UNIVERSITY OF BIRMINGHAM

REGULATIONS

2007 - 2008

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Executive Brief

Contain principles and standards designed to control or govern conduct or provide direction at a more detailed level than Ordinances. They may be amended or augmented through the University's own committee system.

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3.1: Appointment to a Vacant Chair:

3.1.1 In Regulations 3.1-3.4 "Professor", as well as meaning a Professor from within the University as defined in Statute 1, shall include the Librarian and Director of Information Services, and the Head of the School of Continuing Studies as members of academic staff of professorial status and 'Chair' shall include their posts.

3.1.2 An Electoral Board shall be established in respect of each vacant Chair. Where there is a vacancy both for a Chair and the Headship of a School or Department the Electoral Board shall advise the Vice-Chancellor regarding the appointment to the Headship.

3.1.3 The Vice-Chancellor and Principal or, if absent, the Vice-Principal, except in circumstances prescribed by Sub-regulations 9, 10 or 11, shall be an ex-officio member and shall chair every Electoral Board.

3.1.4 The Dean concerned shall be an ex-officio member of an Electoral Board except in circumstances prescribed by Sub-regulations 9, 10 or 11.

3.1.5

1. The Dean concerned shall nominate three Professors, or four where the Dean is ineligible for membership to the Electoral Board.
2. Where the Chair is established in a School the Head of which is a member of the non-Professorial staff, the Head of School may be nominated by the Dean concerned for appointment to the Electoral Board in place of one of the Professors referred to in Regulation 3.1.5(1).

3.1.6 The Promotions and Titles Committee shall appoint to an Electoral Board one Professor who is not a member of the School concerned.

3.1.7 The School Committee may nominate for appointment to the Electoral Board one Professor who is not a member of the School or Department concerned.

3.1.8 The appropriate Health Authority or Authorities shall nominate in total not more than two professional members to Electoral Boards established in respect of vacancies for Clinical Chairs in the Schools of Medicine and Dentistry.

3.1.9 A retiring Head of School or Department or retiring Professor shall not be a member of the Electoral Board responsible for recommending the appointment of a successor.

3.1.10 A Dean, Pro-Vice-Chancellor or Professor who has indicated that he or she wishes to be considered for a vacancy shall not be a member of the Electoral Board set up in respect of that vacancy.

3.1.11 No Dean, Pro-Vice-Chancellor or Professor in a School or Department shall be a member of the Electoral Board which is considering the Headship of that School or Department.

3.1.12 The Electoral Board for a vacant Chair shall consult at least two expert External Advisers.

3.1.13 The External Advisers may be invited to attend meetings of the Electoral

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Board but shall not be entitled to vote.

The names of the External Advisers shall be included in the report of the Electoral Board.

3.1.14 Except where he or she is not a member of the Electoral Board, in which case the person chairing the Committee will act, the Dean concerned shall consult in writing each member of the Academic Staff of the School or Department concerned regarding the general requirements for filling the Chair and, where there is also a vacancy in the Headship of a School or Department, for filling the Headship. Those members of staff shall also be invited to suggest the names of expert External Advisers for consideration by the Electoral Board.

3.1.15 All vacancies for Chairs shall be advertised unless an Electoral Board considers it not in the best interests of the University to advertise a vacancy for a Chair, and the Vice-Chancellor concurs.

3.1.16 Except in the case of a recommendation for the appointment of a Librarian and Director of Information Services (for which authority to give final approval rests with the Council) the Vice-Chancellor shall be empowered to give final approval to the recommendation of an Electoral Board, and shall report thereon as soon as possible to the Pro-Chancellor and the Treasurer. Report shall also be made of the approval to the Council the Senate.

3.1.17 Should an Electoral Board be unable to agree on a recommendation the Vice-Chancellor shall decide the course of action to be taken, if necessary referring the matter to the Promotions and Titles Committee.

3.2: Appointment to the Headship of a School or Department:

3.2.1 Where a vacancy occurs in the Headship of a School or Department the Vice-Chancellor shall consult in writing each member of the academic staff of the School or Department concerned regarding the general requirements for filling the Headship.

3.2.2 The Professor nominated by the School or Departmental Committee concerned in accordance with Regulation 2.3.2(1)(h) shall consult appropriately the staff of the School or Department about the filling of the Headship and shall report thereon to the Vice-Chancellor.

3.2.3 In the case of a Head of School, the Vice-Chancellor, after consultation with the Dean and the Professor nominated under Sub-regulation 2, shall then make recommendation to the Council whose approval shall be reported to the Senate.

3.2.4 In the case of a Head of Department, the Vice-Chancellor, after the consultations prescribed in Sub-Regulation 3, shall then make an appointment which shall be reported to the Council and the Senate.

3.3: Conferment of Title of Professor, Associate Professor or Reader:

3.3.1 The title of Professor may be conferred on an existing member of academic staff where he or she has shown a record of achievement comparable with that expected of an external candidate for a Chair, in the following respects:

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1. outstanding distinction in scholarship or original research;
2. leadership or leadership potential in teaching;
3. a significant contribution to the management of financial or human resources or the potential to make such a contribution.

3.3.2

a. The title of Associate Professor may be conferred upon an existing member of the academic staff where he or she had shown outstanding leadership in teaching, management and administration.
b. The title of Reader may be conferred on an existing member of the academic staff where he or she has shown distinction in scholarship or original research.
c. The standard form of address for Associate Professors and Readers shall be the member of staff's normal academic title. Associate Professors or Readers shall not be entitled to describe themselves as Professor.

3.3.3 The procedure shall be as follows:-

1.
   a. Each year the Vice-Chancellor shall invite the Deans to make proposals for consideration by the Promotions and Titles Committee for the conferment of the title of Professor, Associate Professor or Reader in accordance with 3.3.1 or 3.3.2 above. The invitation shall specify the consultation required before proposals are submitted, how proposals shall be formulated and the procedure and timetable for decision on proposals.
   b. Each year a notice shall also be issued inviting members of the academic staff to apply for the conferment of the title of Professor, Associate Professor or Reader and setting out the appropriate procedures.
   c. For the purpose of considering cases for the conferment of the title of Professor, the Promotions and Titles Committee shall constitute itself as an Electoral Board under Ordinance 3.16.1. On the basis of its consideration of a proposal and with the expert advice of such external and/or internal advisers as may be appropriate, the Promotions and Titles Committee [of Principals and Deans] shall determine whether a prima facie case has been established for the conferment of the title of Professor, Associate Professor or Reader, under 3.3.1 or 3.3.2 above.
2. If the Promotions and Titles Committee determines that a prima facie case has been established, it shall, on the recommendation of the Dean concerned, specify the title to be conferred, if the proposal is finally approved.
3.
   a. Where a prima facie case has been established, external advice shall be sought where it has not already been obtained. Where external advice has been obtained to help determine a prima facie case, any further advice shall be sought from a different adviser or advisers.
   b. If the external advice confirms the prima facie case, the Vice-Chancellor shall be empowered to approve the proposal and shall report the approval to the Promotions and Titles Committee, the Council, and the Senate.

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c. If the external advice raises any element of doubt, the Promotions and Titles Committee shall give further consideration to the proposal before determining whether it be forwarded to the Vice-Chancellor for approval as in 3.3. 3(b) above.
d. If the Promotions and Titles Committee determines that the proposal be not forwarded to the Vice-Chancellor, no further report shall be made.

3.4: The Appointment of Visiting Professors:

3.4.1 A Visiting Professor whose employment will be supported by outside funds administered by the University or by University General Funds specifically allocated for this purpose may be appointed for a period of not more than one year.

3.4.2 The procedure shall be as follows:-

1. A Head of School who is a Professor and who wishes to propose the appointment of a Visiting Professor within the School shall first discuss the proposal privately with the Dean concerned. A Head of Department who wishes to make such a proposal shall discuss it privately with the Head of School.
2. Where a School or Department has a non-professorial Head, the Dean may, following appropriate consultation, initiate a proposal for the appointment of a Visiting Professor within that School or Department.
3. The Dean may then discuss the proposal with the Vice-Chancellor and if they are agreed that a prima facie case for the appointment has been made the Vice-Chancellor shall refer the proposal to the Promotions and Titles Committee.

3.4.3 The Promotions and Titles Committee, if it is satisfied that a prima facie case has been made for the appointment, shall constitute itself an Electoral Board to examine the proposal and may, but need not, consult outside opinion.

3.4.4
a. If the Electoral Board decides to recommend the appointment, it shall specify the period of the appointment.
b. The Vice-Chancellor shall be empowered to give final approval to the recommendation and shall report thereon as soon as possible to the Pro-Chancellor and the Treasurer. Report shall also be made of the approval to the Council, and the Senate.
c. If the recommendation is not approved, no further action shall be taken.

3.5: Promotion to Senior Lecturer and Similar Posts:

3.5.1 In these Regulations "Senior Lecturer" shall include Senior Research Fellow; "Lecturer" shall include Research Fellow.

3.5.2 The intention to make promotions to Senior Lecturer shall be advertised within the University annually.

3.5.3 A Lecturer who wishes to apply personally for promotion may submit an

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application to the Dean through the Head of School or, in the case of multi-Departmental Schools, through the Head of Department. The applicant shall submit a curriculum vitae and a list of publications and may cite persons within the University or outside it who have an intimate knowledge of the applicant's work and these may be approached at the discretion of the Dean.

3.5.4 A Head of School may also make a proposal to the Dean for the promotion of Lecturers in the School who have not applied personally for promotion. The Head of School shall inform each Lecturer concerned of such a proposal and allow an opportunity to cite referees.

3.5.5 A promotion may not proceed without the confirmation by the Director of Finance that sufficient funds are available for the purpose, whether provided from a special pool set up by the Strategy, Planning and Resources Committee, from University funds otherwise available to the School, from self-financing activities or from external sources.

3.5.6 A Head of School shall list the names of the personal applicants and of those nominated in accordance with Sub-Regulation 4 in a single recommended order of priority and submit the list together with the applications to the Dean.

3.5.7 Each Dean shall submit a list of the names of those recommended for promotion in order of priority for the consideration of the Promotions and Titles Committee.

3.5.8 The intention to make promotions within the Senior Library, Senior Computer, Administrative and Other Related scales will also be advertised annually within the University. Personal applications and the nominations of Heads of Budget Centre will be considered by the Staffing Committee.

3.6: General Provisions:

3.6.1 In Sub-Sections 3(2) and 9 of this Regulation "Dean" shall include the Registrar and Secretary.

3.6.2 Recruitment to vacant posts shall be carried out in accordance with the University's Guidelines on Recruitment and Selection and its strategic plan for the time being.

3.6.3 Selection Committees shall be appointed for each vacant post under arrangements approved by the Pro Vice-Chancellor with responsibility for resources or his/her nominee subject to the following:

1. The Vice-Chancellor and Principal shall be an ex-officio member of every Selection Committee and may be represented by the Vice-Principal or a Pro-Vice-Chancellor.
2. The Dean shall be an ex-officio member of and shall chair a Selection Committee, subject to Regulations 3.7.7 and 3.7.8, and may be represented by a duly approved deputy, except that a Selection Committee for a non-clinical Readership, Associate Professorship, senior Lectureship of Senior Research Fellowship must be chaired by a Dean personally.
3. The person appointed under sub-section (2) above shall have the

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duty of representing the interests of the University and, as such, must not be a member of the School or Budget Centre in which the vacancy occurs.

4. The membership of a Selection Committee may be varied at the discretion of the Pro Vice-Chancellor with responsibility for resources or his/her nominee.
5. The provisions applying to specific grades of post as detailed in Regulation 3.7.

3.6.4 Each member of the Selection Committee must be of a status equivalent to or higher than the appointment under consideration.

3.6.5 A retiring or resigning member of staff shall not without the agreement of the Pro Vice-Chancellor with responsibility for resources or his/her nominee be a member of the Selection Committee considering the appointment of a successor.

3.6.6 All applications for a vacant post and the replies from referees shall be available on request to every member of the Selection Committee. The Committee shall have power to determine the shortlist of applicants for interview.

3.6.7 The Selection Committee shall have discretion to dispense with an interview where an applicant is outside the United Kingdom or for other good reason.

3.6.8 If in the opinion of the Selection Committee there is a suitable applicant for the post the Committee shall recommend appointment to the Pro Vice-Chancellor with responsibility for resources or his/her nominee. If any member of the Selection Committee records a vote against such a recommendation the Selection Committee shall instead report the circumstances to the Pro Vice-Chancellor with responsibility for resources or his/her nominee who may:

either

1. recommend
    a. that the applicant supported by the majority on the Selection Committee be appointed; or
    b. the vacancy be left unfilled; or
    c. appoint a new Selection Committee.

3.6.9 If the Pro Vice-Chancellor with responsibility for resources or his/her nominee considers that a recommended applicant lacks the qualities necessary to discharge the duties attached to the vacant post, s/he shall consider the views of the Head of School or Budget Centre and the Dean before making a decision on the appointment.

3.6.10 Other than in exceptional circumstances, the responsibilities of the Pro Vice Chancellor with responsibility for resources set out in this Regulation are delegated to the Director of Human Resources.

3.7: Membership of Selection Committees:

In addition to the members provided for under Regulation 3.6.3, subject to

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the approval of the Dean or the Dean's nominee:

3.7.1 There shall be appointed to the Selection Committee for a non-clinical Lectureship:

a. The Head of School concerned or a nominee of the Head of School.
b. One Professor, Reader, Associate Professor, Senior Lecturer, Senior Research Fellow, Lecturer or Research Fellow nominated by the Head of School.
c. One or two Professors, Readers, Associate Professors, Senior Lecturers, Senior Research Fellows, Lecturers or Research Fellows who may be drawn from inside or outside the School in which the vacancy occurs.

3.7.2 There shall be appointed to the Selection Committee for appointment to Research Associate and Research Fellow (non-clinical):

a. At least two Professors, Readers, Senior Lecturers, Senior Research Fellows, Lecturers or Research Fellows, one of whom, if not the Head of School, would normally be the chief investigator on the project concerned.

3.7.4 There shall be appointed to a Selection Committee for a non-clinical Senior Lectureship or Senior Research Fellowship:

a. The Head of School concerned or a nominee of the Head of School.
b. One Professor, Reader, Associate Professor, Senior Lecturer or Senior Research Fellow nominated by the Head of School.
c. One or two Professors, Readers, Associate Professors Senior Lecturers or Senior Research Fellows who may be drawn from inside or outside the School in which the vacancy occurs, nominated by the Dean with responsibility for the School.

3.7.5 The membership of a Selection Committee for appointment to a Clinical non-professorial post shall be as defined for a non-clinical post with the addition of such persons nominated by the appropriate Health Authority and Royal College as may be required by NHS regulations.

3.7.6 An Instructor may be appointed by the University, normally following an interview with the Head of School concerned (or his/her nominee) and one or two senior colleagues.

3.7.7 There shall be appointed to a Selection Committee for a non-clinical Readership:

a. The Head of School concerned or a nominee of the Head of School.

b. One Professor or Reader nominated by the Head of School.

c. One or two Professors or Readers, who may be drawn from inside or outside the School in which the vacancy occurs,

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nominated by the Dean with responsibility for the School.

The chair of the Selection Committee for a non-clinical Readership, who will normally be the Vice-Chancellor or a Pro Vice-Chancellor, will co-opt one or more external advisers to advise the Selection Committee, as appropriate.

3.7.8 There shall be appointed to a Selection Committee for a non-clinical Associate Professorship:

a. The Head of School concerned or a nominee of the Head of School.

b. One Professor or Associate Professor nominated by the Head of School.

c. One or two Professors or Associate Professors, who may be drawn from inside or outside the School in which the vacancy occurs, nominated by the Dean with responsibility for the School.

The chair of the Selection Committee for a non-clinical Associate Professorship, who will normally be the Vice-Chancellor or a Pro Vice-Chancellor, will co-opt one or more external advisers to advise the Selection Committee, as appropriate.

3.8: Conferment of the Title of Honorary Professor:

3.8.1 The title of Honorary Professor may be conferred for a specific period, subject to renewal, upon (a) persons of suitable distinction from outside the University who are making a significant and continuing academic contribution to its work and (b), in relation to the University's external links, upon other persons of suitable distinction.

3.8.2 The procedure shall be as follows:-

a. The Director of Staffing Services shall circulate annually information on current Honorary Professors and shall invite proposals for further conferments of this title. Where appropriate, proposals may also be submitted at other times.
b. A Head of School who is a Professor and who wishes to propose the conferment of the title of Honorary Professor within the School shall first discuss the proposal privately with the Dean concerned. A Head of Department who wishes to make such a proposal shall discuss it privately with the Head of School.
c. Where a School or Department has a non-professorial Head, the Dean may, following appropriate consultation, initiate a proposal for the conferment of the title of Honorary Professor within that School or Department.
d. The Dean shall then discuss the proposal with the Vice-Chancellor and if they are agreed that a prima facie case has been made the Director of Staffing Services shall refer the proposal to the Promotions and Titles Committee.

3.8.3 The Promotions and Titles Committee, if it is satisfied that a prima facie case has been made, shall constitute itself as an Electoral Board to examine the proposal and may, but need not, consult outside opinion.

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3.8.4

a. If the Committee decides to recommend the conferment of a title it shall specify the period of the conferment. This period shall normally be five years unless some shorter period is proposed and approved.
b. the Vice-Chancellor shall be empowered to give final approval to the recommendation and shall report thereon to the Promotions and Titles Committee which shall in turn report to the Senate and the Council.
c. If no title is to be conferred no further action shall be taken.

3.8.5

a. A recommendation for the renewal for a further specific period, normally five years, may be made by the Dean concerned to the Promotions and Titles Committee which shall, if it approves the recommendation, submit it to the Vice-Chancellor.
b. The Vice-Chancellor shall be empowered to give final approval to the recommendation and shall report thereon as soon as possible to the Promotions and Titles Committee which shall in turn report to the Senate and Council.

3.9: Conferment of the Title of Honorary Reader:

3.9.1 The Promotions and Titles Committee may confer the title of Honorary Reader on any person of postdoctoral or equivalent status who has shown distinction in scholarship or original research; who is undertaking appropriate academic work in a School or Department of the University and who does not hold an appointment financed from University funds or from outside funds administered by the University.

3.9.2 The procedures for the conferment of the title of Honorary Reader shall thereafter follow those prescribed by Regulation 3.3.2-3.3.3.

3.10: Conferment of Honorary Teaching Titles:

3.10.1 A Head of School may recommend, for approval on behalf of the Promotions and Titles Committee, the conferment for a defined period the title of Senior Clinical Lecturer and Tutor, Senior Clinical Lecturer, Clinical Lecturer, Postgraduate Clinical Tutor, Honorary Senior Lecturer, Honorary Lecturer or Honorary Tutor on any person of appropriate status who is undertaking teaching for or on behalf of the University and does not hold an appointment financed from University funds or from outside funds administered by the University.

3.10.2 The proposal shall be made by the Head of the School concerned and shall indicate the nature and period of the teaching duties to be undertaken and the status and qualifications of the person concerned and the period of conferment proposed. A Head of Department who wishes to make such a proposal shall discuss it privately with the Head of School.

3.10.3 Holders of Honorary Teaching titles may register under Ordinary Regulations for higher degrees, but will be charged fees under the full or part-time rates and not at the concessionary staff rate.

3.11: Conferment of Honorary Research Titles:

3.11.1 A Head of School may recommend, for approval on behalf of the

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Promotions and Titles Committee, the conferment for a defined period the title of Honorary Senior Research Fellow, Honorary Research Fellow or Honorary Research Associate or Honorary Fellow on any person who:

1. is undertaking appropriate research in a School or Department of the University and is of appropriate academic standing.
2. is not registered for a higher degree save in exceptional cases.
3. does not hold an appointment financed from University funds or from outside funds administered by the University.

3.11.2 The procedure shall be that prescribed in Regulation 3.10 for the conferment of honorary teaching titles, except that a proposal may be initiated only by the Head of School or Department who shall indicate the nature and period of the research work to be undertaken in the School or Department and the period of conferment proposed.

3.11.3 Honorary Research Titles shall cease to be held should any of the conditions (1), (2) and (3) above not continue.

3.12: Award of Recognised Lecturer Title:

3.12.1 A Head of School may recommend for approval to the Senate or delegated authority the award, for a defined period, of the title of Recognised Lecturer on a member of staff of a partner organisation. The member of staff should normally meet specified criteria and be undertaking teaching and/or assessment on a programme in that partner organisation which leads to an award of the University.

3.12.2 The award is subject to the following conditions:

a. The individual does not hold an appointment financed from University funds or from outside funds administered by the University;
b. The individual is not subject to the Conditions of Employment Governing Honorary Staff, but to the employment, disciplinary and other staffing procedures of the partner organisation.

3.12.3 Recognised Lecturers may be entitled to certain benefits from the University as notified from time to time.

3.13: Leave of Absence:

3.13.1 Leave of absence may be granted to Professors, Readers, Senior Lecturers, and Lecturers for a specific assignment such as working temporarily on public service; or working for an international organisation; or holding a visiting fellowship or teaching appointment outside the University; or for similar purposes.

3.13.2 During the vacations Professors, Readers, Senior Lecturers and Lecturers may be absent from the University subject to the requirements of School or departmental duties prescribed by the Head of School or Department and subject to the obligation to obtain permission under the current arrangements before engaging in outside work. A member of staff absent from the University during vacation is required to provide the Head of School or Department with a forwarding address.

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3.13.3 During term, leave of absence up to a total of 14 days may be granted to Professors, Readers, Senior Lecturers and Lecturers by Heads of School or Department. In the case of Heads of School or Department during term, no formal action is required for absences up to a total of 14 days. Application for leave of absence for a longer period during term should be submitted to the Head of School or, in the case of multi-Departmental Schools, through the Head of Department to the Head of School for approval. Applications for leave of absence in the case of Professors and non-Professorial Heads of School and Department are subject to the approval of the Vice-Chancellor. Details of the full period of absence including periods occurring during the vacation should be given.

3.13.4 Research Associates, Research Fellows and Senior Research Fellows may be granted leave of absence by their Head of School or Department for the purpose of attending learned conferences or for any other appropriate reason.

3.13.5 Unless specifically excluded under the Conditions of Service leave of absence may be granted to other members of staff though the circumstances giving rise to an application will be exceptional.

3.13.6 The amount of salary and other expenses, if any, to be paid by the University to members of staff during leave of absence will be determined by the Head of School/Budget Centre (or by the Vice-Chancellor in the case of Professors and non-Professorial Heads of School or Department) in consultation with the Director of Staffing Services on the general principle that the members of staff concerned, as a result of action by the University, should not be financially worse off or be appreciably better off than if they had remained in post. In examining each case on its merits, account will be taken of the following factors:

a. the value of the fellowship, or the emolument of the post, to be taken up;
b. whether travelling expenses are provided;
c. whether the member of staff is married or single, and whether the expense of house and family has to be maintained during absence.
d. the cost of living in the country in which the leave will be spent.

3.13.7 Salaries in respect of earnings during the long vacation will not normally be adjusted but in the case of such employment being continuous with the term before or after the long vacation, any adjustment in respect of such term may take account of the earnings over the whole period.

3.14: Study Leave:

3.14.1 Heads of Schools and Departments will encourage teaching staff in their Schools or Departments to take Study Leave. An application for Study Leave will be submitted to the Head of School or, in the case of multi-Departmental Schools, through the Head of Department to the Head of School.

3.14.2 A member of the teaching staff may be granted one semester's Study Leave by the Staffing Committee on the recommendation of the Head of School after the completion of a minimum of three years' service in a teaching post in the University. The semester, for the purpose of study leave, is taken to include the Christmas Vacation with the first and the

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Easter Vacation with the second, but will not include the examination period except by agreement in individual cases. Professors and non-professorial Heads of Schools and Departments must obtain the approval of the Vice-Chancellor.

3.14.3 After an initial period of Study Leave granted under Sub-Regulation 2 above, further Study Leave may be granted only at the rate of one semester after the completion of each further three-year period of service. Every effort will be made to allow for any postponements of a period of Study Leave occasioned by illness or any other appropriate cause.

3.14.4 Study Leave for periods longer than one semester plus the Long Vacation will only be allowed in justified circumstances. Applications for longer periods of Study Leave should be accompanied by appropriate supporting documents.

3.14.5 The full salary of a member on Study Leave and the University's contribution to superannuation and National Insurance will normally be paid.

3.14.6 A limited contribution towards travel or, less typically, other specified expenses may be made from the University funds, but applicants should wherever possible apply for funds from outside sources.

3.14.7 A member of staff is required to submit a report on conclusion of the period of leave.

3.15: Secondment from the University:

3.15.1 A member of staff may be seconded to work in another institution or elsewhere on behalf of that institution. The authority for approving such an arrangement is the Head of School or other appropriate body.

3.15.2 The salary and other expenses, if any, to be paid by the University will be determined in the same way as if the member of staff was proceeding on Leave of Absence.

3.16: Special Leave:

3.16.1 The Staffing Committee may grant members of the Academic Staff special leave in exceptional circumstances which are inappropriate for leave of absence, study leave or secondments for limited periods.

3.16.2 Applications shall be made in writing through the Head of School (via the Head of Department in multi-Departmental Schools) to the Vice-Chancellor and Principal who, after receiving comments from the Dean concerned, shall make recommendation to the Staffing Committee.

3.17: Patents and the Exploitation of Inventions:

3.17.1

1. When a member of the staff makes an invention or discovery in the course of his or her normal duties or in such other circumstances that by law the invention or discovery belongs to the University and which he or she has reason to believe may be commercially exploitable he or she will report the same to the Managing Director, Birmingham Research and Development Limited (BRDL)

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for action and to the Head of School or, in the case of multi-Departmental Schools, through the Head of Department to the Head of School, for information. "Member of Staff" in this Regulation shall include all those engaged in work on behalf of the University without exception whatsoever, and 'invention or discovery' shall include the production and development of computer software. Those with responsibilities for exploitation in this Regulation shall always act with all due expedition, according to the circumstances of the case.

2. The Managing Director of BRDL will consult the Inventor and the Head of School and will recommend to the Registrar and Secretary whether and how steps shall be taken to protect and exploit the invention.
3. If the Registrar and Secretary, advised by the Managing Director of BRDL, concludes that the University does not wish to participate in the development or exploitation of the invention the benefit thereof shall belong exclusively to the Inventor as between himself or herself and the University.
4. Members of staff shall consult the Managing Director of BRDL as to the timing and procedure to be followed in connection with the publication of the results of researches likely to form the subject of a patent application by the University, or to lead to exploitation in which the University has an interest.

3.17.2 BRDL on behalf of the University will normally undertake financial responsibility for the preliminaries for further development and exploitation of inventions within a budget agreed between BRDL and, if appropriate, the Head of School concerned. The member of staff concerned shall, as directed by BRDL acting on behalf of the University, do any one or more of the following:

1. assist the University in applying for patent protection in the University's name in the UK or elsewhere;
2. enter into appropriate agreements for protecting the secrecy of the invention unless and until it is patented;
3. collaborate with BRDL, acting on behalf of the University, in the exploitation of the invention.

3.17.3 Patents and Licences will be written in the name of the University, and Licences will be subject to formal authorisation by the Registrar and Secretary of the University.

3.17.4 BRDL will make arrangements, acting on behalf of the University, to share any returns on the invention in such a way as to ensure that after BRDL has been reimbursed for the initial costs and administration the member of staff and, if appropriate, the School concerned obtain a fair share (whether in a lump sum, by periodical payments, or both) having regard to all the circumstances, and, in particular to:

1. whether the invention was made in the course of his or her normal duties or of duties specially assigned to him or her;
2. whether the circumstances were such that an invention might reasonably be expected to result from the carrying out of his or her normal duties or duties specially assigned to him or her;
3. whether, because of his or her special responsibilities, he or she had a special obligation to further the interests of the University;
4. the nature of his or her duties and the remuneration and other

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advantages which he or she derives or has derived from his or her position with the University;

5. the effort and skill which he or she has devoted to making the invention;
6. the extent to which the invention was made jointly by him or her with any other person and the effort and skill which such other person has devoted to the invention;
7. the extent of the advice and assistance contributed by any other member of the University who is not a joint inventor of the invention;
8. the contribution made by the University to the making, developing and working of the invention by the provision of advice, facilities and other assistance and by its managerial skill and activities;
9. the extent of the return and other benefits derived from the invention.

3.17.5 Any rights in a discovery arising from the work of a member of staff sponsored by outside bodies, or those directly employed by outside bodies, shall be subject to this Regulation unless any special conditions relating to patents and commercial exploitation have been agreed by the University and included in the terms of the relevant contract or agreement with the outside body.

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