

SEN10D003

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Issue

The revised Charter and Statutes of the University which took effect from October 2008 are considerably less prescriptive in terms of University processes and detailed provisions than their predecessors. This gives flexibility to Council to determine those processes and provisions in Ordinances, which can be readily amended by Council without reference back to the Privy Council.

In the period since the introduction of the revised Charter and Statutes, Council has continued to operate with the provisions of the old Statutes and Ordinances pending a review by the Council Effectiveness Committee. This review is now underway and the Committee has agreed a number of draft Ordinances on which it now wishes to consult with Senate.

Recommendations

Senate is invited to review the attached revised Ordinances and to comment to the Council Effectiveness Committee. The Council Effectiveness Committee has asked Senate to consider specifically whether in Ordinance 3 (The Senate) it should prescribe the minimum number of meetings in the year (currently 3) and if so how many that should be.

Further Information

Further information is available from the Registrar & Secretary, Mr Brian Summers, tel. 01603 592208, email b.summers@uea.ac.uk.

Timing

It is intended to take the new Ordinances to Council at its meeting on 24 January 2011.

Discussion

1. The relevant "old" Statutes that these new Ordinances seek to update and replace are Statutes 19 (Powers of the Senate), 22 (Congregation) and 23 (Assembly). These are attached as **Divider 1** for reference.

2. **Ordinance 1 – Appointment of Staff and Terms and Conditions of Service (Divider 2)**

This Ordinance replaces a series of provisions in the previous Statutes which effectively involved both Senate and Council in the establishment of, and appointment to, all academic staff posts and a periodic review of their terms and conditions. It has long been the case that these authorities have been effectively delegated to the Vice-Chancellor, and where appropriate to the established processes for consultation and negotiation with the Trades Unions. The new Ordinance seeks to reflect the reality of the current situation.

3. **Ordinance 2 – Governance and Organisation (Divider 3)**

The new Charter and Statutes say little about the details of the membership and operation of Court, Assembly and Congregation and the academic and administrative organisation of the University. These issues are more fully covered in the new Ordinance which also sets out the established role of the Executive Team.

4. **Ordinance 3 – The Senate (Divider 4)**

As previously observed the terms of reference of Senate as set out in the previous Statutes have become outdated. The revised terms seek to recognise the reality of the current situation and to suggest ways in which the Senate can support Council in promoting the University's academic performance.

19 Powers of the Senate

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

- (1) To regulate and control, after considering the views of the Boards of Schools, all teaching, courses of study and the conditions qualifying for admission to the various titles, degrees and other distinctions offered by the University.
- (2) To regulate the admission of persons to courses of study.
- (3) To review from time to time the duties and conditions of service of all members of the academic staff.
- (4) To appoint members of the Senate to be members of the Council as provided for under Statute 15.
- (5) To recommend to the Council the appointment of Professors, Readers and the Librarian of the University.
- (6) To recommend to the Council the establishment of new academic posts in the University and if it thinks fit to recommend that any vacant post be not filled.
- (7) To recommend to the Council the appointment of Senior Lecturers, Lecturers and other persons of the academic staff whose appointment is not provided for elsewhere in these Statutes.
- (8) To regulate all University examinations and to appoint examiners, whether internal or external.
- (9) To prescribe the requirements of the University for matriculation.
- (10) To grant, in the name of the University or in conjunction with another institution or institutions recognised by the University, degrees to persons who shall have pursued a course of study approved by the Senate and shall have passed examinations under conditions laid down in the Regulations.
- (11) To grant, in the name of the University or in conjunction with another institution or institutions recognised by the University, Diplomas, Licences or Certificates to persons who have pursued a course of study approved by the Senate under conditions laid down by it.
- (12) To grant Honorary Degrees, the title of Emeritus Professor or other University distinctions.
- (13) To accept such examinations and periods of study at such universities and places of learning as the Senate may approve as equivalent to such examinations and periods of study in the University as the Senate may determine.

- (14) To accept courses of study in any other institution which in the opinion of the Senate possesses the means of affording the proper instruction for such courses as equivalent to such courses of study in the University as the Senate may determine.
- (15) To determine what formalities shall attach to the conferment of Degrees and other distinctions.
- (16) To revoke any Degree or other distinction conferred by the University, and all privileges connected therewith, if the holder has been convicted of a crime for which he has been sentenced to imprisonment and the Senate considers that such crime is one which renders him unfit to be a Member or Graduate of the University.
- (17) To be responsible for the general administration of the University Library.
- (18) To recommend to the Council the institution of Fellowships, Scholarships, Studentships, Prizes and other aids to study and research.
- (19) To supervise the extra-mural work of the University.
- (20) To make recommendations to the Council on any matter of interest to the University.
- (21) To regulate the use of academic dress in the University.
- (22) To regulate the discipline of the University and to determine in what manner disciplinary powers shall be exercised.
- (23) To take such steps as it thinks proper for supervising organisations of students.
- (24) Except as otherwise provided, to appoint representatives of the University on other bodies.
- (25) Generally to exercise all such powers as are or may be conferred on the Senate by the Charter and these Statutes including the power to make Regulations in the exercise of the powers hereinbefore expressly set out in this Statute and of all other the powers of the Senate.

22 Congregation

- (1) For the purpose of conferring Degrees of the University, there shall be held a meeting of the whole University, which shall be called a Congregation.
- (2) A Congregation shall be held at least once every year at such time and place as shall be determined by the Senate, and shall be presided over by the Chancellor or, in his absence, by the Vice-Chancellor.
- (3) The procedure for summoning a Congregation, for the presentation of graduands and for the conferring of Degrees *in absentia*, and all other matters relating to congregations, shall be determined by the Senate.

23 The Assembly

- (1) There shall be an Assembly of the University consisting of all those persons who hold a contract of employment with the University.

- (2) The Vice-Chancellor shall be the Chairman of the Assembly.
- (3) There shall be at least one ordinary meeting of the Assembly during each academic year.
- (4) The Assembly may discuss and declare an opinion on any matter whatsoever relating to the University, including any matters referred to it by the Council or the Senate and if it so decides submit resolutions to the Council or the Senate.
- (5) The Vice-Chancellor may at any time at his discretion, and shall upon the requisition in writing of not fewer than twenty-five members of the Assembly stating the purpose for which the meeting is to be called, summon an extraordinary meeting of the Assembly.
- (6) The quorum for a meeting of the Assembly shall be forty members.

DRAFT ORDINANCES

Ordinance 1 – Appointment of Staff and Terms and Conditions of Service

The following Ordinance was approved by Council on xxx pursuant to clause 16 of the Charter (power to make Ordinances) and Statute 3 (powers of delegation by Council). It supersedes the provisions of the previous Charter and Statutes prescribing any matters which are the subject of this ordinance and pre-existing ordinances relating to study leave or leave of absence

Appointment of the Vice-Chancellor

1. In the event of a vacancy in the post of Vice-Chancellor, Council will agree the process by which it will receive a recommendation as to who should be appointed as a successor. The appointment and the initial salary and terms and conditions governing the appointment must be approved by Council.
2. The Registrar & Secretary, having consulted with the Chair of Council, will put forward a proposal to Council to facilitate discussion of the detail of the appointment process. The process will have due regard to best practice and to all statutory obligations placed upon Council, including the obligation to promote equality of opportunity. Council will also agree, at an early stage, any guidance it considers desirable to assist the Chair of Council in negotiations over pay and conditions with a prospective appointee.
3. Any subsequent variation to the salary and terms and conditions of the Vice-Chancellor, including any terms which may relate to study leave or leave of absence or to the termination of the appointment, will (subject to the provisions of Statute 7) be delegated to the Senior Officer's Remuneration Committee.

Appointment of Registrar & Secretary

4. In the event of a vacancy in the post of Registrar & Secretary, the Council will agree the process by which the appointment will be made, and the salary and conditions determined.
5. The Vice-Chancellor, having consulted with the Chair of Council, will put forward a proposal to Council to facilitate discussion of the detail of the appointment process. The process will have due regard to best practice and to all statutory obligations placed upon Council, including the obligation to promote equality of opportunity.
6. Any subsequent variation to the salary and terms and conditions of the Registrar & Secretary, including any terms which may relate to study leave or leave of absence or to the termination of the appointment, will (subject to the provisions of Statute 7) be delegated to the Senior Officer's Remuneration Committee.

Other Members of the Executive Team

7. The Executive Team shall comprise such members (in addition to the Vice-chancellor and Registrar & Secretary) as are approved from time to time by Council, normally on the recommendation of the Vice-Chancellor. For the time being the Executive Team comprises:

The Vice-Chancellor
The Registrar & Secretary
The Pro-Vice-Chancellor (Academic)
The Pro-Vice-Chancellor (Research, Enterprise and Engagement)
The Dean of the Faculty of Health
The Dean of the Faculty of Arts and Humanities
The Dean of the Faculty of Science
The Dean of the Faculty of Social Sciences
8. In the event of a vacancy for a member of the Executive Team, other than the Vice-Chancellor or the Registrar & Secretary, the Vice-Chancellor will propose to Council whether the post should be filled by external competition, or by internal competition and secondment; and the appropriate period for any appointment, which will not normally exceed five years.

9. The appointment will be made by the Vice-Chancellor following an appropriate process which has due regard to best practice and to all statutory obligations of the University, including the obligation to promote equality of opportunity.
10. The terms and conditions of the appointment including those relating to study leave and leave of absence or to any terms relating to the termination of any appointment (subject to Statute 7) will, at all times, be approved by the Senior Officers Remuneration Committee.
11. Where any appointment or secondment is made for a fixed term, the Senior Officers Remuneration Committee, on the recommendation of the Vice-Chancellor, may extend that appointment for a further period of up to three years.

Other Staff

12. The Vice-Chancellor shall determine from time to time the process for approving the establishment of all posts other than members of the Executive Team, and the process and authority for the making of appointments. The Vice-Chancellor shall approve the process for determining the salary, terms and conditions of appointments and any subsequent variation, subject to any requirement to consult or negotiate with the recognised trade unions, and any necessary budgetary approval. Such terms and conditions will include those relating to study leave and leave of absence and (subject to Statute 7 and to approval by the Registrar and Secretary) the terms relating to any termination of appointment. All arrangements for the appointment of staff shall have due regard to all statutory obligations including the obligation to promote equality of opportunity.
13. The Vice-Chancellor will not offer an appointment to any prospective member of staff at a starting salary in excess of £120,000 (uprated in future years by any percentage in national salary awards and excluding any clinical excellence awards or other exceptional awards funded by third parties) without the approval of the Senior Officers Remuneration Committee.

DRAFT ORDINANCES

Ordinance 2 – Governance and Organisation

The following Ordinance was approved by Council on xxx pursuant to clause 16 of the Charter (power to make Ordinances) and Statute 3 (powers of delegation by Council). It supersedes the provisions of any previous Charter and Statutes prescribing any matters which are the subject of this ordinance.

Court

1. The University will invite annually, representatives of business, the private sector and the “not for profit” sector to a meeting and those attending such a meeting will form the Court in that year.
2. The meeting of Court will be an opportunity for the University to engage with a broadly based group of interested bodies and individuals, to promote the interests and achievements of the University.
3. Court will receive a report giving an account of the University’s activities over the past year (including financial performance) and an outlook for future years, as well as other presentations which will increase understanding of the University’s achievements and aspirations. The Chancellor will preside at Court and will agree the precise format of each Court meeting with the Vice-Chancellor or his nominee.

Assembly

4. Assembly will consist of all those persons who hold a contract of employment with the University. The Chair of Assembly will be the Vice-Chancellor or his nominee.
5. A meeting of Assembly will be called at least once in each calendar year, although if no business is submitted for debate then it will be cancelled and there will be no obligation to call a further meeting. Further meetings may be called by the Chair to discuss urgent matters at his or her discretion. In exercising such discretion, the Vice-Chancellor will always give due weight to any petition for such a meeting submitted by at least 40 members of Assembly.
6. The quorum for Assembly will be 40 members.
7. Assembly may discuss and declare an opinion on any matter which is relevant to the conduct of the business of the University in the pursuit of its charitable objects.
8. The rules for the conduct of Assembly will be determined from time to time by Council following appropriate consultation.

Conferment of Degrees and Awards

9. Degrees and Awards will be conferred at a Congregation, which will be conducted in accordance with arrangements approved by the Senate. The arrangements for Congregation will include arrangements for the conferment of Degrees and Awards in absentia.
10. The Vice-Chancellor may exceptionally agree arrangements for the conferment of awards other than at Congregation where it appears that it is beneficial and reasonable to do so; and may delegate authority to other members of the Executive Team to confer degrees.

Chancellor

11. The Council will appoint from time to time a Chancellor of the University (who will not carry executive responsibility) to serve for such period as Council may determine, normally three years. The period of office may be extended by Council, but not normally for more than a further three years in total.
12. The Chancellor will preside at Court and Congregation.

13. The Chancellor will seek always to promote the interests of the University through attendance at significant events in the University calendar and through personal networks.
14. Council may in exceptional circumstances remove the Chancellor from office.

The Pro-Chancellors

15. The Chair of Council for the time being shall be a Pro-Chancellor of the University.
16. Council may appoint additional Pro-Chancellors (who will not normally have any executive role) for periods of office not exceeding three years. The period of office may be extended but not normally for more than a further three years.
17. The Pro-Chancellors may act in the absence of the Chancellor, or otherwise offer support to the Chancellor in his or her role.

The Role of the Executive Team (ET)

18. ET is a broadly based group of senior staff whose breadth of experience, responsibilities and understanding of the University provide a sound basis for the development and implementation of the strategies and policies of the University, and for taking the significant decisions related to the operation of the University, where they have material implications for, or impact widely, across the University.
19. ET is not a committee, the Vice-Chancellor holds ultimate authority for its decisions. However, the Council requires that the Vice-Chancellor consults fully with ET in regard to the matters referred to in (18) above and such other matters as may be prescribed by Council, and has due regard to the balance of opinion of ET when making decisions. Most of the responsibilities defined by the Vice-Chancellor's job description or delegated to the Vice-Chancellor by Council are likely to fall within this definition. The ET, therefore, is expected to operate in a quasi-democratic fashion and to be able to accept joint responsibility for its decisions and for their implementation

Deputy Vice-Chancellor

20. The Council will appoint, on the recommendation of the Vice-Chancellor, a member of ET to assume the office of Deputy Vice-Chancellor for such period as Council may deem appropriate.
21. Council may determine an appointment as Deputy Vice-Chancellor at any time.
22. The Deputy Vice-Chancellor will act for the Vice-Chancellor during any period of absence of the Vice-Chancellor from the University and in accordance with any directions which may be given by the Vice-Chancellor.

Academic Structure of the University

23. Council will determine from time to time the framework for the academic structure of the University.
24. The current framework is that the University will be organised in four faculties, each faculty comprising a number of schools of study. The four faculties are, Health, Humanities, Science and Social Sciences.
25. The academic and executive leader of each faculty will be the Dean, who will be responsible to the Vice-Chancellor for the performance of the faculty.
26. The number, titles and discipline coverage of schools of study and distribution of schools of study between faculties will be determined from time to time by the Vice-Chancellor, having consulted with Senate.
27. A decision to withdraw from an area of study which would result in the closure of a school, will require the approval of Council, having consulted with Senate.

28. The requirement for, and the composition of and terms of reference of school boards will be approved by Senate.

Administrative Structure of the University

29. The structure of the administrative, technical and other services to support the delivery of teaching and research and other objectives of the University shall be determined from time to time by the Vice-Chancellor on the recommendation of the Head of the University's Administration, the Registrar and Secretary.

DRAFT ORDINANCES

Ordinance 3 – The Senate

This Ordinance was approved by Council on xxx and supersedes any previous provisions of the Charter, Statutes and Ordinances which relate to the composition, terms of reference and operation of the Senate. This Ordinance was made under the provisions of clauses 16 (power to make Ordinances) and 7 (powers and functions of the Senate) of the Charter:

“7. The Senate

- 7.1 *There shall be a Senate of the University which shall have the composition, powers and functions conferred on it in the Ordinances and which shall have, subject to any requirements of the Council, delegated authority from the Council for:*
- 7.1.1 *the oversight of the academic performance of the University (including responsibility for the assurance of academic standards) and;*
- 7.1.2 *the regulation and supervision of the education and discipline of students.*
- 7.2 *The Vice-Chancellor shall be the Chair of Senate.”*

Membership

1. The Vice-Chancellor
The Pro-Vice-Chancellors (2)
The Deans of Faculty (4)
Four Heads of School (one from each Faculty)
16 academic representatives (4 from each Faculty) with one of the four from the professoriate and one at lecturer grade
Director of Information Services
The Dean of Students
Principal of City College Norwich
Two representatives of the Union of UEA Students
One representative from the Graduate Students' Association
2. The Senate will be the appointing body for all members other than *ex officio* members and will determine from time to time the method for receiving nominations for appointed members.

Terms of Reference

3. The Senate shall act always in the best interests of the University as a whole and within the strategies and financial plans approved by the Council. It shall:
 - 3.1 regulate all teaching and courses of study offered by the University;
 - 3.2 regulate the admission of persons to courses of study;
 - 3.3 regulate all University examinations and appoint examiners whether internal or external;
 - 3.4 regulate the conditions qualifying for the award of degrees and other educational awards conferred by the University;
 - 3.5 in the name of the University or jointly or in conjunction or collaboration with another institution or institutions award degrees and other educational awards to persons who have pursued a course of study approved by the Senate and who have passed examinations and other forms of assessment under conditions laid down in regulations, or are otherwise qualified to receive them;
 - 3.6 grant honorary degrees, the title of emeritus professor or other University distinctions;
 - 3.7 revoke any degree, educational award or other distinction conferred by the University where the holder has been subsequently found to be in breach of the requirements for conferment of the award, or whose actions render them unfit to be a member or graduate of the University;
 - 3.8 regulate the use of academic dress in the University;
 - 3.9 approve regulations for the conduct of students and disciplinary procedures and penalties relating to students;
 - 3.10 ensure appropriate provision is made to promote the welfare of students;
 - 3.11 nominate, where required to do so, persons to serve on Council;
 - 3.12 determine the formalities which should attach to the conferment of degrees and other distinctions (subject to Ordinance 2);

- 3.13 review at least annually the academic performance (in teaching, research, enterprise and engagement) of the University and the standing of the University both nationally and internationally, judged against the aims and obligations of strategies approved by Council;
- 3.14 identify and advise the Executive Team on such actions as may be necessary or desirable to:
 - a) meet the aims and objectives of strategies approved by Council and generally to:
 - b) further raise the quality of the student experience and the achievements and potential of students of the University; and
 - c) further raise the performance of the University in terms of the quality and the reputation of its research; and
 - d) ensure that the extent of regulation and the administrative services which support teaching, research, enterprise and engagement, promote efficiency and coherence of operation across the University, and avoid unnecessary complexity;
- 3.15 make, add to, amend or revoke such regulations as are considered necessary relating to Senate's exercise of its powers and functions;
- 3.16 where requested appoint representatives to other bodies of an academic nature;
- 3.17 generally, exercise such powers as may be conferred on Senate by the Charter or Statutes.

Committees and Delegation

- 4. The Senate may appoint such committees and other bodies consisting either wholly or partly of members of the Senate or otherwise for such purposes as it may think fit.
- 5. The Senate may delegate its powers and functions to:
 - any of the committees or bodies it has appointed;
 - the Chair, a Pro-Vice-Chancellor, a Dean of Faculty or other officers of the University.

Chair's Action

- 6. In the case of business requiring urgent attention between meetings of Senate or a committee or other body appointed by Senate, the Chair of Senate or the Chair of such committee or other body as may be the case shall, when it is his or her opinion that it is not practical or proportionate to call a special meeting, have delegated authority to exercise the powers and functions of Senate or such committee or other body.

Standing Orders

- 7. The Senate shall approve such additional standing orders governing the conduct of its business which are not in conflict with this Ordinance as it considers to be necessary.