February 1993, and

"the holders of senior posts" means the Principal, the Clerk and the holders of such other senior posts as the Board of Governors determine and "holder of a senior post" shall be construed accordingly;

"deputy principal" means the Deputy Vice Chancellor of the University;

"vice principal" means the Pro-Vice Chancellors of the University;

"the staff" includes both teaching and other staff 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; and

"a 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 with the provisions of the Education Acts 1944 to 1993, any subsequent Education Acts, 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. RESPONSIBILITIES 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 holders of senior posts; and
 - (e) setting a framework for the pay and conditions of service of all 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 budget 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 shall be responsible for:
 - (a) general issues relating to the research, scholarship, teaching and courses at the University including criteria for the admission of students; the appointment and removal of internal and external examiners; policies and procedures for assessment and examination of the academic performance of students; the contents of the curriculum; academic standards and the validation and review of courses; the procedures for the award of qualifications and honorary academic titles; and the procedures for the expulsion of students for academic reasons. Such responsibilities shall be subject to the requirements of validating and accrediting bodies;
 - (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; and
 - (c) advising on such other matters as the Board of Governors or the Principal may refer to the Academic Board.
 - (d) in exercising its responsibilities, the Academic Board will arrange, so far as is practicable, for its tasks to be performed by Faculties where these tasks are related to matters not affecting other Faculties or the University as a whole.
- (4) The Academic Board may establish such committees as it considers necessary to enable it to carry out its responsibilities provided that each establishment is first approved by the Principal and the Board of Governors. The number of members of any such committee 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 40 members, comprising the Principal (who shall be Chairman) and such other numbers of staff and students as may from time to time be approved by the Board of Governors. Taken together, the following categories shall comprise at least half of the total membership of the Academic Board: the Principal, Deputy Principal, Vice Principals and Heads of academic and related departments. The remaining members shall include other members of staff and students, and may include co-opted members. 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.

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
 - the varying or revoking of these Articles.

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) The quorum for meetings of the Board of Governors shall be 10 members of whom 6 shall be independent members. 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 a decision be deferred to the next meeting. No decision shall be deferred more than once under this provision.
- (2) 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, except where acting as a proxy for another member.
- (3) The Governors shall at their first meeting following incorporation in each year commencing on 1st September, elect a Chairman, Deputy Chairman and Vice Chairman of their meetings for the year. The Chairman, Deputy Chairman and Vice Chairman shall always be members of the Board. A Governor who is a member of the staff of the University or who is a student of the University shall not be eligible for election as Chairman, Deputy Chairman or Vice Chairman. At a meeting of the Governors, the Chairman if present, shall preside. If the Chairman, Deputy Chairman and Vice Chairman are absent from a meeting of the Governors, such Governor as the Governors shall choose shall preside. The Chairman, Deputy Chairman and Vice Chairman shall be eligible for re-election. A casual vacancy in the Chairmanship will be filled by electing a Chairman, Deputy Chairman or Vice Chairman for the unexpired portion of the year.
- (4) The Governors shall hold a meeting at least once in every term. All meetings of the Governors shall be summoned by the Clerk to the Board of Governors. A special meeting shall be summoned at any time on the request, either of the Chairman, or, in writing, of any 7 Governors (whose names shall appear on the summons). At least 5 clear days before any meeting of the Board of Governors a summons to attend the meeting, specifying the business proposed, shall be sent by the Clerk to the usual place of residence of each Governor or such other address as the Governors may have notified in writing to the Clerk. Except with the consent of the majority of the Governors present and voting, no business shall be transacted other than that specified in the summons to attend the meeting.
- (5) If any Governor has a direct or indirect pecuniary interest or family or other personal interest in any matter to be discussed by the Governors that Governor shall declare an interest and withdraw from the meeting while the matter is discussed. Any Governor who is related to an applicant for a post in the University shall declare an interest and take no part in the appointment.
- (6) The Governors may by resolution require the withdrawal of staff or student Governors or members of committees, where appropriate, at any meeting where a named member of staff or student, or prospective member of staff, is being considered. The Governors may similarly require the withdrawal of the Principal from the meeting or part thereof where the Principal's own position is under discussion.
- (7) Every question to be determined at a meeting of the Governors shall be determined by a majority of the votes of the Governors present and voting on the question.

- (8) Save where Paragraph 7 to Schedule 7 of the Education Reform Act 1988 provides that the appointing authority for independent members shall be the independent members of the Corporation, all members of the Corporation, appointed subsequent to the appointment of first members by the Secretary of State, shall be appointed at a meeting of the Corporation on a majority vote of those present and voting. The quorum for such meetings shall be 10 members of whom at least 6 shall be independent members. Where the Corporation will consider the appointment of a person over the age of 70, then the quorum shall be 13, of whom at least 7 shall be independent members.

Where the appointing authority shall be the independent members of the Corporation, the independent members shall form a committee of the Corporation. The committee will appoint any member on a majority vote of those present and voting. The quorum shall be 6 independent members. Where the independent members will consider the appointment of a person over the age of 70, then the quorum shall be 7. The Chairman of the committee shall be the Chairman of the Corporation or in his or her absence the Deputy Chairman or Vice Chairman. Where all are absent or are not independent members the committee shall elect a Chairman from those present. The Chairman of the committee shall have a second or casting vote.

Voting by either appointing authority shall be by ballot. The notice required for all meetings at which appointments are to be made shall be 5 clear days.

Persons over the age of 70 shall only be appointed where the vote represents an absolute majority of all the members of the appointing authority (whether or not taking part in the vote).

- (9) Minutes shall be kept of the proceedings of the Governors and of its Committees. There shall be access to papers of the Board of Governors and its Committees for inspection by students and staff of the University. Except where material relates to named members of staff or students, or prospective members of staff or students, or to matters which the Board of Governors or any Committee thereof, as appropriate, are satisfied should be dealt with on a confidential basis, the following should be available for such inspection:
- agenda
 - draft minutes, if they have been approved by the Chairman of the meeting
 - signed minutes
 - reports or papers considered at meetings.
- (10) Any resolution of the Board of Governors may be rescinded or varied at a subsequent meeting provided that due notice of the intention to propose the rescission has been given to all the Governors.

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.

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 academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy or losing their jobs or any privileges they may have at the University.

10. SUSPENSION AND DISMISSAL OF STAFF

Suspension

- (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 or in his absence a senior post holder approved by the Board of Governors may suspend from duty, with pay, any member of the staff of the University 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; and
 - (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 or her 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 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 ground 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 he 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 decision 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 he or she may be accompanied and represented by a friend.
- (9)** The Special Committee shall consist of 5 members of the Board of Governors. The Chairman of the Board of Governors, the Deputy Chairman, the Vice Chairman, the Principal, staff and student governors 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 2 -9 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 he 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 he shall notify the member of staff concerned of the proposal. That staff member shall be given the 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 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 should 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.
- (4) The Board of Governors shall ensure, by the provision for students of committee membership and avenues of direct access, an appropriate opportunity to raise matters of proper concern to them at all levels in the University.

13. FINANCIAL MATTERS

Fees

- (1) The Board of Governors shall determine the 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 Act.
- (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, 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 Act.

17. DATE OF ARTICLES

- (1) These Articles shall come into operation on 6 April 1995.

6 April 1995
Amended 2005