UNIVERSITY OF BIRMINGHAM

ORDINANCES

(Including all changes approved by Council up to JULY 2008)

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Executive Brief

Provide more detail on the exercise of powers than in the Statutes. They distribute the authority of Council to committees and to executive officers, and control use of that authority. Ordinances may be amended or augmented by the University Council.

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Part 1 : Interpretation And Definitions

1.1 These Ordinances shall be interpreted in such a manner as not to conflict with the Charter or Statutes.

1.2 The Interpretation Act 1978 shall apply for the interpretation of these Ordinances as it applies for the interpretation of an Act of Parliament.

1.3 In these Ordinances, unless the context otherwise requires, words defined in the Charter or Statutes shall have the same meaning and:-

1.3.1 "Research Staff" means those holding an appointment governed by the Conditions of Service for Research and Analogous Staff.

1.3.2 "Senior Library Staff" means those holding an appointment governed by the Conditions of Service for Senior Library and Computer Staff.

1.4 "Teaching Staff" shall include those holding an appointment as a Colloquial Assistant.

1.5 "Academic Staff" shall include the following:

a. those holding an appointment as Principal Computer Officer, Senior Computer Officer, Computer Officer Grade 1 or Grade 2, Colloquial Assistant and Studio Manager.
b. Those holding a part-time appointment which was made (or succeeds an appointment originally made) under Regulations 3.1, 3.2, 3.3 or 3.6 and who are employed and regularly paid (ie monthly) by the University, whether from its own funds or otherwise.

1.6 "University Staff" shall include all persons having paid employment in the service of the University.

1.7 "Matriculation" means the formal admission of a student to membership of the University under Section 25 of the Statutes or under Ordinance 4.4.

1.8 "Vice-Chancellor" means the Vice-Chancellor and Principal.

1.9 "Pro-Vice-Chancellor" shall, except in clauses 1 and 2 of Ordinance 3.5, include the Vice-Principal or Vice-Principals.

1.10 "Senior Lecturer" shall include those holding an appointment as Senior Fellow.

1.11 "Lecturer" shall include those holding an appointment as Fellow of the Shakespeare Institute.

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1.12 The functions of the "Registrar and Secretary" may be carried out by a person to whom the Registrar and Secretary delegates them.

1.13 “College” means a college of the University under Ordinance 2.5B

1.14 “College Board” means the board of a College under Ordinance 2.10

1.15 “University Executive Board” means the executive board of the University under Ordinance 2.9

1.16 “Principal academic unit” means a principal academic unit of a College under Ordinance 2.6B

1.17 "Head of College" means the head of a College under Ordinance 2.7B

Part 2 : Organisation And Government

2.1 Power To Make Regulations

2.1.1. The Council shall have the power to make Regulations under the Ordinances. Where such affect the powers or responsibilities of the Senate, the Senate shall be consulted beforehand.

2.1.2. The Senate shall have the power to make Regulations for directing the academic work of the University in teaching, examining and research subject to the Charter, Statutes and Ordinances.

2.2 Delegation Of Powers

Subject to the provisions of the Charter, Statutes (particularly Statute 15) and Ordinances:-

2.2.1. The Council may at any time delegate any of its duties or powers to any committee consisting of persons appointed by the Council or to the Senate or to any joint committee consisting of persons appointed by the Council and the Senate.

2.2.2. The Senate may at any time delegate any of its duties or powers to any committee consisting of persons appointed by the Senate or under its authority.

The Senate [1]

2.3.1 Composition of the Senate

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

Class A. The Vice-Chancellor and Principal (in the Chair), the Vice-Principal or Vice-Principals, the Pro-Vice-Chancellors, and the Heads of Colleges.

[1] (*Note: the Council, in December 2007, approved the recommendation of the Senate that this Ordinance should come into effect on 1 April 2008, not 1 January 2008, as previously agreed by the Council. Therefore references to 1 January 2008 have been changed to read 1 April 2008. Until 1 April 2008, the former Statute 15 prescribing the composition of the Senate will still be in force, as set out in an appendix to these Ordinances)*

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Class B.	Three members of each College Board, nominated by the Head of College, including one with College-level responsibilities for research and one with College-level responsibilities for learning and teaching.
Class C.	The Vice-President (Education and Access) of the Guild of Students.
Class D	Five currently registered students nominated by the Guild of Students.
Class E	Four members of the academic or research staff of each College, one of whom must be a Professor, elected by and from the academic and research staff of each College.
Class F	Up to four members co-opted by Senate on the recommendation of the Vice-Chancellor.

2 The term of office for ex officio members in Class A and Class C shall be continuous for such period as they hold the post or office designated.

3 The term of office for members in Class B shall be continuous for such period as they remain appointed to serve on the Senate in this capacity by the Head of College.

4 The term of office for members in Class D shall be one year, renewable for two further terms of office, consecutively or otherwise.

5 The term of office for members in Class E shall be four years, renewable for one further term of four years.

2.3.2 Staff Elections To The Senate

1 Four members of the academic or research staff of each College, one of whom must be a Professor, shall be elected by and from the academic and research staff of each College to serve as members of the Senate in Class E.

2 Emeritus Professors or those appointed as Honorary or Visiting Professors shall not be eligible for membership of Senate in Class E.

3. Term of Office of Academic Staff Members

a. Elections shall normally be scheduled in the Spring Term, such that the outcome is known by the date of the Spring meeting of Senate (so that any action to co-opt members under Ordinance 2.4 may be taken and approved before the end of that academic session).

b. Elected members shall serve for four years, with effect from the start of the session immediately following their election and shall be eligible for re-election for one further term of four years provided always that on initial appointment on 1 April 2008:

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(i) two of the elected members from each College who receive the least votes shall have an initial term of office of two years only; and

(ii) all the elected members shall serve for an additional period between 1 April 2008 and the start of the session immediately following their election.

c. An elected member of the Senate shall be required to vacate his or her seat without completing his or her term:

(i) if he or she ceases to be a member of the constituency from which he or she was elected, whether this be because they have left the College or University or through being appointed to a post which has *ex officio* membership of the Senate

(ii) if he or she is granted leave for one year or more, their seat to be vacated from the date when such leave commences.

d. Casual vacancies may be filled at by-elections held as soon as reasonably practicable , to take effect from the start of the following semester for the remainder of the unexpired period of appointment.

4. The Registrar and Secretary shall be the returning officer for all elections to the Senate, and shall have power to appoint deputies to discharge all or any of such duties. The Registrar and Secretary shall be responsible for determining and publishing a Code of Practice on Elections which shall:

(a) determine any questions concerning eligibility to vote or to stand for election;

(b) specify that unless otherwise determined by the Senate, voting shall take place by secret ballot and by single transferable voting;(c) specify that there must be provision for any person nominated to withdraw from the election.

2.3.3. Student Nominations to the Senate

1. 5 students shall be nominated to Senate (Class D) by the Guild of Students from among the student members of Staff/Student Consultative Committees or other committees or bodies within Colleges.

2. The nominations should seek to represent the diversity of the student population, including in terms of level of programme of study. Nominations should normally be made before the Spring meeting of Senate, for membership to take effect for the start of the following academic session. If the Guild of Students wishes to nominate a first

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year student or students to serve as members of Senate (Class D), such nomination or nominations may be delayed, to be made as soon as practicable after the start of the session in which the student or students would serve.

3. A member in Class D nominated to the Senate shall serve for one year with effect from the start of the session and shall be eligible for renomination on no more than two occasions.

4. Where the pattern of student nominations resulted in a decision to co-opt a representative from a specific group or class of students (under Ordinance 2.4.1(e)), the Guild shall take note of this when considering nominations for the following session.

5. Senate shall retain the right to reject one or more of the nominations for co-option and to require the Guild to reconsider.

2.4 Co-option to Membership of the Senate

2.4.1 Categories of Co-opted Membership

Ordinance 2.3.1 provides for the Senate to co-opt up to four members (Class F) on the recommendation of the Vice-Chancellor. These shall normally be:

a. a member of the academic or research staff, ex-officio or ad personam; or

b. a representative of a class or group of academic or research staff, not already represented or not adequately represented in other classes of members; or

c. a representative of a specific academic discipline or area of academic activity, not already or not adequately represented in other classes of members; or

d. a Chair of a committee of the Senate not otherwise represented in other classes of members;

e. a representative of a class or group of students not already or not adequately represented among those nominated by the Guild to Class D.

2.4.2 All co-opted members shall serve for one year and shall be considered as full, voting members of Senate for the duration of their membership.

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2.4.3 The Vice-Chancellor shall review the co-opted membership annually, when the normal processes to elect / re-elect academic staff members of Senate (Class E, under Ordinance 2.3.2) have been completed; and when nominations for student members have been made by the Guild of Students.

He may then recommend, normally to the summer Term meeting of Senate, in each case:

- one or more persons to be co-opted under one of the categories in Ordinance 2.4.1;
- that a particular co-option or co-options be renewed for a further session.

2.4.4 Where Senate approves a recommendation for a further student co-option under 2.4.1(e), the Guild of Students shall be asked to make an appropriate nomination, in time for the nominee to take up membership at the start of the session, or as soon as practicable thereafter.

2.4.5 A co-opted academic staff member of the Senate shall be required to vacate his or her seat:

a. if he or she ceases to be a member of the class or group from which he or she was nominated.

b. if granted leave of absence from the University for more than one term, the seat to be vacated from the date that such leave commences.

c. in the case of a member who has been co-opted ex-officio, if they vacate the post concerned or if the post is disestablished.

2.4.6 For vacancies under 2.4.1(a) which arise in the Autumn Term and unless Senate resolves to the contrary, the Vice-Chancellor, after consultation, may recommend for consideration by the Senate a replacement to fill the casual vacancy for the remainder of the session. Vacancies which arise in the Spring Term shall be considered in the normal way under Ordinance 2.4.3.

2.4.7 For casual vacancies which arise in categories 2.4.1 (b) and 2.4.1 (c), and unless Senate resolves to the contrary, the Vice-Chancellor may recommend for consideration by the Senate a replacement (if he or she wishes) to the next meeting of the Senate to fill the casual vacancy for the remainder of the session.

2.5 The Schools

2.5.1. There shall be the following Schools in the University:

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- Biosciences
- Business
- Computer Science
- Chemistry
- Dentistry
- Education
- Engineering
- Geography Earth and Environmental Sciences
- Health Sciences
- Historical Studies
- Humanities
- Law
- Mathematics
- Medicine
- Physics and Astronomy
- Psychology
- Public Policy
- Social Sciences
- Sport and Exercise Sciences

2.5.2. The School shall be the primary focus for the management of the University, including academic and resource management.

2.5.3 Organisational units within Schools may be established subject to agreement by the School Committee and approval by the Vice-Chancellor on behalf of the Senate. Such units may include staff from other Schools but managerial responsibility for the activities of a unit remains with the School within which it is established."

2.5B The Colleges

2.5.1. There shall be Colleges in the University as specified by the Council, which shall be the primary focus for the management of the University, including academic and resource management.

2.5.2 The Colleges shall be:

Arts and Law
Engineering and Physical Sciences
Life and Environmental Sciences
Medicine, Dentistry and Health Sciences
Social Sciences

2.6 Academic Units within Schools

2.6.1. Organisational academic units within Schools, such as departments, divisions, institutes and centres, may be established subject to agreement by the School Committee and approval by the Vice-Chancellor on behalf of the

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Senate. Such academic units may include staff from other Schools, but managerial responsibility for the activities of an academic unit remains with the School within which it is established. The approval of the establishment of the unit shall be set within the University's normal planning process, to include confirmation that the proposal is consistent with the objectives set out in the School and University academic plan and the extent to which the unit constitutes a separate area of activity (see 2.6.2(2) below).

2.6.2. Where academic units within a School are established, the following shall apply:

1. Heads of units within a School shall be responsible to the Head of the School for maintaining and promoting the standards, efficiency and good order of the unit in accordance with the policies and procedures laid down in the Charter, Statutes, Ordinances, Regulations, Rules and Codes of Practice of the University, as determined from time to time by resolutions of Senate and / or Council.
2. The Head of School, while remaining accountable as in Ordinance 2.7, shall determine, in consultation with the School Committee, which areas of management shall be devolved to the head of the unit and which responsibilities will continued to be carried out at School level. The Head of School shall ensure that a statement is produced of the reporting pathways and reporting responsibility of the head of the unit.
3. Where academic units exist or are established with responsibilities which include the organisation of a range of teaching and research that constitute identifiable disciplines, heads of units shall discharge their responsibilities with the advice and assistance of a committee, which will be a sub-committee of the School Committee. The membership and responsibilities of the sub-committee shall be determined by the School Committee, which will identify the location, at unit or at School level, of responsibility for admissions, teaching, pastoral care and monitoring of students and student consultation.

2.6.3. The Head of School may appoint the heads of academic units within the School subject to quality control by the relevant Dean. Where a vacancy occurs in the headship of an academic unit, the Head of School shall formally consult members of the academic staff of the unit concerned regarding the general requirements for filling the headship. All such appointments shall normally be for a specified period of up to three years. The appointment may be renewed for further periods of three years, or for such shorter periods as may be agreed.

2.6.4. The Ordinances above which provide for the establishment of academic units within Schools shall not be taken as prejudicing any future decision by the School or by the University in consultation with the Head of School to amend the composition or role or to disestablish an individual unit or units

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2.6B Principal Academic Units within Colleges

2.6.1. Principal academic units may be established, restructured or dissolved by the University Executive Board on the recommendation of a College Board, except in cases where the provisions of Statute 24 (part II) apply, when the University Executive Board shall submit a recommendation to the Council. There will normally be up to eight such units within each College, each with a head who reports directly to the Head of College and is an ex officio member of the College Board. Such principal academic units may include staff from other Colleges but managerial responsibility for the activities of the unit will remain with the College within which the unit is established.

2.6.2. Heads of principal academic units within a College shall be responsible to the Head of the College for maintaining and promoting the standards, efficiency and good order of the unit in accordance with the policies and procedures laid down in the Charter, Statutes, Ordinances, Regulations, Rules and Codes of Practice of the University, as determined from time to time by resolutions of Senate and / or Council.

2.6.3 The Head of College, while remaining accountable as in Ordinance 2.7B, shall determine, in consultation with the College Board, which areas of management shall be devolved to the heads of the principal academic units.

2.6.4. The University Executive Board shall appoint the heads of the principal academic units within a College, on the recommendation of the Head of College. Where a vacancy occurs in the headship of a principal academic unit, the Head of College shall formally consult members of the academic staff of the unit concerned regarding the headship. All such appointments shall be for a specified period of normally five years. The appointment may be renewed for a further period or periods as determined by the University Executive Board.

2.7 Heads Of Schools

2.7.1. Heads of Schools shall be responsible to the Vice-Chancellor for the financial and academic management of the School in the interests of achieving stated University aims and objectives.

2.7.2. Heads of School shall be responsible through the Vice-Chancellor to Senate and Council for maintaining and promoting the standards, efficiency and good order of the School in accordance with the policies and procedures laid down in the Charter, Statutes, Ordinances, Regulations, Rules and Codes of Practice of the University, or determined from time to time by resolutions of Council and or Senate.

2.7.3. The specific responsibilities of Heads of Schools shall include:

a. submitting plans, both academic and financial, concerning the School.

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b. reaching agreed academic objectives including the admission of students and monitoring the academic performance of students.
c. setting up appropriate structures for academic and financial management within the School and monitoring performance.
d. arrangements for the examination and assessment of students within the School.
e. arrangements for the promotion of teaching and research within the School in order to achieve agreed University and School objectives.
f. arrangements for the pastoral care and tutorial supervision of students.
g. arrangements for the appraisal and review of all staff in the School and recommendations for promotion, increments and probation.
h. disseminating information to members of the School on developments within the School and University-wide developments affecting the School.
i. serving on the Senate and other University bodies and reporting to the School Committee on the transaction of business at such bodies.
j. other statutory and non-statutory requirements delegated by the Vice-Chancellor to Heads of School, for example in matters of health and safety and the observation of codes of practice agreed by the Senate or Council.

2.7.4. Subject to the Charter, Statutes and Ordinances of the University, in the cases of the Schools of Dentistry, Health Sciences and Medicine, this Ordinance shall apply only so far as it is consistent with any contractual or customary responsibilities owed to relevant NHS bodies for the general direction and co-ordination of clinical activities undertaken by clinical teaching staff who work within those Schools.

2.7B Heads of Colleges

2.7.1 The Heads of the Colleges of the University shall be appointed by the Council on the recommendation of a Committee, whose composition shall be specified by the Council and which shall include Professors from the College concerned.

2.7.2 The Heads of Colleges shall be employed by the University with such duties, at such remuneration and upon such terms and conditions as set out in the contract of employment, provided always that such duties shall include the following:

responsibility to the Vice-Chancellor for the financial and academic management of the College in the interests of achieving stated University aims and objectives.

responsibility through the Vice-Chancellor to Council for maintaining and promoting the standards, efficiency and good order of the College in

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accordance with the policies and procedures laid down in the Charter, Statutes, Ordinances, Regulations, Rules and Codes of Practice of the University, or determined from time to time by resolutions of Council and or Senate.

2.7.3 A Head of College may resign by writing in a letter signed by him or her and addressed to the Vice-Chancellor.

2.8 School Committees

2.8.1. There shall be a School Committee in each School in the University as listed in Ordinances.

2.8.2. Membership of the School Committee shall comprise the Head of the School, who shall chair the Committee, and such other members as shall be specified by Regulations approved by Senate and Council.

2.8.3. At the beginning of each Academic Year the Head of School shall appoint from among the Academic Staff members of the School Committee a member who shall preside at meetings of the Committee whenever the Head of School is absent.

2.8.4.

1. Subject to Ordinance 2.7, to the other laws of the University and to any necessary variations in procedure approved by the Senate and Council, the School Committee shall be expected to reach a consensus on such matters as may be specified by Regulation.
2. If a decision on such matters cannot be reached, or advice is not sought as specified by Regulation, the Head of School or any 20% of members of the School Committee shall refer the matter to the Vice-Chancellor. The Vice-Chancellor shall take what action is considered necessary.

2.9 University Executive Board

2.9.1 There shall be a University Executive Board which shall have the following composition:

The Vice Chancellor and Principal (in the Chair)
The Vice Principal or Vice-Principals
The Pro-Vice Chancellors
The Heads of Colleges
The Registrar and Secretary
and such other persons as may be recommended by the Vice-Chancellor, after consultation with the University Executive Board, and approved by the Council for such terms of office as it determines

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2.9.2. The University Executive Board shall

(a) consider and take decisions in respect of any aspect of the University's strategy, operation or management (including for the avoidance of doubt, matters of academic implication and allocation of financial, physical and human resources) within the authority delegated by the Council and specified in terms of reference approved by the Council from time to time

(b) make recommendations to the Vice Chancellor, the Council, the Senate or any other body within the University on any matters not within the Board's authority to determine

(c) monitor the Colleges' individual and collective implementation of University strategies and policies and direct the College Boards as necessary.

2.10 College Boards

2.10.1 Each Head of College shall be advised by a College Board which shall have the following composition:

The Head of College (in the Chair)
The Head of each of the principal academic units within the College as defined by Ordinance 2.6B
The person with overall responsibility for learning and teaching within the College, appointed by the University Executive Board on the recommendation of the Head of College
The person with overall responsibility for research and knowledge transfer within the College, appointed by the University Executive Board on the recommendation of the Head of College
The Director of Operations of the College
and such other persons as may be recommended by the Head of College, after consultation with the College Board, and approved by the University Executive Board for such terms of office as it determines

2.10.2 At the beginning of each academic year the Head of College shall appoint one academic member of the College Board to be his or her deputy and who shall chair meetings of the College Board whenever the Head of College is absent.

2.10.3 The term of office for all members of the Board shall be continuous for such period as they hold the post or office designated.

2.10.4 The College Board shall

(a) advise the Head of College in respect of the College's strategy, operation or management (including for the avoidance of doubt, matters of academic and financial

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implication) and within the extent of the authority delegated by the Council.

(b) facilitate communication and ensure the effective co-ordination of all matters relevant to the running of the College and its activities, including inter-College activities.

(c) take decisions under the direction of the University Executive Board and the Council with respect to matters specified in terms of reference approved by the University Executive Board on behalf of the Council from time to time or with respect to matters delegated by the Council or Senate.

(d) make recommendations to the Council, the Senate, the University Executive Board or any other body within the University on any matters not within the Board's authority to determine

2.11 Membership Committee of Council

2.11.1 Under Section 11 of the Statutes, and having regard to the general requirements of Article 13 of the Charter, the membership committee of Council shall, in the light of advice provided by Council, invite, receive and assess nominations for vacancies in Class IV of Council. The membership committee shall recommend nominations based on nominations received to the Council for the appointment or re-appointment of members to Class IV.

2.11.2 The membership committee shall consist of the following persons, namely:

i. The Pro-Chancellor, who shall Chair the membership committee;
ii. Two of the members of Council in Class IV, to be elected by the Council, at least one of whom shall not be a lay officer. One of those elected will be nominated to chair the membership committee in the absence of the Pro-Chancellor;
iii. The Vice-Chancellor and Principal and;
iv. One of the members of Council in Class II to be elected by the Council;

Elected members of the Committee shall serve for a term determined by the Council that shall normally be for three years and may not be re-elected to serve for a further term without a break of at least one year.

2.11.3 Meetings of the membership committee shall be quorate provided at least two of its lay members attend. The Vice-Chancellor and Principal may, in his or her absence, be represented by the Vice-Principal who is appointed by the Council to act during the absence or inability of the Vice-Chancellor and Principal.

2.11.4 The members of the membership committee shall cease to be members of this committee if they cease to be members of Council.

2.11.5 The membership committee shall have power to exercise discretion in inviting nominations for new members of Council from a constituency that will include but not be restricted to all members of the University as defined in Section 9 of the Statutes. In inviting nominations, the membership committee shall consult widely and, as necessary, publicly advertise and shall pay full regard to the need for diversity and interests on the Council representative of the population at large, subject always to the over-riding criterion of personal merit.

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2.11.6 The membership committee shall review annually on behalf of Council the establishment, terms of reference, constitution, composition and membership of Council committees, and to make recommendations annually to Council for their continuation or amendment where applicable in consultation with the chairpersons of Council committees.

2.11.7 In accordance with Ordinances 3.3 and 3.6, the membership committee shall invite, receive, assess and recommend nominations to Council for the elections of the Deputy Pro-Chancellor and the Treasurer.

2.11.8 Where a nomination for the re-appointment of the person identified in 2.11.2(i) as a lay member of Council is to be reviewed by the membership committee, the person concerned shall withdraw from the meeting while the nomination is considered and also from the meeting of Council while it considers the advice of the membership committee relating to the nomination.

2.11.9 In accordance with 2.11.7, where a nomination for the re-appointment or re-election of a person identified by 2.11.2(ii) to the office of Deputy Pro-Chancellor or Treasurer is to be reviewed by the membership committee, the person concerned shall withdraw from the meeting while the nomination is reviewed and also from the meeting of Council while it considers the advice of the membership committee relating to the nomination.

2.11.10 A report of the proceedings of the membership committee shall be included in the annual Report of the Proceedings of Council to the Court as required by Section 18 of the Statutes.

2.11.11 Council shall annually review the powers, duties and rules of procedure of the membership committee.

2.12 Student membership of university committees and other bodies

2.12.1 Student members of University committees and other bodies shall take no part in discussion or decisions, or receive papers, concerning the admission, academic assessment and withdrawal on grounds of academic failure of individual students.

2.12.2 In any case of dispute as to whether student members may take part in a discussion under 2.12.1, the ruling of the chairperson of the committee or body concerned shall be final.

2.13 Co-Opted Members Of Boards And Committees

With the exception of the bodies constituted by Sections 10 and 11 of the Statutes and by Ordinance 2 every Board or Committee duly appointed under the Charter and Statutes of the University or under the provisions of any Ordinance shall have power to co-opt persons to be additional members of the Board or Committee; such members shall, unless it is otherwise specified by Regulation, serve for a period to be specified at the time of co-option and shall have all the privileges and responsibilities of members of the Board or Committee except the right to vote.

2.14 The Guild Of Graduates And Alumni Association

2.14.1 The Guild of Graduates and Alumni Association shall be an organised association of former students of the University for the furthering of their common interests, and shall be the recognised means of communication between the former students on the one hand and the Court, Council, and Senate and other authorities of the University on the other hand.

2.14.2 The Guild of Graduates and Alumni Association shall make laws for its internal management and administration, and the election of its officers, the alteration of its laws, and all other matters requiring to be dealt with.

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2.14.3 Every person who has been admitted to a Degree of the University (other than an honorary or ex officio Degree) is ipso facto a member of the Guild of Graduates and Alumni Association.

2.14.4 Every person who has been admitted to an honorary or ex officio Degree of the University shall be entitled to membership of the Guild of Graduates and Alumni Association. Former students of the University who are not graduates and other persons may be admitted to membership of the Guild of Graduates and Alumni Association at the discretion of the Alumni Affairs Committee, which shall be a Committee of the Council.

2.15 The Guild Of Students

2.15.1. The Guild of Students shall be an organised association of the students of the University for the furthering of their common interests, and shall be a recognised means of communication between the students on the one hand and the Council, Court, Senate and other authorities of the University on the other hand.

2.15.2. The Guild of Students may make laws for its internal management and administration, the election of its officers, the alteration of its laws, and all other matters requiring regulation, but no law shall be effective until approved by the Council.

2.15.3. All registered students of the University shall be full members of the Guild of Students and shall remain members so long as, but only so long as, they are actually registered as students of the University, provided always that they may elect to withdraw from membership of the Guild while retaining the right of access to sporting, social and related facilities provided by or under the auspices of the Guild. This shall be so notwithstanding that they may have become members of the Guild of Graduates and Alumni Association.

2.15.4. The Constitution of the Guild of Students, subject always to the approval of the Council of the University, may provide for categories of membership other than full membership.

2.16 Affiliated Institutions

2.16.1. Any external institute of higher education may apply to be recognised by the Council after report from the Senate as an affiliated institution of the University. Students of any such affiliated institution shall be permitted to attend at any such institution a course of study approved by the Senate instead of the whole or part of a course of study at the University. Such students will be required to meet admissions requirements, follow courses of study and take such examinations as may be prescribed in Regulations approved by the Senate, and shall be eligible for the award of degrees, diplomas or certificates of the University. The Council may require an annual fee to be paid by each affiliated institution.

2.16.2. Any institution desiring to take advantage of this Ordinance must submit to the Senate:

a. satisfactory evidence of its educational status and of its establishment on a permanent and effective footing.
b. courses of study suitable in scope and standard to be accepted by the University as leading to the award of degrees, diplomas or certificates or in place of part of the courses within the University leading to awards of degrees, diplomas or certificates.
c. satisfactory evidence of academic staffing, library facilities, laboratory facilities, and equipment for teaching the courses proposed.

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2.16.3. A subject or subjects of instruction may be provided in an affiliated institution notwithstanding that the said subject or subjects are not provided within the University. For each subject the Senate shall appoint a member or members of the academic staff of the University or other persons of suitable academic standing to have oversight on behalf of the University of the course in the subject in the institution.

2.16.4. The University shall not normally grant affiliation to any institution for a period of more than five years; but this privilege may be renewed by the Council for other similar period after a report by the Senate.

2.16.5. The University reserves the right of inspecting the libraries, laboratories, and equipment, and of enquiring into the qualifications of the teachers appointed to conduct the courses.

2.17 Fees

The payment and amount of fees to be exacted within the University or in relation to the enjoyment of privileges there from shall be determined by the Council.

2.18 Finances, Investments And Accounts

The finances, investments, and accounts of the University shall be controlled by the Council.

Part 3: Offices And Employment

3.1 The Chancellor

At the next ordinary meeting of the Council after notification has been received that the Office of Chancellor is, or will become, vacant, the Council shall establish a committee of such constitution and with such powers as Council considers appropriate to enable the committee to submit a suitable nomination or nominations for the Office of Chancellor to the Council at the earliest opportunity. The Council shall submit a nomination or nominations to the next meeting of the Court.

3.2 The Pro-Chancellor

3.2.1. The election of the Pro-Chancellor shall take place at a convenient meeting of the Council prior to the office becoming vacant, or failing that at the next ordinary meeting after the office becomes vacant.

3.2.2. A member of the Council wishing to propose a lay member of the Council for election to the office of Pro-Chancellor shall send to the Registrar and Secretary at least fourteen days before the meeting of the Council at which the election is to take place a written nomination signed by two members of the Council with a statement that the candidate is willing to stand. The Registrar and Secretary seven days before the meeting shall send to every member of the Council notice of every such nomination and no person shall be elected whose name has not been so notified to every member of the Council.

3.2.3. Every member of the Council shall receive a ballot paper showing the names of the persons nominated and shall exercise his or her vote by marking the ballot paper and posting the same in the envelope provided so as to reach the Registrar and Secretary before the commencement of the meeting at which the election is to take place.

3.2.4. The Registrar and Secretary shall open the envelopes received at the meeting at which the election is to take place and shall immediately count the number of votes cast for each

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candidate and declare to be elected the candidate to whom the majority of votes has been given.

3.3 The Deputy Pro-Chancellor

3.3.1. The Deputy Pro-Chancellor shall be elected by the Council at a convenient meeting prior to the office becoming vacant, or failing that at the next ordinary meeting after the office becomes vacant, on the recommendation of the membership committee of Council.

3.3.2. Members of the Council wishing to suggest a member for election as Deputy Pro-Chancellor shall so inform the Pro-Chancellor whereupon the membership committee of Council shall consider the merits of the nominee(s) in the light of the University's needs and shall put one or more names before the Council. If more than one name is put forward for the office, the Registrar and Secretary shall send a notice to every member of the Council, stating the name of every person proposed by the membership committee of Council and an election for the office shall take place at the Council meeting in accordance with the procedure laid down in Ordinance 3.2 for the election of the Pro-Chancellor.

3.3.3. The Deputy Pro-Chancellor shall act as the Pro-Chancellor during the latter's absence or inability or during a vacancy in that office.

3.4 The Vice-Principal or Vice-Principals

3.4.1 One or more Vice-Principals shall be appointed by the Council on the recommendation of a Joint Committee of the Council and the Senate, whose composition shall be specified by the Council.

3.4.2 One or more Vice-Principals shall be appointed with such duties, at such remuneration and upon such terms and conditions as the Council may deem fit and in the case of there being more than one Vice-Principal, one shall be appointed to act for the Vice-Chancellor and Principal pending a vacancy in that office or during the absence or inability of the Vice-Chancellor and Principal.

3.4.3 Subject to Section 24 of the Statutes one or more Vice-Principals shall hold office for the period or periods approved by Council.

3.4.4 A Vice-Principal may resign by writing in a letter signed by him or her and addressed to the Vice-Chancellor.

3.5 The Pro-Vice-Chancellors

3.5.1 One or more Pro-Vice-Chancellors may be appointed by the Council on the nomination of the Vice-Chancellor who shall consult the Senate.

3.5.2 One or more Pro-Vice-Chancellors may be appointed with such duties, at such remuneration and upon such terms and conditions as the Council may deem fit and, subject to Section 24 of the Statutes, shall hold office for the period or periods approved by Council.

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3.5.3 A Pro-Vice-Chancellor may resign by writing in a letter signed by him or her and addressed to the Vice-Chancellor.

3.6 The Treasurer

3.6.1. The Treasurer shall be elected by the Council at a convenient meeting prior to the office becoming vacant, or failing that at the next ordinary meeting after the office becomes vacant, on the recommendation of the membership committee of Council.

3.6.2. The procedure for the election shall follow that laid down in Ordinance 3.3 for the election of the Deputy Pro-Chancellor.

3.7 The Public Orator(s)

The Senate shall have power to appoint Public Orators and to specify their terms of office. It shall be the duty of the Public Orators to present all persons approved by the Senate for Honorary Degrees and to represent the University on special occasions as may be required.

3.8 Deans

1. The University shall appoint Deans with responsibilities for specified areas of the University's academic activities. Subject to approval by the Vice-Chancellor, the academic activities of a School may fall within the remit of one or more of the Deans.
2. There shall be the following Deans:
    - Arts and Social Sciences
    - Life and Health Sciences
    - Physical Sciences and Engineering

3.9 Appointment Of Deans

1. The Deans specified in Ordinance 3.8 shall be appointed by the Council on the recommendation of the Vice-Chancellor, from among the teaching staff of the relevant Schools as determined from time to time by the Senate.
2. Before making a recommendation the Vice-Chancellor shall consult academic staff members of the relevant School Committees in accordance with procedures approved by the Vice-Chancellor and agreed by the School Committees concerned.
3. A Dean shall normally hold office for an initial period of three years and be eligible for reappointment for one further period not exceeding three years.
4. The Vice-Chancellor may in appropriate circumstances confer the title of Honorary Dean on members of staff for specified periods of time. The responsibilities of such staff shall be as agreed by the Vice-Chancellor. Reference in Ordinances and Regulations to the responsibilities and duties of Deans shall apply only to the Deans listed in Ordinance 3.8 appointed in accordance with paragraph 1 - 3 above, and not to Honorary Deans.

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3.8 Appointment Of Staff

3.8.1 The conditions of employment, duties, emoluments and salaries of all University staff shall be determined by the Council which shall consult the Senate as to the duties of the Registrar and Secretary, and of the Academic Staff.

3.8.2. Members of staff, with the exception of those appointed by the Council under Sections 6 and 7 of the Statutes and under Ordinance 3.14 are appointed by the Director of Human Resources. They are subject to conditions of employment which shall be sent to them on appointment. Amendments, which shall be agreed by due process, shall be notified to them in writing by the Director of Human Resources.

3.8.3. Conditions of employment shall include provision for continuance in office subject to:

i. resignation on giving such minimum period of notice as shall be determined;
ii. except where appointment is for a predetermined period retirement at such an age and under such conditions as shall be determined;
iii. termination following due process under the approved disciplinary procedures;
iv. in the case of Academic Staff, termination for good cause or as otherwise provided for by the Statutes.

3.9 Academic Staff: Redundancy

3.9.1. Part II of Section 24 of the Statutes enables the Council to dismiss any member of the Academic Staff by reason of redundancy where paragraph 9 of Section 24 applies. In this context, "redundancy" is defined in paragraph 6 of Section 24.

3.9.2. Before the Council considers making a decision under Part II of Section 24, it is necessary for the Council to discharge its legal obligations which may be required by the EC Collective Redundancies Directive (75/129) and the Trade Union and Labour Relations (Consolidation) Act 1992, and any legal obligations which may be embodied in amending or successor legislation. These obligations include the following requirements:

i. consultations must take place with the recognised Trade Union, which in the case of Academic Staff is the Association of University Teachers;
ii. these consultations must start at the earliest opportunity when any collective redundancies are contemplated;
iii. the consultations are to be with a view to reaching an agreement and, at least, must cover ways and means of avoiding collective redundancies or reducing the number of Academic Staff affected, and mitigating the consequences;
iv. to this end, consultations must take place with individual members of staff who may be directly affected by any possible collective redundancies.

3.9.3. The Council shall approve arrangements to ensure that these obligations are met before considering action under Part II of Section 24.

3.9.4. Under paragraph 12(3b) of Section 24, each separate notice shall specify the selection criteria and procedures used by the Redundancy Committee.

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3.10 Academic Staff: Discipline, Dismissal And Removal From Office

3.10.1. The text of the rest of this Ordinance is that of Appendix 7 of the conditions of employment of Academic Staff. The procedure agreement between the University and the recognised trade union provides for any conditions negotiated under that agreement to be incorporated in the contract of employment of each member of Academic Staff. Therefore, this Ordinance will necessarily be amended when the Appendix is revised.

3.10.2. The following procedure applies to Academic Teaching Staff, Research Staff, Senior Library and Senior Computer Staff. It is designed to ensure consistent and fair treatment. In a case where a Head of School or a Professor or a professorial equivalent member of staff is the subject of disciplinary proceedings hereunder, the role of the Head of School will be assumed by the Vice-Chancellor.

3.10.3. In the case of a minor disciplinary matter, before the procedure is invoked, the Head of School (or nominee) shall counsel the member of staff concerned in an attempt to deal with the matter informally and give the member of staff the opportunity to improve.

3.10.4. At every stage in the formal disciplinary procedure an investigation of the circumstances of the complaint will be carried out; the member of staff will be advised of the nature of the complaint, be given a copy of these procedures and be given the opportunity of making representations in writing and in person; will have the right to be accompanied at a disciplinary interview by a friend who is a member of the University or a representative of a trade union; and will have the right to appeal against any disciplinary decision.

3.10.5. The formal disciplinary procedure set out below provides a graduated series of warnings; an oral warning, a first written warning and a final written warning all to be issued by the Head of School, after consultation with the Director of Human Resources, and to be kept by the Head of School. However, depending on the seriousness of the case and by agreement of the Pro-Vice-Chancellor with responsibility for staffing, the formal procedure may omit the oral warning and begin with a written warning; or may proceed directly to a final written warning; or may exceptionally dispense with warnings altogether. In certain circumstances it may be appropriate to repeat a warning at the same level.

3.10.6. At each stage of the warning procedure, if it is found that the grounds for the complaint are justified, a warning will be issued to the member of staff. The member of staff will be advised (in writing in the case of a written warning) of the reason for the warning, the nature and extent of any improvement required, the possibility of a complaint being made to the Registrar and Secretary under paragraph 13(2) of Section 24 of the Statutes if the misconduct is repeated or the poor performance continues, the period after which the warning will be disregarded (see paragraph 8 below), and the right of appeal.

3.10.7. Where a member of staff wishes to appeal against a decision to issue a disciplinary warning, he or she shall inform the Registrar and Secretary within two weeks of receiving the warning. The Pro-Vice-Chancellor with responsibility for staffing shall hear the appeal and his or her decision will be final but the level of the warning imposed may not be increased.

3.10.8. In a case where a warning is not contested under paragraph 7 above, or is contested but is confirmed by the Pro-Vice-Chancellor, it will be disregarded for disciplinary purposes after the expiry of a maximum period of one year for an oral warning or two years for a written warning, subject to satisfactory conduct and performance.

3.10.9. In a case where a final written warning has failed to secure the required improvement, or in any other case where it is alleged by the Head of School and agreed by the Pro-Vice-Chancellor in accordance with the procedures in paragraph 5 above, that a member of staff's conduct or performance may constitute good cause for dismissal or removal from office, a complaint may be made by the head of School to the Registrar and Secretary who shall

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inform the Vice-Chancellor. The Vice-Chancellor may suspend the member of staff, normally on full pay pending a final decision, and shall write to the member of staff concerned inviting comment in writing and, after an investigation, the Vice-Chancellor may either

a. dismiss the complaint against the member of staff; or
b. instruct the Head of School to consider it under paragraph 5 above; or
c. resolve the matter informally with the written agreement of the member of staff; or
d. direct the Registrar and Secretary to prefer a charge or charges to be considered by a Tribunal constituted under paragraph 16 of Section 24 and request the Council to appoint such a Tribunal.

3.10.10. If, having sought written comments from the member of staff under paragraph 9 above and no comment is received within 28 days, or 20 working days whichever is the longer, the Vice-Chancellor may proceed under paragraph 9 as if the member of staff had denied the substance and validity of the alleged case in its entirety.

3.10.11. Paragraph 16 of Section 24 provides that a Tribunal appointed by the Council shall comprise:

a. a Chairperson; and
b. one member of the Council, not being a person employed by the University;
c. one member of the academic staff nominated by the Senate.

The Council shall appoint such a Tribunal at the latest at its next meeting after the decision of the Vice-Chancellor to refer the case to a Tribunal.

3.10.12. The Registrar and Secretary (or other officer appointed by the Vice-Chancellor) shall make the necessary administrative arrangements, including the time and date of the hearing, the written notification to the Tribunal and to the member of staff of the nature of the charge or charges made, the production and disclosures of documents, the summoning of witnesses and acting as Secretary of the Tribunal. The Registrar and Secretary shall either present the charge or charges to the Tribunal on behalf of the University or appoint another person to do so.

3.10.13. The member of staff shall be given 20 working days written notice of the hearing or such other period as may be mutually agreed. The hearing will normally be held within two months of the appointment of the Tribunal. The member of staff shall have the right to be present at the hearing and to be represented by another person whether a representative of a trade union, a legally qualified adviser or any other person chosen by the member of staff. The member of staff may also be accompanied by a "friend", who shall be a member of staff of the University and who shall take no part in the proceedings. The member of staff may question witnesses either directly or through his or her representative and may call witnesses who will be liable to cross examination.

3.10.14. It shall be the duty of the Chairperson of the Tribunal to ensure that the hearing and determination of the charge or charges is conducted as expeditiously as is reasonably practicable but, at the discretion of the Chairperson, the hearing may be postponed or adjourned for a limited period for good reason. The Chairperson may also refer the charge or charges to the Vice-Chancellor for further consideration under paragraph 9 above and for the correction of any accidental errors.

3.10.15. As required by paragraph 18 of Section 24, the Registrar and Secretary shall send the Tribunal's decision in writing (together with its findings of fact and the reasons for its

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decision and its recommendations, if any, as to the appropriate penalty) to the Vice-Chancellor and to each party to the proceedings. This notification shall draw attention to the period of time within which any appeal should be made by ensuring that a copy of the appeal procedure accompanies each copy of its decision.

3.10.16. Paragraph 19 of Section 24 requires that, where the charge or charges are upheld and the Tribunal finds good cause and recommends dismissal or removal from office, but in no other case, the Vice-Chancellor or his or her nominee shall decide whether or not to dismiss the member of staff concerned. In any case where the charge or charges are upheld, other than where the Vice-Chancellor or his or her nominee has decided to dismiss the member of staff concerned, the action available to the Vice-Chancellor or his or her nominee, providing that the penalty is not greater than that recommended by the Tribunal, may be:-

a. to discuss the issues raised with the member of staff concerned; or
b. to advise the member of staff concerned about his or her future conduct; or
c. to warn the member of staff concerned; or
d. to suspend the member of staff concerned for such period as the Vice-Chancellor or his or her nominee shall think fair and reasonable, not to exceed 3 months after the Tribunal's decision; or
e. any combination of any of the above or such further or other action under the member's contract of employment or terms of appointment as appears fair and reasonable in all the circumstances of the case.

Any action taken by the Vice-Chancellor or his or her nominee shall be confirmed in writing to the member of staff and his or her representative.

3.10.17. Notwithstanding paragraph 9 above, in the case of an offence which may be regarded as gross misconduct (as defined in the ACAS advisory handbook entitled 'Discipline at Work') the Vice-Chancellor (or his or her nominee) may suspend the member of staff, normally with pay, pending an investigation and if necessary a hearing by a Tribunal, after which, in a case where the charge of gross misconduct is proven, he or she may dismiss the member of staff summarily - that is, without notice or payment in lieu of notice.

3.11 Academic Staff: Removal For Incapacity On Medical Grounds

3.11.1. Part IV of Section 24 of the Statutes deals with the removal of members of the Academic Staff for incapacity on medical grounds. In relation to paragraph 22(1) of Section 24, the procedure in the following paragraphs of this Ordinance shall apply.

3.11.2. Where it appears to a Head of School, after consultation with the Director of Human Resources, that the removal of a member of the Academic Staff on medical grounds would be justified, he or she shall make a written report to the Pro-Vice-Chancellor designated by the Vice-Chancellor for the purpose. This process will normally begin only after the arrangements for sick leave and sick pay have been exhausted. The Director of Human Resources shall ensure that the report includes advice from the University Occupational Health Physician. The Pro-Vice-Chancellor shall recommend to the Vice-Chancellor whether or not action should be taken in accordance with the procedure set out in paragraph 22 of Section 24.

3.11.3. For the purposes of discharging its responsibility under paragraph 22 (3) of Section 24, the Senate shall appoint a panel including persons of both genders, from which shall be drawn the Senate's nominee on the Board, if required. Between meetings of the Senate, the nominee shall be chosen from the panel by the Vice-Principal or, if the Vice-Principal is precluded because of a previous involvement in the case, by a Pro-Vice-Chancellor.

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3.11.4. If, under paragraph 22 (4) of Section 24, the member of staff concerned without good reason refuses to comply with any requirement by the Board to undergo a medical examination, the Board shall consider whether it is able to come to a decision on the medical evidence available to it. If it cannot, the Board may recommend to the Vice-Chancellor the initiation of procedures under Part III of Section 24.

3.12 Academic Staff: Appeals

3.12.1. The text of this Ordinance is derived from Appendix 8 of the conditions of employment of Academic Staff. The procedure agreement between the University and the recognised trade union provides for any conditions negotiated under that agreement to be incorporated in the contract of employment of each member of Academic Staff. Therefore, this Ordinance will necessarily be amended when the Appendix is revised.

3.12.2. The following procedure applies to Academic Teaching Staff, Research Staff, Senior Library and Senior Computer Staff who may wish to appeal against a disciplinary decision imposed under the Disciplinary Procedure (other than the issue of a disciplinary warning but including summary dismissal); or otherwise pursue an appeal relating to the member of staff's employment in the University, including appeals against decisions under Parts II and IV of Section 24 of the Statutes. There will be however no right of appeal against the findings of fact of a Tribunal except where, with consent of the person appointed to hear the appeal, fresh evidence is called on behalf of the appellant at that hearing.

3.12.3. A notice of appeal shall be served by the member of staff on the Registrar and Secretary in writing setting out the grounds of the appeal. This notice must be served within 28 days of the written notification to the member of staff of the decision which is the subject of the appeal or such longer period as the person hearing the appeal may determine taking account of justice and fairness in the circumstances of the case. The Registrar and Secretary shall inform the Council that the notice of appeal has been served and of the date when it was served and shall tell the member of staff that he has done so.

3.12.4. The parties to an appeal shall be the member of staff concerned and the University, represented by the Registrar and Secretary (or such other person as the Vice-Chancellor may determine) and any other person added as a party at the direction of the person hearing the appeal. The Registrar and Secretary shall make the necessary administrative arrangements which shall not include any person involved in the earlier stages of the procedures in the case.

3.12.5. The person appointed shall sit alone unless he or she considers that justice and fairness will best be served by sitting with two other persons appointed by the Council, who shall be

a. one member of the Council not being a person employed by the University; and
b. one member of the academic staff nominated by the Senate;

neither of whom may have been previously involved in the consideration of the case. For the purposes of discharging its responsibility under (b), the Senate shall appoint a panel including persons of both genders, from which shall be drawn the Senate's nominee on the Board, if required. Between meetings of the Senate, the nominee shall be chosen from the panel by the Vice-Principal or, if the Vice-Principal is precluded because of a previous involvement in the case, by a Pro-Vice-Chancellor.

3.12.6. The appeal will not be determined without an oral hearing in the presence of the member of staff, except that the person appointed to hear the appeal may proceed in the absence of the member of staff if he or she considers the absence to be wilful. The member of staff shall be entitled to be represented by another person, whether a representative of a

trade union, a legally qualified adviser or any other person chosen by the member of staff. The member of staff may also be accompanied by a "friend", who shall be a member of staff of the University and who shall take no part in the proceedings. Either party may, subject to the consent of the person appointed to hear the appeal, call witnesses who may be liable to be questioned by either party and by the person appointed to hear the appeal. Subject to the provision in paragraph 29(2)(b) of Section 24, consent to the calling of particular witnesses might be withheld for good reason, for example, if it is impracticable for them to be called or if it is reasonable to believe they cannot give relevant evidence.

3.12.7. The person or persons appointed to hear the appeal may set appropriate time limits for each stage (including the hearing itself) and it shall be the duty of that person to ensure that the hearing of the case is conducted as expeditiously as is reasonably practicable but, at his or her discretion, the hearing may be postponed or adjourned at any time and from time to time for a limited period for good reason.

3.12.8. The person or persons appointed to hear the appeal may allow or dismiss an appeal in whole or in part and may

a. remit the appeal for a re-hearing by a differently constituted Tribunal appointed under paragraph 10 of appendix 7 to the conditions of employment for academic staff; or
b. substitute any lesser alternative penalty that would have been open to the Vice-Chancellor following the finding by the Tribunal which heard and determined the case originally.

3.12.9. The Registrar and Secretary shall send the decision in writing of the person appointed to hear the appeal together with the reasons for the decision to the Vice-Chancellor, the Council and to the other parties to the appeal. The decision of the person appointed to hear the appeal represents the University's final decision in the matter.

3.13 Academic Staff: Grievance Procedure

3.13.1. The text of this Ordinance is derived from Appendix 9 of the conditions of employment of Academic Staff. The procedure agreement between the University and the recognised trade union provides for any conditions negotiated under that agreement to be incorporated in the contract of employment of each member of Academic Staff. Therefore, this Ordinance will necessarily be amended when the Appendix is revised.

3.13.2. The following procedure applies to Academic Teaching Staff, Research Staff, Senior Library and Senior Computer Staff who may wish to raise a grievance in relation to their employment in the University, whether affecting themselves as individuals or affecting their personal dealings with other members of staff of the University (other than appeals which are handled under the procedure set out in Appendix 8 of the Conditions of Employment for Academic Staff).

3.13.3. A grievance should in the first instance, if possible, be raised with the Head of School for informal resolution. If the matter cannot be resolved in this way, the member of staff should write to the Dean, or, where relevant, the appropriate Pro-Vice-Chancellor, who will seek to resolve the matter. If the grievance is not resolved by the Head of School or by the Dean, the member of staff may apply in writing to the Vice-Chancellor for redress.

3.13.4. It shall be within the power of the Vice-Chancellor to

a. dismiss the grievance summarily as trivial or invalid; or as a matter which has already been finally determined by the University;

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b. delay consideration of the grievance pending the outcome of any other procedures in the University relevant to the subject matter of the grievance and any subsequent appeal;
c. seek to dispose of the grievance informally;
d. decide to refer the grievance to a Grievance Committee and request the Council to appoint a Grievance Committee; and notify the member of staff accordingly.

3.13.5. Paragraph 35 of Section 24 of the Statutes provides that a Grievance Committee appointed by the Council shall comprise:

a. a Chairperson; and
b. one member of the Council not being a person employed by the University; and
c. one member of the academic staff nominated by the Senate.

For the purposes of discharging its responsibility under (c), the Senate shall appoint a panel including persons of both genders, from which shall be drawn the Senate's nominee on the Committee, if required. Between meetings of the Senate, the nominee shall be chosen from the panel by the Vice-Principal or, if the Vice-Principal is precluded because of a previous involvement in the case, by a Pro-Vice-Chancellor.

3.13.6. The Chairperson of the Grievance Committee may set appropriate time limits for each subsequent stage of this procedure and it shall be the duty of the Chairperson to ensure that the matter is dealt with as expeditiously as is reasonably practicable but, at his or her discretion, the consideration of the matter may be postponed or adjourned for a limited period for good reason.

3.13.7. The parties to the grievance shall be the member of staff raising the grievance and either, as appropriate, the University, represented by the Registrar and Secretary (or such other person as may be appointed by the Vice-Chancellor) and/or any other person against whom the grievance lies. The Registrar and Secretary (or other officer) shall make all the necessary administrative arrangements.

3.13.8. Each party to the grievance shall be entitled to be present at a hearing before the Grievance Committee to determine the grievance. Any individual member of staff who is a party to the grievance shall be entitled to be represented by another person, whether a representative of a trade union, a legally qualified adviser or any other person chosen by the member of staff. Each party may, subject to the consent of the Chairperson of the Grievance Committee, call witnesses who may be liable to be questioned by any other party to the grievance either directly or through his or her representative and by the Grievance Committee. Consent to the calling of particular witnesses might be withheld, for example, if for good reason it is impracticable for them to be called or if it is reasonable to believe they cannot give relevant evidence.

3.13.9. The Grievance Committee shall determine (by majority verdict, if appropriate) whether the grievance is well founded or not and, if it is well founded, shall make to the Vice-Chancellor such proposals for redress of the grievance as it sees fit. The Vice-Chancellor (or his or her nominee) shall decide, on the basis of the findings and proposals of the Grievance Committee, what action, if any, to take and shall notify in writing each party to the grievance of the outcome.

3.13.10. Any party to the grievance not satisfied with the outcome may submit an appeal in accordance with the procedure laid down in Appendix 8 of the Conditions of Employment for Academic Staff.

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3.14 Appointment Of Professors

Appointments as Professors or to posts of professorial status shall be made by the Vice-Chancellor on behalf of the Council on the recommendation of an Electoral Board in accordance with procedures specified by Regulations approved by Senate and Council.

3.15 Title Of Emeritus Professor

The Vice-Chancellor shall have power to confer the title of Emeritus Professor upon any Professor of the University on or after his or her retirement so long as the Professor in question does not hold another office of a similar character. An Emeritus Professor shall, for all purposes of courtesy and on ceremonial occasions, be upon the same footing as other Professors of the University.

3.16 External Examiners

External Examiners for taught programmes appointed by the Senate under Section 14 of the Statutes shall be appointed in the first instance for one year but may be reappointed annually for the two following years and thereafter may only be reappointed for any immediately following period in exceptional circumstances.

3.17 Membership Of The University

3.17.1. Members of the administrative and analogous staff shall be members of the University.

3.17.2. Members of academic staff appointed on a part-time basis.

Part 4 Examinations, Degrees, Diplomas And Certificates

4.1 Degrees Of The University

Pending the full implementation of revisions to degree titles, to include only those listed in the Revised Ordinance below, there shall be the following degrees in addition to those listed in the Revised Ordinance.

Degree Abbreviations:

Foundation Degree in Arts FdA
Foundation Degree in Science FdSc

Bachelor of Laws (European) LLB(European)
Bachelor of Laws (Law with French) LLB(Law with French)
Bachelor of Laws (Law and Politics) LLB(Law and Politics)
Bachelor of Laws (Law and Business Studies) LLB(Law and Business Studies)
Bachelor of Philosophy (Education) BPhil(Ed)
Bachelor of Philosophy (Primary Education) BPhil(Primary Ed)
Bachelor of Physiotherapy B.Physiotherapy
Bachelor of Social Science BSocSc.
Master of Applied Psychology MAppPsy
Master of Clinical Psychology ClinPsyM

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Master of Community Dental Health MCDH
Master of Community Education MCommEd
Master of Dental Science MDentSc
Master of Engineering and Management MEng&Man
Master of Health Sciences MHS
Master of Medical Science MMedSc
Master of Philosophy (Arts) MPhil(Arts
Master of Philosophy (Commerce and Social Science) MPhil(Commerce and Social Science)
Master of Philosophy (Education) MPhil(Ed)
Master of Philosophy (Engineering) MPhil(Eng)
Master of Philosophy (Medicine and Dentistry) MPhil(Medicine and Dentistry)
Master of Philosophy (Science) MPhil(Sc)
Master of Public Management MPM
Master of Primary Education MPrimaryEd
Doctor of Social Science DSocSc

4.1 Degrees Of The University (Revised Ordinance).

Note:

(i) This revised Ordinance takes effect for postgraduate students entering in or after September 1997 and for undergraduate students entering in or after September 1998 unless, for any particular degree title, the Senate has agreed on an earlier implementation date for changes from the previous Ordinance.

In the University there shall be the following degrees:

Degrees Abbreviations
Bachelor of Arts B.A.
Bachelor of Commerce B.Com.
Bachelor of Dental Surgery B.D.S.
Bachelor of Divinity B.D.
Bachelor of Education B.Ed.
Bachelor of Educational Studies B.Ed.Studies
Bachelor of Engineering B.Eng.
Bachelor of Engineering and Bachelor of Commerce B.Eng. & B.Com.
Bachelor of Laws LL.B.
Bachelor of Letters B.Litt.
Bachelor of Medicine M.B.
Bachelor of Medical Science B.Med.Sc.
Bachelor of Music B.Mus.
Bachelor of Nursing B.Nurs.
Bachelor of Philosophy B.Phil.
Bachelor of Science B.Sc.
Bachelor of Surgery Ch.B.
Bachelor of Theology B.Theol.

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Master of Engineering M.Eng.
Master of Natural Science M.Nat.Sc.
Master of Arts M.A.
Master of Business Administration M.B.A.
Master of Education M.Ed.
Master of Jurisprudence M.Jur.
Master of Laws LL.M.
Master of Letters M.Litt.
Master of Music M.Mus.
Master of Philosophy M.Phil.
Master of Public Health M.P.H
Master of Research M.Res
Master in Science M.Sci.
Master of Science M.Sc.

Doctor of Applied Educational and Child Psychology Ap. Ed and Child Psy. D
Doctor of Business Administration DBA
Doctor of Dental Surgery D.D.S.
Doctor of Education Ed.D
Doctor of Educational Psychology Ed.Psych.D
Doctor of Engineering D.Eng.
Engineering Doctorate Eng. D
Doctor of Laws LL.D.
Doctor of Letters D.Litt.
Doctor of Medicine M.D.
Doctor of Music D.Mus.
Doctor of Clinical Psychology Clin.Psy.D.
Doctor of Philosophy Ph.D.
Doctor of Philosophy with Integrated Study Ph.D with Integrated Study
Doctor of Science D.Sc.
Doctor of Social Science Soc.Sc.
Doctor of Theology Th.D.
Doctor of Forensic Psychology Practice Foren.Psy.D.
Doctor in Health Sciences HScD
Doctor in Health Sciences (Clinical) HScD(Clin)

Degrees included in the above list may be awarded jointly with other institutions, subject to the approval by the Senate of the arrangements for such joint awards. A list of degrees awarded jointly with other institutions shall be maintained by the Academic Office.

4.2 Courses Of Study And Examination Requirements

The courses of study and the examination requirements for Degrees shall be prescribed by Regulations.

4.3 Period Between Admissions To First And Higher Degrees

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No Bachelor or Master shall be admitted to the Degree of Doctor until after such time from his or her admission to the Degree of Bachelor as is prescribed in the Regulations for the respective Degrees.

4.4 Graduate Students

The Senate may admit graduates, or persons who have passed Degree examinations of other Universities, or suitable persons who hold other qualifications judged satisfactory for this purpose, as matriculated students, to the courses and examinations for the higher Degrees of Master and Doctor and for the Degrees of Bachelor of Divinity and of Bachelor of Letters. Such students shall be called Graduate Students and shall be members of the Guild of Students. Applications concerning candidates for higher degrees who do not hold degrees, diplomas or other satisfactory qualifications may, exceptionally, be referred for approval to the person appointed to chair the Academic Board.

4.5 Period Of Study Before Graduation

4.5.1. In the case of degrees other than the degrees of M.B., Ch.B, and B.D.S, B.Phil., LLB in Legal Studies and the BA (Hons) in Community Justice (Probation Studies) the programme of study prescribed for the first Degree of Bachelor shall extend for a period of at least three academic years (or its equivalent) all of which shall be subsequent to the date of matriculation except that, where a student has attended and completed satisfactorily an approved period of part-time study in this University in accordance with the Regulations for that course or a period of study in another University or approved institution (including those in industry and commerce), the Senate may in its discretion:

reduce the period of full-time study required in the University to a period of not less than one academic year or its equivalent, and

grant exemption from such parts of the normal course of study and from such examinations as it may think proper.

4.5.2. In the case of the degrees of M.B., Ch.B. and B.D.S. the Senate shall have the power of recognising attendance at another University as part of the attendance required for the Degree of Bachelor and of recognising examinations passed at another University and other examinations of a similar standard as exempting from examinations for such Degree to be specified by Regulation; provided that no candidate shall be admitted to the Degree of Bachelor until he or she shall have attended in the University prescribed courses of study extending over a period of at least three years.

4.5.3. In the case of the B.Phil. degree the prescribed programme of study shall extend for one academic year of full-time study, or for such equivalent periods of full and/or part-time study as are prescribed by regulation.

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4.5.4. In the case of the LLB in Legal Studies and the BA (Hons) in Community Justice (Probation Studies) degree the prescribed programme of study shall extend for two academic years.

4.5.5. In the case of the FdA or FdSc degrees, the prescribed programme of study shall extend for two academic years.

4.6 Diplomas And Certificates Of The University

In the University there shall be the following Diplomas and Certificates:

Diploma/Certificate
University Diploma
Diploma of Higher Education
Graduate Diploma
Postgraduate Diploma
Advanced Certificate
University Certificate
Certificate of Higher Education
Certificate in Education (Further Education)
Graduate Certificate
Postgraduate Certificate

The subject titles of Diplomas and Certificates shall be those of the Degree, Diploma or Certificate programmes on which the students concerned have been registered except in the following cases of Certificates of Higher Education and Diplomas of Higher Education: Degree Programme Diploma in Higher Education/Certificate in Higher Education Subject Title

All Programmes in the Schools of Public Policy and Social Sciences Social Science
Programmes in the School of Engineering - in accordance with the discipline
Chemical Engineering
Civil Engineering
Electronic, Electrical and Computer Engineering
Manufacturing and Mechanical Engineering
Metallurgy and Materials
Chemical Engineering
Civil Engineering
Electronic, Electrical and Computer Engineering
Mechanical Engineering
Metallurgy and Materials
LL.B. Law
LL.B. for Graduates Law
LL.B. (Law with French Law
LL.B. (Law with German) Law
LL.B. (Law and Business Studies) Law and Business Studies
M.B.ChB. Medical Studies
B.D.S. Preclinical Medical Sciences

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B.Med.Sc. Medical Science
B.Med.Sc. in Biomaterials Medical Science (Biomaterials)
B.Nurs. Basic Health Sciences
B.Sc. in Physiotherapy Basic Health Sciences
B.Ed. Educational Studies
B.Theol. Theological Studies

4.7 Award Of Substantive Degrees, Diplomas, Certificates, Scholarships, Prizes And Honours

The substantive Degrees, Diplomas, Certificates, Scholarships, Prizes and Honours of the University shall be awarded by the Senate.

4.8 Conferment Of Honorary Degrees

Honorary Degrees may be conferred upon persons approved by the Senate.

4.9 Conferment Of Ex-Officio Degrees

Ex-officio Degrees may be conferred upon members of the University staff and officers of the University approved by the Senate.

4.10 Restriction On Conferment Of Honorary Or Ex-Officio Degrees

An Honorary or an ex-officio degree which entitles the holder to registration for a professional qualification shall be conferred only upon a person already in possession of a relevant registrable qualification.

4.11 Conferment Of Degrees At Congregations

Degrees whether substantive, honorary or ex-officio shall be conferred at a Congregation of members of the University to be held for the purpose at least once a year unless the Council on the recommendation of the Senate decided that on account of special circumstances it is undesirable to hold a Congregation. The procedures to be followed at Congregations for the conferment of Degrees shall be provided for by Regulation approved by the Senate and the Council.

4.12 Degrees Conferred By Special Warrant Or In Absentia

Notwithstanding Ordinance 4.11 Degrees may be conferred:

by special warrant authorised by the Senate and signed by the Vice-Chancellor and Principal;
or "in absentia" under regulations approved by the Senate.

4.13 Revocation Of Degrees, Postgraduate Diplomas, Diplomas, Certificates And Distinctions

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The Council may, on the recommendation of the Senate, revoke the Degree or Degrees Postgraduate Diplomas, Diplomas, Certificates and distinctions and all privileges connected therewith of a member of the University who is convicted of a criminal offence triable on indictment or who has obtained such Degree, Postgraduate Diploma, Diploma, Certificate or distinction by fraud or whose name shall have been removed for misconduct by a properly constituted legal authority from any official register or roll of members of the profession to which he or she belongs; and may, on cause being shown, restore to any such person, without examination, the Degree or Degrees, Postgraduate Diplomas, Diplomas, Certificates and distinctions which have been revoked.

5.1 Membership Of The University

Every person who has been matriculated shall be entitled to the privileges of membership of the University so long as he or she is following a course of study approved by the Senate, but no longer.

5.2 Admission Of Non-Matriculated Persons

The Senate may admit to any of the courses of study offered by the University any person who shall have satisfied such conditions as may be prescribed by Regulations although they have not satisfied the General Entrance Requirement. Unless they satisfy the General Entrance Requirement such students shall not be entitled to be matriculated, nor shall they be entitled to wear the academic dress prescribed for undergraduates.

5.3 Registration

Students proceeding to full-time or part-time study

for the Degrees listed in Ordinance 4.1
for the Postgraduate Diplomas, Diplomas and Certificates listed in Ordinance 4.6
on approved courses of study as occasional students shall register in accordance with procedures prescribed by the Registrar and Secretary.
Any student who has made a false statement in the admissions or registration process shall be liable to have his or her registration declared void by the Registrar and Secretary. Any such decision shall have been preceded by an opportunity for the student to submit representations.

5.4 Fitness to Practice

A student registered for a programme of study, successful completion of which gives a direct or partial licence to practise, is required to adhere to the appropriate School Code of Professional Conduct and Fitness to Practise. Breaches of the School Code of Professional Conduct and Fitness to Practice may be referred to the School's Fitness to Practise Committee and may result in a student being required to withdraw from their programme of study or the

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University. No student will be required to withdraw without an opportunity to make representations to the University Fitness to Practise Committee.

The following awards and programmes of study are subject to Fitness to Practise procedures:
Bachelor of Arts in Social Work
Bachelor of Dental Surgery
Bachelor of Medicine, Bachelor of Surgery
Bachelor of Nursing
Bachelor of Science in Physiotherapy
Bachelor of Science in Dental Hygiene and Therapy
Diploma of Higher Education / Bachelor of Philosophy in Community Play and Youth Studies
Diploma of Higher Education in Dental Hygiene
Diploma of Higher Education in Nursing
Doctor of Clinical Psychology
Doctor of Forensic Psychology Practice
Master of Arts in Social Work
Master of Science in Forensic Psychology Practice
Master of Science in Physiotherapy
Qualifications leading to Qualified Teacher Status, including Postgraduate Certificate in Education programmes.
Postgraduate Diploma in Physician Assistant Studies
Postgraduate Diploma in Social Work
Postgraduate Professional Training Programme in Educational Psychology

5.5 Student Discipline Where Fitness to Practise does not Apply

5.5.1. Student Discipline

a) This Ordinance applies to all students of the University who are not registered for a programme of study listed in Ordinance 5.4

b) In this Ordinance:

i) "Adjudicator" shall be understood as meaning either the Vice-Chancellor or the Vice-Principal or any of the Pro-Vice-Chancellors acting on the Vice-Chancellor's behalf and with his or her authority in an adjudicating capacity under this Ordinance and his or her jurisdiction is derived from clause 5.4.10(g);

ii) "Friend" shall be understood as meaning a member of the academic staff of the University or a registered student of the University or a Sabbatical Officer of the Guild of Students;

iii) "Representative" shall be understood as meaning a professionally qualified lawyer;

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iv) “Student” shall mean any student studying or registered at the University except those students studying for an award course or programme specified in Ordinance 5.5 and for the avoidance of doubt this shall include all postgraduate students registered solely for the purposes of writing up, and all graduands.

c) The friend or representative of a student subject to disciplinary proceedings under this Ordinance shall be chosen by the student and in the case of a representative, be at the student's expense.

d) References within these regulations to any University officer shall include his or her properly appointed nominee.

5.5.2 Misconduct

Any Student shall be subject to disciplinary measures if he or she is found to have breached the disciplinary offences as defined below:

i) Any breach of any University Statute Ordinance Regulation or Code of Practice;

ii) Substantial obstruction of, or substantial improper interference with, the functions, duties or activities of any student or member of staff of the University, or any visitor to the University;

iii) Violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language

iv) Harassment of any student or member of staff of the University, or any visitor to the University;

v) Fraud, deceit, deception or dishonesty in relation to the University or its staff, students or visitors;

vi) Theft, misappropriation or misuse of University property, or the property of the University's staff, students or

vii) Misuse or unauthorised use of University premises;

viii) Damage to University property, or the property of the University's staff, students or visitors, caused intentionally or recklessly;

ix) Action likely to cause injury or impair safety on University premises;

x) Failure to respect the reasonable exercise of the rights of others to freedom of belief and freedom of speech;

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xi) Failure to disclose identity (ie name, ID number, address and school at the University) to a member of staff of the University in circumstances in which it is reasonable to require that such information be given;

xii) Causing nuisance by the distribution of advertising materials on University premises without specific permission either by mounting posters on notice boards, or mounting posters on any other surface, or by distributing unsolicited leaflets to individual rooms or via pigeon holes in residences or academic schools or departments, or by handing leaflets to passers-by on University premises;

xiii) Conduct (wherever occurring) resulting in the student receiving a formal police caution, even if the student is not subsequently charged or convicted of an offence;

xiv) Conviction of a criminal offence by any court of competent jurisdiction;

xv) Conviction of a breach of military discipline by due process of military law;

xvi) Conduct (wherever occurring) likely to bring the University into disrepute or adversely affecting other members or employees of the University whether or not the student has been convicted of a criminal offence in respect of that conduct;

xvii) The possession, storage, sale, use or misuse of a controlled drug as defined by the Misuse of Drugs Act 1971 (as amended from time to time) on University property;

xviii) Failure to comply with any punishment imposed under Regulation 5.10 concerning discipline in student residences;

xix) Failure to comply with any punishment imposed under the formal disciplinary procedures of the Guild of Students;

xx) Contempt of the University's discipline procedures by failure to co-operate with the University's discipline authorities or otherwise.

5.5.3. Initial Procedure

a) Every alleged offence shall first be investigated by the Registrar and Secretary, who may act for all purposes, other than that specified in 5.4.9(e), through authorised deputies. The investigation shall be carried out in accordance with the guidelines approved from time to time by Council.

b) If the Registrar and Secretary decides that there is a case to answer and if the student admits the alleged offence and, if appropriate, undertakes to pay compensation for any damage arising in respect of it, the Registrar and Secretary may, with the consent of the student, then decide to deal

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with the matter by reprimanding the student or by imposing a penalty subject to a maximum to be determined by the Senate from time to time; or
determining that the student undertake community service, the details of which must be specified before consent is solicited. A record of all such decisions so taken shall be kept and should be taken into account in any subsequent proceedings under this Ordinance.

c) Community service shall mean that the student shall spend a specified number of hours completing a specified task or tasks for the benefit or enhancement of University property or student life.

d) If the student denies the allegation, or so elects or the Registrar and Secretary declines to use the procedure in 5.4.3(b), the Registrar and Secretary shall report the alleged offence in writing to the Vice-Chancellor (which expression shall throughout this Ordinance where the context so admits be interpreted as including an authorised deputy, being the Vice-Principal or one of the Pro-Vice-Chancellors). The report (hereinafter called “the Registrar and Secretary’s Report”) shall make it clear with which infringements of this Ordinance the student is charged and shall include details of the investigation incorporating any statement by the accused student. If the Vice-Chancellor decides that there is a prima facie case he or she shall then decide whether the case can be referred to and dealt with by an Adjudicator. Such an offence shall be known as a "summary offence".

e) If the Vice-Chancellor decides that an alleged offence is more serious than a summary offence, the Registrar and Secretary shall send the Registrar and Secretary’s Report, together with any further comments that he or she may wish to add, to the Secretary of the Discipline Committee and that Committee shall then deal with the case.

f) In cases where the Vice-Chancellor has decided that there is a prima facie case the Registrar and Secretary shall also send to the student a copy of the Registrar and Secretary’s Report referred to in clause 5.4.3(c) and shall state either that the case has been referred to the Discipline Committee, or that it will be dealt with summarily, or that the decision on referral will be determined following receipt of the response from the student.

g) Failure to comply with any penalty imposed under clause 5.4.3(b) shall be dealt with by reference of the case to the Vice-Chancellor in accordance with clause 5.4.10(f).

5.5.4. Procedure in Summary Offences

a) The student shall send to the Registrar and Secretary his or her comments on the Registrar and Secretary’s report, together with an indication of whether the offence is admitted or denied, before a date

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specified in the letter accompanying the report. The date specified for the response to be received must be at least ten days from the date of the accompanying letter.

b) The Registrar and Secretary shall arrange for the case to be heard by the Adjudicator as soon as practicable after the student's comments are received.

c) The student shall be permitted to be accompanied at the hearing by a friend.

d) At the hearing the Registrar and Secretary shall present the Registrar and Secretary's Report and may add such comments (if any) as may be thought to be necessary by way of amplification or explanation of the report. The Adjudicator may then ask questions. Both the Registrar and Secretary and the student shall have power to request the attendance of witnesses (though no power to compel them to attend) and witnesses attending may be asked questions by either or both parties and by the Adjudicator. At the conclusion of evidence the student or his or her friend shall have the right to address the Adjudicator.

e) if after hearing both sides the Adjudicator finds the summary offence proved on the balance of probabilities, then the Adjudicator may impose one or more of the following punishments:

a reprimand; or with the student's consent, community service (as defined under clause 5.5.3 (c)), the details of which must be specified before consent is solicited; or a fine not exceeding a maximum to be determined by the Senate from time to time; or disqualification of the student from use of or access to any University service or facility or premises for such period as the Adjudicator may decide: or suspension of the student from membership of and/or attendance at the University for a specified period not exceeding one year. A record of all such decisions so taken shall be kept and should be taken into account in any subsequent proceedings under this Ordinance.

ii) The Adjudicator may suspend a punishment, subject to agreed conditions. In addition to any of the above, the Adjudicator may require, if appropriate, that any damage be made good as described in clause 5.4.10(e).

iii) Before imposing the punishment of a fine the Adjudicator shall enquire of the student whether there are any exceptional financial circumstances which might be taken into account, and may authorise the arrangement of a payment schedule if payment within seven days is impossible or judged to be undesirable.

f) If new information is introduced during the hearing which leads the Adjudicator to consider that the case cannot be dealt with satisfactorily under the summary procedure, the Registrar and Secretary shall send a full report to the Secretary of the Discipline Committee. A non-summary

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hearing shall then be arranged before the Discipline Committee to hear the matter ab initio.

g) At the termination of the proceedings, the Adjudicator will write a short report. In the event of a finding of guilt, the report will set out the misconduct alleged, a brief summary of evidence received, the grounds for the finding of guilt, the penalty imposed, and the factors taken into account in deciding the penalty. A copy of the report will be sent to the student.

h) Convictions of Offences under this part of the Ordinance shall not be made public unless at the student's request or, in the Adjudicator's opinion, attention should be drawn to the offence in the general interest. In the case of any such publication, the Adjudicator shall not normally disclose the name of the offender.

i) The Adjudicator shall decide (1) whether any record of the decision that a summary offence has been committed shall be placed in the student's personal file and if so whether permanently or for a stated limited time and (2) whether, and if so in what form, publicity should be given to the decision within the University.

j) The Adjudicator shall decide whether any report of the offence be made to the Head of School of the Student concerned.

k) A failure to comply with any punishment imposed under Clause 5.4.4(e) shall be dealt with by the Vice-Chancellor who for this purpose has the same powers as are conferred by Clause 5.4.10(f).

l) The procedures laid down in this Clause are subject to the provisions of Clause 5.4.10(h) (provision for hearing in absentia).

5.5.5. Procedure in Non-Summary Offences

a) Where the alleged offence is classified by the Vice-Chancellor as non-summary, the student shall send to the Registrar and Secretary his or her comments on the Registrar and Secretary's Report, together with an indication of whether the offence is admitted or denied, before a date specified in the letter accompanying the report. The date specified for the response to be received must be at least ten days from the date of the accompanying letter. As soon as reasonably practicable thereafter, or, in appropriate cases, as soon as reasonably practicable after an Adjudicator has referred a case to the Discipline Committee for hearing, the Secretary of the Discipline Committee shall call a meeting of that Committee.

b) The student may submit comments, or further comments, in writing to the Committee for presentation at the hearing.

c) The student shall be permitted to appear before the Committee with or without a friend or a representative.

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d) i) If the student has admitted the offence, the Registrar and Secretary shall present the Registrar and Secretary's Report to the Committee and make such comments about the circumstances of its commission and what might be an appropriate punishment in the light of all the circumstances as he or she shall think fit.

ii) A statement may then be made by and on behalf of the student in mitigation before any punishment is imposed and evidence of character may be submitted in writing;

iii) The procedures in clause 5.4.5 (j) shall then apply.

e) If the student denies the charge the case shall be presented to the Committee by the Registrar and Secretary or by a member of the University appointed for this purpose by the Vice-Chancellor or by a legally qualified person instructed by the University, and that person (referred to as "the Case Presenter") shall open the case and call witnesses. Witnesses shall not be put on oath but shall be subject to examination, cross-examination and re-examination, and both the Case Presenter and the student shall in this regard have the same power to request the attendance of witnesses as applies to summary offences.

f) If the University appoints a professionally qualified person as Case Presenter the student shall be entitled to be represented by a representative (as defined in clause 5.4.1(b)). If the charge against the student is dismissed it may then be ordered from the Chair that the reasonable fees of a professionally qualified representative shall be reimbursed to the student by the University subject to prior agreement thereof. In any other circumstances the student may be represented by a representative but this shall be entirely at the student's own expense.

g) The student (which expression shall in this context include his or her representative) shall present his or her case in a similar manner to the Case Presenter. The student may give evidence on his or her own behalf. The student shall have the right to address the Committee last. The strict rules of evidence in criminal proceedings shall not apply but the Committee shall use its discretion as to the weight to be attributed to any particular statement made.

h) All other persons shall withdraw whilst the Committee, advised by its secretary who shall remain in attendance, considers whether or not the charge is proved. The burden of proof need not be as rigorous as "proof beyond all reasonable doubt" and the decision shall be taken by a simple majority of the members present and voting. The person chairing the Committee shall have a casting vote in the event of a tie.

i) The Committee's findings shall be announced by the person chairing the Committee as soon as possible. If the charge is proved then, before any punishment is imposed, the student or his or her representative shall be

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given the opportunity to make a statement in mitigation to the Committee, and evidence of the student's character may also be given in writing.

j) Thereafter, all other persons shall withdraw whilst the Committee, advised by its Secretary who shall remain in attendance, considers what punishment to impose. The Committee's decision shall be announced by the person chairing the Committee as soon as possible.

k) At the termination of the proceedings, the Discipline Committee will write a short report. In the event of a finding of guilt, the report will set out the misconduct alleged, a brief summary of evidence received, the grounds for the finding of guilt, the penalty imposed, and the factors taken into account in deciding the penalty. A copy of the report will be sent to the student.

l) In all cases, the Committee has the same powers of giving publicity to the record of the decision as that accorded to the Adjudicator in the case of summary offences.

5.5.6. Punishments in non-summary cases

a) Where an offence is admitted or the Committee finds the offence proved, the Discipline Committee may impose, after hearing any information as to the character and circumstances of the student which the student wishes to present, any or none of the punishments which may be imposed under the summary procedure and in addition may impose one of the following punishments:

i) Attachment of such conditions as it thinks fit to the continued pursuit of the student's studies, to the nature of his or her living accommodation and to his or her general conduct;

ii) Expulsion of the student from the University.

b) Before imposing the punishment of a fine the person chairing the Committee shall enquire of the student whether there are any exceptional financial circumstances which might be taken into account, and may authorise the arrangement of a payment schedule if payment within seven days is impossible or judged to be undesirable.

c) In addition to any one or more of the available punishments the Committee has the same power as the Adjudicator to order compensation to be made for damage to University property under clause 5.4.10(e).

5.5.7. Appeals

a) Where a student is convicted of or admits a summary offence that student may appeal in writing to the Registrar and Secretary within seven days against the conviction or any punishment imposed, or compensation order made, specifying the grounds of appeal.

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b) As soon as reasonably practicable thereafter the secretary to the Discipline Committee shall call a meeting of that Committee. The Discipline Committee shall treat the matter as a referral by the Adjudicator and hear the matter as new. The full range of punishments shall be available to the Discipline Committee.

c) At the termination of the proceedings, the Discipline Committee will write a short report. In the event of a finding of guilt, the report will set out the misconduct alleged, a brief summary of evidence received, the grounds for the finding of guilt, the penalty imposed, and the factors taken into account in deciding the penalty. A copy of the report will be sent to the student.

d) In the case of a conviction by the Discipline Committee or the imposition by it of any punishment or compensation order the student may appeal to the Council within seven days after the decision is notified to him or her and shall do so by notice in writing addressed to the Registrar and Secretary setting out the grounds of the appeal. The Pro-Chancellor, after such consultations as may be thought to be necessary and desirable, shall then appoint three members of Council (subject to clause 5.4.7(d)) to hear the appeal and submit a report to the Council. In dealing with such an appeal Council shall adopt such procedure as it shall determine.

e) No person who has acted as an Adjudicator or who has been a Chair or a member or Secretary of a Disciplinary Committee concerned with that case shall contribute to or be involved with the adjudication of any appeal on that case to Council.

5.5.8. Exclusion Pending a Hearing

The Vice-Chancellor may require a student to cease attendance on the programme and/or debar any student from use of University facilities, entry to the whole or any part of the University precincts, or to University property situated elsewhere, until the student's case has been heard either by an Adjudicator or the Discipline Committee provided that such exclusion shall not exceed three months. Subsequent periods of exclusion, each of three months, may be imposed if a hearing is delayed to take account of some external event or circumstance. The student may appeal against such extension of exclusion in writing to the Registrar and Secretary who will arrange for the appeal to be heard by the Discipline Committee as soon as practicable

5.5.9. Constitution of Discipline Committee

a) The Discipline Committee, which shall be established by the Senate in pursuance of Section 26(3) of the Statutes, shall consist of a person appointed to chair the Committee, one member from Panel A and one member from Panel B.

b) A person appointed to chair the Committee shall be a person selected from amongst members of the academic staff of the University or any

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member of Council who is either a barrister or solicitor of at least seven years' standing or is a person who, in the opinion of the Vice-Chancellor has substantial experience of the administration of justice whether as a magistrate, a member of a statutory tribunal, an arbitrator or otherwise.

c) Panels A and B shall be appointed at the beginning of each session by the Senate of the University and shall be made up as follows:

Panel A Twelve members of the academic staff of the University.

Panel B Six full-time registered students of the University

nominated by the Guild of Students.

d) For any particular sitting of the Committee, the Secretary to the Discipline Committee shall propose the Chair of the Committee in accordance with clause 5.4.9(b) and a member from the Panel A (ensuring that neither person so appointed has been closely connected with the case in any way). The member from Panel B shall be nominated by the President of the Guild of Students (or another appropriate officer if the President has been closely connected with the case) ensuring likewise that the person so appointed has not been closely connected with the case in any way. The proposed membership shall be subject to approval by the Vice-Chancellor.

e) Meetings of the Committee shall be convened by its Secretary who shall be appointed by the Registrar and Secretary. It shall also be the Secretary's duty to keep a full record of the proceedings and attend to their correct and fair administration, but the Secretary shall not be involved in the prosecution process or in the making of any decision by the Committee other than to provide advice on matters of procedure and precedent, and to provide information on matters of general University legislation and policy.

5.5.10. General Provisions

a) The student may object to the Chair or any member of the Discipline Committee on the grounds that he or she may not be impartial by reason of personal knowledge of the student or otherwise and, if the objection is upheld by the person chairing the Committee, another person shall be appointed as appropriate in his or her place.

b) All hearings shall be in private unless at the request of the student the Committee decide otherwise in which event they shall make their reasons known.

c) A record of all summary and non-summary proceedings shall be kept under the auspices of the Registrar and Secretary but no reference to the record shall be made in the student's personal file except as permitted by this Ordinance.

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d) This Ordinance shall be in addition to, and not in substitution for, any arrangements from time to time in force for the enforcement of regulations in Halls of Residence and other University establishments as are mentioned in clause 2(b).

e) In addition to imposing a punishment, the relevant adjudicating authority under this Ordinance may order a student to make good in whole or in part any damage resulting from the commission of an offence to the property of the University or of any member, office or employee of the University, either by payment of the cost of reinstatement or otherwise as may be appropriate (a compensation order).

f) A failure to comply with any penalty or punishment or compensation order imposed under any part of this Ordinance shall be referred to and dealt with by the Vice-Chancellor who has all the powers of the Discipline Committee in imposing any further punishment as if such failure were a separate offence.

g) All disciplinary powers exercisable by officers of the University under this Ordinance shall be deemed to have been delegated to those officers by the Discipline Committee.

h) Any student who fails to co-operate with the procedures defined in this Ordinance (other than for reasons beyond his or her control) may be charged (in addition to the original charge) with the disciplinary offence of contempt of the university disciplinary procedures as provided for in Regulation 5.4.2(a). The case may be heard in the absence of the student, in which case the procedures shall be adapted as necessary to enable a decision to be made on the papers before the Adjudicator or the Discipline Committee, including any statement by the student. If no response has been received from the student by the date specified in the letter which accompanied the report then the hearing may proceed on the basis that the offence or offences have been admitted. The student will have the right of appeal specified in clause 5.4.7(a) whether the hearing was a summary hearing or a non-summary hearing.

5.6 Misconduct Where Fitness to Practise applies

5.6.1 Fitness to Practise Misconduct

This Ordinance applies to all students registered or studying at the University for an award specified in Ordinance 5.4. Under this Ordinance the University has the power to discipline students and to suspend or expel any student for good cause. Once disciplinary proceedings have been instituted against a student under these regulations, no disciplinary action may be taken against the student under other disciplinary rules or regulations within the University for the same misconduct.

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References within these regulations to any University officer shall include his or her properly appointed nominee.

In this Ordinance:

1. “Council” shall mean the Council of the University of Birmingham
2. “School Fitness to Practise Committee” shall mean a committee duly constituted in accordance with clause 5.6.7;
3. “University Fitness to Practise Committee” shall mean a committee duly constituted in accordance with Ordinance 5.7;
4. "Friend" shall mean a member of the staff of the University or a student studying or registered at the University or a Sabbatical Officer of the Guild of Students;
5. "Representative" shall mean a professionally qualified solicitor or barrister;
6. “Student” shall mean any student studying or registered at the University for an award course or programme specified in Ordinance 5.4 and for the avoidance of doubt this shall include all postgraduate students registered solely for the purposes of writing up, and all graduands.

The friend or representative of or witness for a student, subject to proceedings under this Ordinance shall be chosen by the student and shall, subject to a contrary direction from the appropriate Committee, be at the student's expense.

5.6.2 Initial Procedure

a. Every alleged breach of the Code of Professional Conduct and Fitness to Practise shall first be investigated by the Registrar and Secretary, who may act for all purposes, other than for the receipt of appeals under Ordinance 5.6.8 and 5.7.1 through authorised deputies. The investigation shall be carried out in accordance with the guidelines approved from time to time, by Council.

b. The Registrar and Secretary shall report the alleged breach of the Code of Professional Conduct and Fitness to Practise in writing to the Secretary to the School Fitness to Practise Committee ("the Registrar and Secretary's Report"). The Registrar and Secretary's Report shall specify the charge and shall include details of the investigation incorporating any statement by the accused student, and any supporting statements from witnesses.

c. The Registrar and Secretary shall also send a copy of the Registrar and Secretary's Report to the student and shall state that the case has been referred to the School Fitness to Practise Committee.

5.6.3 Discipline

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a. Any Student shall be subject to disciplinary measures if he or she is found to have breached the disciplinary offences as defined below:

i. Any breach of any University Statute Ordinance Regulation or Code of Practice;

ii. Substantial obstruction of, or substantial improper interference with, the functions, duties or activities of any student or member of staff of the University, or any visitor to the University;

iii. Violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language;

iv. Harassment of any student or member of staff of the University, or any visitor to the University;

v. Fraud, deceit, deception or dishonesty in relation to the University or its staff, students or visitors;

vi. Theft, misappropriation or misuse of University property, or the property of the University's staff, students or visitors;

vii. Misuse or unauthorised use of University premises;

viii. Damage to University property, or the property of the University's staff, students or visitors, caused intentionally or recklessly;

ix. Action likely to cause injury or impair safety on University premises;

x. Failure to respect the reasonable exercise of the rights of others to freedom of belief and freedom of speech;

xi. Failure to disclose identity (ie name, ID number, address and School at the University) to a member of staff of the University in circumstances in which it is reasonable to require that such information be given;

xii. Causing nuisance by the distribution of advertising materials on University premises without specific permission either by mounting posters on notice boards, or mounting posters on any other surface, or by distributing unsolicited leaflets to individual rooms or via pigeon holes in residences or academic Schools or Departments, or by handing leaflets to passers-by on University premises;

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xiii. Conduct (wherever occurring) resulting in the student receiving a formal police caution, even if the student is not subsequently charged or convicted of an offence;

xiv. Conviction of a criminal offence by any court of competent jurisdiction;

xv. Conviction of a breach of military discipline by due process of military law;

xvi. Conduct (wherever occurring) likely to bring the University into disrepute or adversely affecting other members or employees of the University whether or not the student has been convicted of a criminal offence in respect of that conduct;

xvii. The possession, storage, sale, use or misuse of a controlled drug as defined by the Misuse of Drugs Act 1971 (as amended from time to time) on University property;

xviii. Failure to comply with any punishment imposed under the Regulation concerning discipline in student residences;

xix. Failure to comply with any punishment imposed under the formal disciplinary procedures of the Guild of Students;

xx. Failure to comply with any punishment imposed by a Fitness to Practise Committee;

xxi. Contempt of the University's fitness to practise procedures by failure to co-operate with the University's fitness to practise authorities or otherwise.

b. Regulations may be made for other disciplinary offences occurring within the residences and other establishments in the University as the Senate sees fit.

5.6.4 Assessment and Examination Irregularities

An examination irregularity shall be defined as any attempt by a student under examination conditions to obtain an advantage over his/her fellow students by seeking to enhance his/her performance through the accessing of extraneous material or information not specifically sanctioned by the relevant question paper rubric.

a. An assessment irregularity shall be defined as either a) plagiarism or b) the fabrication of data or results submitted in connection with any assessed essay, dissertation, thesis, module or programme.

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b. Where the Senior Invigilator within an examination venue has reasonable grounds to believe that a student has committed an examination irregularity, the Senior Invigilator will first resolve the immediate situation in the examination venue in line with the published guidelines issued by the Examinations Office.

c. The Senior Invigilator will then submit a written report detailing the allegation of examination irregularity to the Academic Registrar within twenty-four hours of the conclusion of the sitting. If the matter is sufficiently serious to warrant reference to the School Fitness to Practise Committee the Academic Registrar, or authorised deputy, will prepare a report for submission to the Registrar and Secretary.

d. Where a member of staff suspects that any other form of assessment or examination irregularity has occurred the matter should be referred to the Head of School. If the matter is sufficiently serious to warrant reference to the School Fitness to Practise Committee the Head of School or relevant member of staff will prepare a report, for submission by the Head of School to the Registrar and Secretary.

For the avoidance of doubt:

1) All mitigations in respect of examination irregularities must be submitted to the School Fitness to Practise Committee for consideration.
2) In the event that the School Fitness to Practise Committee decision relates to the progress of the student on the programme of study or specifies a decision relating to marks or the opportunity for the student to resit an examination, this decision will bind the School examination board and all rights of appeal in respect of that decision shall be in accordance with this Ordinance.

5.6.5 Reasonable Diligence

a. Attendance and Academic Duty

A student must not allow paid employment or other activities to conflict with the study required by the modules and programme for which the student is registered.

i Full-time students are required to keep the three University terms every year in full. Students are also expected to attend during such additional periods as may be prescribed by the requirements of their programme of study.

ii Part-time students are required to keep the pattern of attendance specified by the programme on which they are registered.

iii Any student who wishes to be absent from the University for any part of any term or other period of required attendance must first obtain permission of the Head of School (or nominee).

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b. Reasonable diligence in relation to learning and teaching

i. Absence from more than 30 per cent of those teaching sessions at which a record of attendance is kept or failure to submit assessed work for a programme on more than two occasions during an academic year; or

ii. A student is required to show reasonable diligence in relation to learning and teaching for each module, and the whole programme, for which the student is registered. Failure to show reasonable diligence in relation to learning and teaching shall be defined as:

iii. Failure to attend all teaching sessions and submit all required assessed work after a formal written warning has been given to the student by the Head of School; or

iv. Failure to register for modules to the required credit value for the programme in accordance with programme specifications and requirements; or

v. Failure to report to the Head of School (or nominee) an absence of more than 5 consecutive days during a period of required attendance.

Students should take reasonable steps to ensure that their attendance is accurately recorded.

c. Approval by Head of School

A student will not be treated as failing to show reasonable diligence in relation to learning and teaching where the Head of School (or nominee):

i approves a self-certified medical certificate provided as soon as practicable by the student relating to an absence of up to 5 consecutive days. (Self-certification is not acceptable after a student has been absent for a total of 10 days in an academic year); or

ii approves a certificate from the student's medical practitioner relating to absence which lasts for more than 5 consecutive days; or

iii accepts that other documented mitigating circumstances excuse the student's absence; or

iv has granted permission to be absent for a specified period.

d. Academic duty in relation to assessment

A student shall take the first opportunity of assessment in a module unless:

i the Head of School (or nominee) recommends that the student be allowed to defer assessment, on the ground that the student's performance in the assessment is likely to be adversely affected by medical or other exceptional factors; or

ii the student has been barred from the opportunity of assessment on grounds of failure to show reasonable diligence in relation to learning and teaching [see Available Decisions for Reasonable Diligence, 2a]; or

iii the student has been excluded from attendance at an examination by the Registrar and Secretary;

iv he student, with the permission of the Head of School (or nominee),

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elects to defer assessment until the following main examination period.

Where a student fails to take an opportunity for assessment of a module, a Board of Examiners may recommend to the Progress Board that the student be barred from any further assessment in that module or, in exceptional circumstances, that the student be required to withdraw from the programme, unless documented mitigating circumstances have been submitted which are considered to justify failure to take the opportunity.

Taking an opportunity for assessment means making a bona fide attempt at an examination or other assessment, in the academic opinion of the Examination Board.

e. Late submission of course work

Where a student submits assessed work that contributes to a final module mark after a prescribed deadline, or after an agreed extension, a penalty in the form of a reduction of the mark shall be imposed in accordance with the Undergraduate or Taught Postgraduate Assessment Protocols. (http://www.ppd.bham.ac.uk/policy/ugassessprot/ugcurrent/ugassess8.2.htm)

f. Higher research degrees

A student registered for a higher degree by research, where there is no likelihood that he or she will successfully complete the programme within the maximum period allowed for the submission of a thesis permitted by the relevant regulations, may be referred to a School Fitness to Practise Committee on the recommendation of the Head of School that he or she be required to withdraw. Such a recommendation may be made only after a full review of the student's progress, including consultation with his or her supervisor.

5.6.6 Other breaches of the Code of Professional Conduct and Fitness to Practise

All other breaches of the Code, which are deemed to be serious breaches by the Head of School and are not specifically mentioned in Ordinance 5.6, for example abuse of alcohol or drugs, issues concerning professional misconduct, and any medical condition which may affect a student's ability to undertake their programme of study will be dealt with under the 5.6.2 Initial Procedure of this Ordinance.

5.6.7 School Fitness to Practise Committee Procedure

a. The student shall send to the Secretary to the School Fitness to Practise Committee his or her comments on the Registrar and Secretary's report, together with an indication of whether the matter is admitted or denied, before a date specified in the letter accompanying the Registrar and Secretary's Report. The date specified for the response to be received must be at least ten days from the date of the accompanying letter.

b. The Secretary to the School Fitness to Practise Committee shall arrange for the case to be heard by the School Fitness to Practise

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Committee as soon as practicable after the student's comments are received.

c. The student shall be permitted to be accompanied at the hearing by a friend.

d. At the hearing the Registrar and Secretary shall present the report and may add such comments (if any) as may be thought to be necessary by way of amplification or explanation of the report. The student or his or her friend may make a short statement. The School Fitness to Practise Committee may then ask questions. Both the Registrar and Secretary and the student shall have power to request the attendance of witnesses (though no power to compel them to attend) and witnesses attending may be asked questions by either or both parties and by the School Fitness to Practise Committee. At the conclusion of evidence the student or his or her friend shall have the right to address the School Fitness to Practise Committee.

e. The Registrar and Secretary, the student and the friend shall then be required to leave so that the School Fitness to Practise Committee can deliberate and come to a decision.

f. If, after hearing both sides, the School Fitness to Practise Committee, acting by majority, finds the breach of the Code of Professional Conduct and Fitness to Practise proved beyond all reasonable doubt, then the School Fitness to Practise Committee may impose a penalty within the categories described under the provisions of section g) below:

g. The School Fitness to Practise Committee shall be limited in its decision to one of the following categories:

i Available Decisions for Discipline cases

1. a reprimand; or
2. with the student's consent, community service (as defined under clause 5.5.3(c)), the details of which must be specified before consent is solicited; or
3. a fine not exceeding a maximum to be determined by the Senate from time to time; or
4. disqualification of the student from use of or access to any University service or facility or premises for such period as the Committee may decide; or
5. suspension of the student from membership of and/or attendance at the University for a specified period not exceeding one year; or
6. attachment of such conditions as it thinks fit to the continued pursuit of the student's studies, to the nature of his or her living accommodation and to his or her general conduct; or

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7. withdrawal of the student from the Programme; or
8. withdrawal of the student from the University.

ii Available Decisions for Assessment and Examination Irregularities

1. the allegation of examination irregularity is not proven and no further action is required;
2. the alleged examination irregularity is proven, but the circumstances are such that the Committee is satisfied that this was due to carelessness by the student rather than a pre-meditated attempt to cheat. Because of this, no sanction should be applied. The student may, however, be reprimanded and warned as to their future conduct;
3. the alleged examination irregularity is proven, but material factors brought to the attention of the Committee during the course of the hearing are sufficient to allow either:
   a. the examination mark obtained to stand, or
   b. the paper to be taken as a first sitting at the next available opportunity;
4. the alleged examination irregularity is proven and the mark obtained in the examination is to be set at zero. The paper must then be taken as a resit examination at the next available opportunity;
5. the alleged examination irregularity is proven and the mark obtained in the examination is to be set at zero. The paper must be taken as a resit examination at a time specified by the Committee;
6. the alleged examination irregularity is proven and the mark obtained in the examination is to be set at zero. The paper must be taken as a resit examination at the next available opportunity following a period specified by the Committee during which the student is to be excluded from all University examinations;
7. the alleged examination irregularity is proven and the mark obtained in the examination is to be set at zero with no opportunity of re-assessment permitted;
8. the alleged examination irregularity is proven and the degree classification which would have been awarded revised to a level (which may include a fail categorisation) determined by the Committee;
9. the alleged examination irregularity is proven and is of a sufficiently serious nature to require that the student withdraw permanently from their programme of study with immediate effect. In this case, additionally, all marks achieved during the examination series within which the irregularity occurred may, at the Committee's discretion, be set aside. The student may, at the Committee's discretion, be permitted to transfer to an alternative programme of study, which is not subject to Fitness to Practise procedures.

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iii Available Decisions for Reasonable Diligence

1. withdraw from a programme; or
2. be barred from an opportunity of assessment in one or more modules.

   The following are the consequences of being barred from an opportunity of assessment on the basis of a failure to demonstrate reasonable diligence:

   a. A student who is barred from assessment will be permitted only one opportunity of assessment.
   b. Where a student has been barred from an opportunity of assessment of a module, but nevertheless attends an examination or submits other work for assessment, the marks for that assessment shall not normally be considered by the examination board.
   c. The student's transcript shall record a mark of zero (failed attempt) for the assessment opportunity from which the student is barred.
   d. Where a student has been barred from an opportunity of assessment of a module, for the purposes of calculating the degree classification the maximum mark that can be achieved in such a module, when it is subsequently assessed, is the pass mark. On the student's transcript, however, the actual mark should be recorded for the second attempt.
   e. A student substituting a module is only permitted one attempt at assessment in the substitute module. On the transcript, a mark of 0% is recorded for the first module and the actual mark for the substitute module.

iv Available Decisions for other breaches of the Code of Professional Conduct and Fitness to Practise

1. disqualification of the student from use of or access to any University service or facility or premises for such period as the Committee may decide; or
2. suspension of the student from membership of and/or attendance at the University for a specified period not exceeding one year; or
3. attachment of such conditions as it thinks fit to the continued pursuit of the student's studies, to the nature of his or her living accommodation if living on University premises and to his or her general conduct; or
4. withdrawal of the student from the Programme; or
5. withdrawal of the student from the University.

h. The School Fitness to Practise Committee may suspend a punishment, subject to agreed conditions. In addition to any of the

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above, the School Fitness to Practise Committee may require, if appropriate, that any damage be made good.

i. Before imposing a punishment the School Fitness to Practise Committee shall decide whether the nature of the matter raises specific concerns regarding fitness to practise. In that event the Committee may adjourn to consult the relevant professional body before determining the sanction.

j. Before imposing the punishment of a fine the School Fitness to Practise Committee shall enquire of the student whether there are any exceptional financial circumstances which might be taken into account, and may authorise the arrangement of a payment schedule if payment within seven days is impossible or judged to be undesirable.

k. At the termination of the proceedings, the Secretary to the School Fitness to Practise Committee will write a short report. In the event of a finding of guilt, the report will set out the misconduct alleged, a brief summary of evidence received, the grounds for the finding of guilt, the penalty imposed, and the factors taken into account in deciding the penalty. A copy of the report will be sent to the student.

l. Convictions under this part of the Ordinance shall not be made public unless at the student's request or, in the School Fitness to Practise Committee's opinion, attention should be drawn to the matter in the general interest. In the case of any such publication, the School Fitness to Practise Committee shall not normally disclose the name of the offender.

m. Having made a decision the Fitness to Practise School Committee shall decide:

1. whether any record of the decision shall be placed in the student's personal file and, if so, whether permanently or for a stated limited time

2. whether any report of the matter should be made to the Head of School of the Student concerned and

3. whether any particular reference should be made with regard to the individual's fitness to practise

4. whether, and if so in what form, publicity should be given to the decision within the University.

5. Whether a report should be sent to the employer or professional body.

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n. A failure to comply with any punishment imposed under this clause shall be referred to the University Fitness to Practise Committee.

o. The procedures laid down in this Clause are subject to the provisions of Clause 5.6.8.

p. Where the decision of the School Fitness to Practise Committee is withdraw from the Programme or withdraw from the University, and the student does not make an appeal to the University Fitness to Practise Committee, the Registrar and Secretary shall forward the School Fitness to Practise Committee's decision to the University Fitness to Practise Committee for review. The review will be by the Chair and an external member from Panel C of the University Fitness to Practise Committee, and will establish whether there was an irregularity in the decision making process. If such an irregularity is apparent, the University Fitness to Practise Committee will consider the matter as an automatic appeal.

5.6.8 Procedure on appeal to the University Fitness to Practise Committee

Where a student is convicted of or admits breaching the Code of Professional Conduct and Fitness to Practise that student may appeal in writing to the Registrar and Secretary within seven days against the conviction or any punishment imposed, or compensation order made, specifying the grounds of appeal, in accordance with Ordinance 5.7.

5.6.9 Suspension from placements

Where there is a reasonable suspicion that a student may have a medical illness or condition, including but not limited to, alcohol, drug and substance abuse, which in the judgement of the Head of School renders him or her a possible danger to themselves or to others with whom he or she will come into contact whilst attending a placement the Head of the School may suspend the student from attending placements until the student's case has been heard by the School Fitness to Practise Committee. The decision to suspend the student must be taken in consultation with the University Medical Officer.

The School Fitness to Practise Committee must meet to hear the student's case as soon as practicable and certainly no later than three weeks from the date of the suspension. In the event that the student provides a medical certificate from their General Practitioner indicating that the student is unwell and unable to attend, the School Fitness to Practise Committee may in its absolute discretion decide to postpone the hearing.

5.6.10 Exclusion Pending a Hearing

The Vice-Chancellor may require a student to cease attendance on the programme and/or debar any student from use of University facilities, entry to

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the whole or any part of the University precincts, or to University property situated elsewhere, until the student's case has been heard by the School Fitness to Practise Committee, provided that such exclusion shall not exceed three months. Subsequent periods of exclusion, each of three months, may be imposed if a hearing is delayed to take account of some external event or circumstance. The student may appeal against such extension of exclusion in writing to the Registrar and Secretary who will arrange for the appeal to be heard by the University Fitness to Practise Committee as soon as practicable. The appeal procedure shall so far as possible follow Ordinance 5.7.

5.6.11 Constitution of School Fitness to Practise Committee

a. A person appointed to chair the Committee shall be a person selected by the relevant Dean from those members of Panel A who shall have not previously been involved with the matter or does not have a personal interest. The Chair will then appoint one additional member from Panel A, one member from Panel B and one member from Panel C. None of the members of the Committee shall have previously been involved with the matter. The member selected from Panel C shall not be from the same School as the student under investigation.

b. Panels A and B shall be appointed at the beginning of each session by the Head of School.

c. (WITH EFFECT FROM 2006/07) The Panels shall be made up as follows:

- Panel A At least twelve members of the academic staff of the School, taken from those academic units whose students are subject to the Fitness to Practise regulations

- Panel B At least six members who are either honorary members of staff or external examiners of the School.

- Panel C Six full-time registered students, nominated by the Guild of Students, who are themselves subject to Fitness to Practise regulations.

5.6.12 General Provisions

a. The evidence presented at the hearing will normally be oral evidence, given by witnesses appearing in person. The Committee may accept a witness's written statement in evidence where the student agrees that the witness need not attend, or where it is impracticable for the witness to attend, or where in the opinion of the Committee it is for some other reason in the interests of justice to do so.

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b. All hearings shall be in private unless, at the request of the student, the Committee decides otherwise in which event they shall make their reasons known.

c. A record of all proceedings shall be kept under the auspices of the Registrar and Secretary but no reference to the record shall be made in the student's personal file except as permitted by this Ordinance.

d. This Ordinance shall be in addition to, and not in substitution for, any arrangements from time to time in force for the enforcement of regulations in Halls of Residence and other University establishments as are mentioned in clause 5.6.3.

e. In addition to imposing a punishment, the relevant adjudicating authority under this Ordinance may order a student to make good in whole or in part any damage resulting from the commission of an offence to the property of the University or of any member, office or employee of the University, either by payment of the cost of reinstatement or otherwise as may be appropriate ("a compensation order").

f. Any student who fails to co-operate with the procedures defined in this Ordinance (other than for reasons beyond his or her control) may be charged (in addition to the original charge) with the disciplinary offence of contempt of the University fitness to practise procedures as provided for in Ordinance 5.4.

g. The Committee may impose time limits on oral addresses and submissions.

h. The Committee shall have power to adjourn a hearing to another date, as it thinks fit.

5.6.13 Student Not Present

The case may be heard in the absence of the student, in which case the procedures shall be adapted as necessary to enable a decision to be made on the papers before the relevant Committee, including any statement by the student. If no response has been received from the student by the date specified in the letter, which accompanied the report then the hearing may proceed on the basis that the matter has been admitted. The student will have the right of appeal specified in clause 5.6.8.

5.6.14 Physical or Mental illness

a. If it appears to those considering an allegation of misconduct that the student in question is or has been suffering from a mental or physical

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illness or mental instability, the proceedings may be adjourned for the preparation of a medical report.

b. If there is medical evidence that the student is suffering from mental or physical illness or mental instability, those dealing with the case may suspend or terminate the proceedings, if it is felt appropriate to do so. It may be made a condition of suspension or termination of the proceedings that the student seeks medical treatment and produces evidence subsequently to confirm that this is being/has been received.

5.7 Appeals to University Fitness to Practise Committee

5.7.1 Procedure on appeal to the University Fitness to Practise Committee

i) A student may appeal in writing to the Registrar and Secretary within seven days against the decision of a School Fitness to Practise Committee, specifying the grounds of appeal. The grounds for appeal will be either
the severity of the punishment
a procedural irregularity
new evidence which was not available at the time of the initial hearing

ii) As soon as reasonably practicable thereafter, the Registrar and Secretary shall call a meeting of the University Fitness to Practise Committee and shall give the student at least fourteen days notice of the date of the hearing.

iii) The student shall be permitted to appear before the Committee with or without a friend or a representative.

iv) When notifying the student of the date and time of the hearing the Registrar and Secretary will

(a) inform the student of the right to be represented or accompanied at the full hearing by a friend or representative;

(b) provide the student with the names of the members of the University Fitness to Practise Committee appointed in accordance with this Ordinance.

(c) provide the student with the names of any witnesses that the University proposes to call;

(d) require the student to submit as soon as possible and in any event not later than 4 days before the time fixed for the hearing

a copy of any further written evidence which he or she may wish to present, in support of the appeal;
the name and status of any person who will accompany the student;
the names of any witnesses the student wishes to call.

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v) If the student wishes to object to one of the University Fitness to Practise Committee members they must do so as soon as possible and in any event at least four days before the time fixed for the hearing. The only ground for objection is that of possible bias arising from either:

involvement in the Fitness to Practise process at an earlier stage
involvement in a related appeal hearing, disciplinary hearing or grievance procedure or
prior knowledge of the matter or the student.

vi) It will be the responsibility of the student and of the University respectively to summon their own witnesses to the hearing. Where the appeal relates to an examination irregularity a representative from the School or Department shall attend as a witness to answer questions of detail which may arise.

vii) The Registrar and Secretary will circulate to the University Fitness to Practise Committee any further written evidence from the student, the names of witnesses that are to be called, the name of the person who will accompany or represent the student, and the name of the person who will represent the University.

5.7.2 Order of Proceedings

i) The appeal shall be presented to the University Fitness to Practise Committee by the Registrar and Secretary or by a member of the University appointed for this purpose by the Vice-Chancellor or by a legally qualified person instructed by the University, (referred to as "the Case Presenter").

ii) If the University appoints a legally qualified person as Case Presenter the student shall be entitled to be represented by a representative (as defined in Ordinance 5.6). The reasonable fees of a legally qualified representative shall be reimbursed to the student by the University subject to prior agreement thereof. In any other circumstances the student may be represented by a representative but this shall be entirely at the student's own expense.

iii) When the members of the University Fitness to Practise Committee have assembled the Case Presenter will inform the University Fitness to Practise Committee whether the student and the witnesses are present. If the student fails to attend, the University Fitness to Practise Committee will decide whether to proceed in his or her absence or to adjourn the hearing. Similarly if any witness fails to attend, the University Fitness to Practise Committee will decide whether to proceed in his or her absence or to adjourn the hearing. Witnesses shall not be put on oath. Where a student chooses not to attend the hearing in person, the Secretary to the University Fitness to Practise Committee shall ensure that members of the Committee are instructed that no adverse inference may be derived from the student’s absence.

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iv) The University Fitness to Practise Committee will, under normal circumstances, expect the hearing to proceed once all the University Fitness to Practise Committee members are present.

v) Having read the appeal papers submitted by the Student the University Fitness to Practise Committee may decide in their absolute discretion to hear the matter ab initio. In that event the Chair of the Committee may decide to postpone the hearing to allow both parties to prepare their cases anew, or with the consent of both parties, to continue with the hearing. If the Committee decides to hear the matter ab initio the Committee will have all powers and punishments of the School Fitness to Practise Committee.

5.7.3 Procedure on Appeal

i) The student and any friend or representative and the Case Presenter will be invited into the room. The Chairperson will establish whether the student or the friend or representative will present the case for the student.

ii) The student (or the friend or representative) may then
make a statement concerning the case;
call witnesses in turn in support of the appeal.

iii) The student's witnesses may

make a statement to the Committee;
be questioned by the student;
be questioned by the Case Presenter;
be questioned by the Committee.

iv) The Case Presenter may then
make a statement concerning the case
call witnesses in turn relating to the appeal

v) The University's witnesses may
make a statement to the Committee;
be questioned by the Case Presenter;
be questioned by the student or their friend or representative;
be questioned by the Committee.

vi) The Committee may require such other witnesses as it thinks fit to be summoned, or such other evidence as it considers relevant to be produced.

vi) The ruling of the Chair as to whether any question or evidence is or is not permissible shall be final and the normal Rules of Evidence shall not apply.

vii) The student (or the friend or representative) may make a final statement.

ix) All other persons shall withdraw whilst the Committee, advised by its secretary who shall remain in attendance, considers whether or not the

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appeal is allowed in whole or in part. The burden of proof shall be “proof beyond all reasonable doubt” and the decision shall be taken by a simple majority of the members present and voting. The person chairing the Committee shall have a casting vote in the event of an equality of votes.

x) The Committee's findings shall be announced by the person chairing the Committee as soon as possible. If the appeal is disallowed then, before any decision is confirmed, the student or his or her friend or representative shall be given the opportunity to make a statement in mitigation to the Committee, and evidence of the student's character may also be given in writing.

xi) Thereafter, all other persons shall withdraw whilst the University Fitness to Practise Committee, advised by its secretary who shall remain in attendance, considers its decision. The University Fitness to Practise Committee's decision shall be announced by the person chairing the Committee as soon as possible. The Committee will write a short report. The report will set out the allegations, the grounds for the appeal, a brief summary of evidence received, the grounds for the decision, the penalty imposed, and the factors taken into account in deciding the penalty. A copy of the report will be sent to the student.

xii) The student may appeal to the Council within seven days after the decision is notified to him or her and shall do so by notice in writing addressed to the Registrar and Secretary setting out the grounds of the appeal. The grounds for appeal will be either:
the severity of the punishment
a procedural irregularity
new evidence which was not available at the time of the hearing

xiii) In considering any appeal Council will follow the procedures for the Council Grievance Committee.

xiv) No person who has acted as a member of either the School Fitness to Practise Committee or the University Fitness to Practise Committee or as secretary to such committee previously concerned with the case shall contribute to or be involved with the adjudication of any appeal of that case to Council.

For the avoidance of doubt ;
In respect of those students enroled on the programmes of study specified in Ordinance 5.4, all appeals relating to examination irregularities must proceed exclusively in accordance with this Regulation.
In the event that the University Fitness to Practice Committee decision relates to the progress of the student on the programme of study or specifies a decision relating to marks or the opportunity for the student to resist an examination, this decision will bind the School Board of Examiners

5.7.4 Constitution of the University Fitness to Practise Committee

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i) The University Fitness to Practise Committee shall be established by the Senate in pursuance of [Section 26(3) of the Statutes]. The Chair of the Committee shall be appointed from Panel 1 by the Vice Chancellor. The Chair of the Committee shall then appoint the remaining panel members which shall consist of no more than two members from Panel 1 one member from Panel 2 and one from Panel 3, PROVIDED ALWAYS that the member chosen from panel 3 shall have experience of the academic discipline and /or profession or vocation which the student is studying or wishes to become a member of in due course.

ii) Panels 1, 2 and 3 shall be appointed at the beginning of each session by the Senate of the University and shall be made up as follows:
Panel 1 shall consist of twelve members selected from either the academic staff of the University who have substantial experience of fitness to practise issues through their involvement with the designated courses specified in Ordinance 5.4, or any member of Council who is either a barrister or solicitor of at least seven years' standing or a person who, in the opinion of the Vice-Chancellor has substantial experience of the administration of justice whether as a magistrate, a member of a statutory tribunal, an arbitrator or otherwise.
Panel 2 shall consist of six full-time registered students of the University nominated by the Guild of Students
Panel 3 shall consist of twelve honorary members of staff or external examiners who have substantial experience of fitness to practise issues through their involvement with the designated courses specified in Ordinance 5.4.

iii) For any particular sitting of the Committee, the Registrar and Secretary shall ensure that none of the persons so appointed have been connected with the case in any way. The proposed membership shall be subject to approval by the Vice-Chancellor.

iv) In addition to reaching a decision regarding the level of penalty (if any) to be applied, the University Fitness to Practise Committee will also determine whether, exceptionally, a general right of appeal to Council against its decision may be granted to the student. A general right of appeal will be granted where the Committee believes that the case was of sufficient complexity that the interests of the student require that the proceedings of the Committee be subject to independent scrutiny if the student wishes. Any appeal submitted under the general leave of the Committee must be received within fourteen days of the date of the hearing.

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Appendix

STATUTES, SECTION 15 (in force until 31 April 2008)

THE SENATE

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

   Class A. The Vice-Chancellor and Principal, the Vice-Principal, the Pro-Vice-Chancellors, and the Deans.

   Class B. The Heads of School.

   Class C. The President of the Guild of Students and one other sabbatical officer of the Guild of Students appointed by the Guild.

   Class D. One member of the teaching or research staff of each School elected by the School Committee of each School.

   Class E. Five students nominated by the Guild of Students

   Class F. Up to four members co-opted by Senate on the recommendation of the Vice-Chancellor.

2. The term of office for Classes D and F shall be determined by the Senate.
3. The term of office for Class E shall be one year.

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Contact Details

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