

## **ARTICLES OF GOVERNMENT**

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

### **1 INTERPRETATION**

1.1 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 5 March 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 may determine and "holder of a senior post" shall be construed accordingly;

"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 as 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**

2.1 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 THE BOARD OF GOVERNORS, PRINCIPAL AND ACADEMIC BOARD**

The Board of Governors

3.1 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, grading, suspension, dismissal and determination of the pay and conditions of service of the holders of senior posts;
- (e) setting a framework for the pay and conditions of service of all other staff;
- (f) the assignment and appraisal of the holders of senior posts.

The Principal

- 3.2 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

- 3.3 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) 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 content of the curriculum; academic standards and the validation and review of courses; the procedures for the award of qualifications and honorary academic titles including the powers to revoke such awards in accordance with section 76 of the Further and Higher Education Act 1992; 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) for 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) for advising on such other matters as the Board of Governors or the Principal may refer to the Academic Board.
- 3.4 The Academic Board may establish such committees as it considers necessary for purposes enabling 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**

4.1 There shall be an Academic Board of no more than forty members, comprising the Principal (who shall be Chair) and such other members of staff and students as may from time to time be approved by the Board of Governors. The Principal may nominate a Deputy Chair from among the members of the Academic Board to take the chair in his or her place. The period of appointment of members and the selection or election of members shall be subject to the approval of the Board of Governors.

4.2 The Academic Board shall consist of the following:

- (a) the Principal;
- (b) up to three holders of senior posts;
- (c) not fewer than twenty but not more than twenty-four holders of such post Dean of Faculty, Head of School or Head of other teaching or non-teaching Departments, or their equivalent as may be determined from time to time by Bye Laws;
- (d) a teaching staff member elected by and from each Faculty or School, or their equivalent, as may be identified within the University's establishment;
- (e) two non-teaching staff members by and from the non-teaching staff;
- (f) two members elected by and from all staff, representing the University as a whole;
- (g) three students nominated by the student body; and
- (h) up to four co-opted members, if the membership drawn from the foregoing provisions permits.

#### **5 DELEGATION OF FUNCTIONS AND COMMITTEES**

5.1 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 Chair of the Board of Governors or to the Principal.

5.2 The Board of Governors shall establish a committee to determine or advise on such matters relating to finance as the Board may remit to it. The members of the committee shall be drawn from the members of the Board of Governors other than staff or student Governors.

5.3 The Board of Governors shall establish a committee to determine or advise on such matters relating to employment policy as the Board may remit to it. The members of the Committee shall be drawn from the independent and co-opted members of the Board of Governors other than student Governors, and may include one staff Governor.

5.4 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
- the varying or revoking of these Articles of Government.

## **6 APPOINTMENT OF CLERK TO THE BOARD OF GOVERNORS**

- 6.1 The Board of Governors shall appoint a Clerk to act as secretary to the Board.

## **7 PROCEDURES FOR MEETINGS**

- 7.1 The quorum for meetings of the Board of Governors shall be forty per cent of its total membership, provided that sixty per cent of those present 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.
- 7.2 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.
- 7.3 The Board of Governors shall elect a Chair from amongst its membership. The Board of Governors shall also elect a Deputy Chair from amongst its membership to act on the Chair's behalf as the need arises and to serve in his or her absence. Staff and student Governors shall not be eligible to stand in any election for Chair.
- 7.4 The Board of Governors shall meet at least once in each quarter and shall conduct its meetings in accordance with the following provisions:
- (a) meetings shall be summoned by the Clerk to the Board of Governors who shall send to each member at least fourteen days before the meeting notice of the meeting, except in the case of special meetings when ten days notice shall be given;
  - (b) the agenda paper for each meeting shall be sent to each member at least ten days before the meeting and shall be available to members of staff and students from that time;
  - (c) draft minutes approved by the Chair of the meeting, signed minutes and supporting papers shall be available to staff and students from the date of their circulation to members, except that the Corporation, or any committee thereof, shall not be under any obligation to publish such material where it relates to named members of staff or students, or to named prospective members of staff or students, or to any matter which the Board, or relevant committee, is satisfied should be dealt with on a confidential basis;

- (d) the minutes of the proceedings of Governors shall be kept in a book provided for that purpose and shall be signed at the next meeting by the person presiding thereat;
  - (e) in the event of a tied vote, the Chair shall have a casting vote (which may be a second vote) to determine the matter in question; and
  - (f) the proceedings of the Board of Governors shall not be invalidated by any vacancy in its number or by any defect in the appointment or qualification of any Governor.
- 7.5 With the exception of the Board of Governors' Audit Committee, the quorum for any meetings of committees of the Board of Governors or meetings of the Academic Board or its committees shall not be less than forty per cent of the membership, or three members inclusive of the Chair of the committee, whichever is the greater. The quorum for meetings of the Audit Committee shall be fifty per cent of its membership.
- 7.6 Members of the Corporation shall be obliged to declare pecuniary, family or other personal interests in matters under discussion within the Board of Governors or any of its committees. Members who declare such an interest shall take no part in the consideration of the matter. Except that this Article shall not prevent the Board of Governors considering and voting upon proposals for the Corporation 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 premiums.
- 7.7 Except where exceptionally determined by the Board, a Governor who is a member of the staff or a student at the University shall not take part in the consideration of matters affecting a named member of staff or student or a prospective member of staff or student. Similarly, the Principal shall withdraw from any meeting or part thereof where his/her position is under discussion.
- 7.8 Except as provided for in Article 7.12, where a vacancy arises upon the expiry of a member of the Corporation's term of office, it shall be filled by the Board of Governors at its annual meeting at which the vacancies of Chair and Deputy Chair shall be filled. The quorum required in any vote concerning the appointment of members of the Corporation shall be not less than one-half of those entitled to vote. Voting shall be by show of hands, unless a simple majority of those present resolve that it shall be by secret ballot. Notwithstanding Article 7.4, notice of the meeting and material concerning the appointment of members of the Corporation shall be circulated to the existing members not less than twenty-one days prior to the any meeting at which existing or due vacancies are to be filled.
- 7.9 Where a vacancy arises upon the death of a member of the Corporation or upon his or her resignation, it shall be filled by the Board of Governors at a meeting of the Board to be convened by the Clerk to the Board of Governors within three months of the vacancy arising. The notice of such a meeting and material concerning the appointment to be made shall be circulated to existing members of the Corporation not less than twenty-one days prior to the date of the meeting.

- 7.10 In any appointment of an independent member of the Corporation an absolute majority of the current independent members of the Corporation shall be required.
- 7.11 In any appointment of a member aged over seventy an absolute majority of the appointing authority shall be required.
- 7.12 Where a vacancy for an independent member of the Corporation shall have been unfilled for a period in excess of three months the Clerk to the Board of Governors shall convene a meeting of a committee constituted of all of the current independent members of the Corporation, within a period of four weeks following the expiry of that period. The committee shall appoint to the vacancy by show of hands, unless a majority of those present resolve that the appointment shall be by secret ballot. The quorum required in any vote concerning the appointment of independent members of the Corporation shall be not less than one half of those entitled to vote. Notice of the meetings and material concerning the appointment shall be circulated to members of the committee not less than twenty-one days prior to the date of the meeting.
- 7.13 The Chair of the Board of Governors shall be empowered to summon a special meeting of the Board of Governors at any time. A special meeting of the Board of Governors may be requisitioned by one third of its membership, provided that notice of any such requisition shall have been submitted to the Clerk to the Board of Governors in writing and shall have specified the business to be transacted at the meeting. The Clerk to Governors shall convene a special meeting within twenty days of the receipt of such a requisition. Notice of a special meeting, together with details of the business to be transacted at the meeting, shall be circulated to members not less than ten days prior to the date of the meeting.
- 7.14 Where a member of the Corporation is unable to attend a meeting of the Board of Governors or, in the case of an independent member, a meeting of the committee of independent members at which the appointments of members of the Corporation are to be made, he or she may appoint a proxy from among the other members of the Corporation to cast his or her vote in any such appointment, provided that:
- (a) the person appointing a proxy shall have informed the Clerk to the Board of Governors, in writing, of his or her intention and of the name of the person appointed as a proxy, at least forty-eight hours prior to the meeting in question;
  - (b) where the person appointing a proxy is an independent member, the person appointed shall be another independent member; and
  - (c) proxy votes may only be cast in the appointment of members of the Corporation.

## **8 APPOINTMENT AND PROMOTION OF STAFF**

- 8.1 Each member of staff shall serve under a contract of employment with the Corporation.

- 8.2 Upon the occurrence of a vacancy or expected vacancy for the post of Principal, the post shall be advertised nationally, and the Board of Governors shall agree procedures for the appointment.
- 8.3 Normally, the Board of Governors shall require that any post which is subject to national recruitment, as defined by the Board from time to time, be advertised internally and in the national and educational press.
- 8.4 The Principal shall, from time to time, establish procedures for the appointment and promotion of staff other than the holders of senior posts, within a framework agreed by the Board of Governors.

## **9 CONDUCT OF STAFF**

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

### Academic Freedom

- 9.2 In making rules under Article 9.1, the Board of Governors shall have regard to the need to ensure that all 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 of losing their jobs or any privileges they may have at the University.

## **10 SUSPENSION AND DISMISSAL OF STAFF**

### Suspension

- 10.1 The Chair of the Board of Governors or in the absence of the Chair the Deputy Chair, may suspend from duty, with pay, the holder of a senior post for alleged misconduct or other good and urgent cause. The Chair, or Deputy Chair, shall report such suspension in writing to the Board of Governors within two working days or as soon thereafter as practicable.
- 10.2 The Principal may suspend from duty, with pay, any member of the staff of the University, other than the holder of a senior post, for alleged misconduct or other good or urgent cause. The Principal's powers of suspension may be delegated by the Principal in accordance with a scheme approved by the Board of Governors and in accordance with these Articles.
- 10.3 Anyone who is suspended from duty under Articles 10.1 or 10.2 shall be entitled to receive from the Principal or delegate, or in the case of holders of senior posts from the Chair or Deputy Chair of the Board of Governors, written notification of the suspension, setting out the grounds on which the decision to suspend has been taken.
- 10.4 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 to the Principal or delegate 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 to the Board of Governors

- 10.5 If the Chair of the Board of Governors, or in his or her absence the Deputy Chair, or a majority of the members of the Board of Governors, consider that it may be appropriate for the Board to dismiss the holder of a senior post as defined in these Articles, the Chair, Deputy Chair or Board of Governors as appropriate shall refer the matter to a Special Committee of the Board. The Chair of the Board of Governors shall appoint two independent members of the Board to examine the facts, otherwise investigate the grounds for dismissal, and make recommendations to the Special Committee.
- 10.6 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 or she may be accompanied and represented by a friend.
- 10.7 The Special Committee shall then prepare a written report, a copy of which shall be sent to the person to whom it relates. The report shall set out the Special Committee's conclusions as to the facts relating to the case, any considerations which the Committee considers should be taken into account, and the Special Committee's decision as to the action which should be taken, including whether dismissal is appropriate.
- 10.8 The Special Committee shall consist of three independent members of the Board. The Chair and the Deputy Chair of the Board of Governors, the Principal and the staff and student members are not eligible for membership of the Special Committee, neither are those independent members of the Board who investigate and report on the issue under Article 10.5.
- 10.9 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 10.8, such rules to take account of changing employment legislation and practices including the right of appeal against dismissal to the Board of Governors.

### (ii) Other Members of Staff

- 10.10 The Principal may dismiss any member of the staff of the University other than the holder of a senior post and if the circumstances are such that he or she 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. The Principal's powers of dismissal may be delegated by the Principal in

accordance with a scheme approved by the Board of Governors and in accordance with these Articles.

- 10.11 Where the Principal or delegate proposes to dismiss such a member of staff and the circumstances described in Article 10.10 do not prevail he or she 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 he or she may be accompanied and represented by a friend) before any decision to dismiss by the Principal or delegate is taken.
- 10.12 Where a staff member has been dismissed pursuant to Article 10.10 or a decision to dismiss has been taken pursuant to Article 10.11 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.
- 10.13 Procedures for the dismissal of staff by the Principal or delegate and for the consideration of appeals against dismissals shall be specified in rules made by the Board of Governors after consultation with staff. The rules should include rights of representation.

## **11 GRIEVANCE PROCEDURES**

- 11.1 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**

- 12.1 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.
- 12.2 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.
- 12.3 In exercise of its 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 exclusion of a student for an unsatisfactory standard of work or other academic reason.
- 12.4 The Board of Governors shall satisfy itself that students have the fullest opportunity to raise matters of proper concern to them at all levels in the University as may be appropriate, but it shall only consider such matters when of collective interest to the student body. Further, it shall ensure that both individual and collective concerns are properly considered within the University by the provision of procedures to achieve that end.

## **13 FINANCIAL MATTERS**

### Fees

- 13.1 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 and Estimates

- 13.2 The Board of Governors shall keep accounts and records, and appoint auditors in accordance with the provisions of the Act.
- 13.3 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**

- 14.1 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 of Government.

## **15 COPIES OF ARTICLES RULES AND BYE-LAWS**

- 15.1 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**

- 16.1 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**

These Articles came into operation on 11 July 2006.