|  |  |
| --- | --- |
|  |  |

**Senate**

**Subject: Proposed Changes to University Charter, Statutes, Ordinances and Regulations**

**Origin: Structure Implementation Project Management Board and Academic Governance Working Group**

**Executive Summary:**

The University’s Charter, Statutes, Ordinances and Regulations have been reviewed as part of the change in the University structure. This paper sets out proposals from the Academic Governance Working Group for a number of amendments to the Charter and Statutes. Many result from ensuring alignment with the new structure but others relate to modernisation of wording. A proposed change to the Charter to explicitly refer to the granting of academic awards in conjunction with other institutions is also included. Proposals for major revision of Statute XXI Academic Staff are the subject of a separate revision process.

**Senate Action Required:**

Senate is asked to recommend to Council the proposed changes to the Charter and Statutes. Council will then be asked to make a special resolution at its October meeting to approve the changes for submission to the Privy Council for final approval.

**Background**

The Academic Governance Working Group, set up as part of the process for implementation of the new University Structure, has been undertaking a review of the University’s Charter, Statutes, Ordinances and Regulations to ensure:

* That they are consistent with the new University structure
* That they are consistent with current legal requirements (in part at the request of the Audit Committee)
* That the opportunity for modernisation of wording is taken, where this does not generate time-consuming re-writing of significant sections

General Assembly has the right to comment to Senate and Council on proposed changes to the Statutes and no comments were received following circulation of the material proposals in February 2011.

The more significant amendments are summarised below. A draft of the proposed revisions to the Charter and Statutes is attached.

**Revisions to the Charter**

1. In general, limited amendments are required as a result of the changes to the University structure as references to Faculties, Schools and Departments are relatively few.
2. References to “Academic Staff” have been replaced by “Staff” were the reference does not specifically concern the academic business of the University or membership of General Assembly.
3. Faculties and Schools – references to Faculty Boards have been deleted and references to Faculties have either been deleted or amended to read Faculty and/or School with wording changed to retain allow the possibility that either or both may exist but with neither being required to exist. The concept that there may be Faculties has been retained by amending paragraph 14 as follows:

|  |  |
| --- | --- |
|  | *~~(i)~~ There ~~shall~~ may be Faculties and/or Schools established by the Council on the recommendation of the Senate.* |
|  | *~~(ii) For each Faculty there shall be a Faculty Board.~~*  References to Deans of Faculty have been replaced by Deans of School. The general nature of the wording of the Charter allows this despite the differing roles of Deans of Faculty and Deans of School. |

1. The opportunity has been taken to revise the objects of the University in paragraph 2 of the Charter to remove reference to subject specialism, as follows:

|  |
| --- |
| The objects of the University shall be to advance knowledge, wisdom, understanding and professional competence, ~~particularly in the fields of engineering and other technologies and sciences~~, through teaching, research and collaboration with industrial and other bodies, and to develop the character of its students by virtue of its corporate life. |

1. Paragraph 4 relating to the Visitor has been amended to make explicit that the Visitor has no jurisdiction over matters raised by students; student complaints are now covered by the Office of the Independent Adjudicator for HE. An additional sentence has been added to paragraph 6. to make clear that the Senior Pro-Chancellor is the Chair of Council.
2. Paragraphs 20. and 21 currently read:

*20.* *No religious, racial or political test shall be imposed by the University on any person in order to entitle him or her to be admitted as a Member of the University or to hold office therein or to graduate thereat or to hold any advantage or privilege thereof.*

*21. Men and women shall be equally eligible for any office or appointment in the University and for membership of any of its constituent bodies and all Degrees and courses of study in the University shall be open to men and women alike*.

In view of the further and ongoing development of equalities legislation it is proposed to replace these paragraphs with the following:

*The University shall show no discrimination against any person in determining whether he/she is to be admitted as a Member of the University, or permitted to graduate or to hold any other advantage or privilege of the University on account of political belief, social background or in relation to any of the protected characteristics established in equalities legislation*.

1. It is proposed to delete paragraph 22. of the Charter which reads:

*The University shall not make any payment by way of dividend, gift, division or bonus in money unto or between any of its members otherwise than by way of prize or special award or grant.*

on the grounds that matters of reward for staff and prizes and grants for students are regularly changed and covered by detailed procedures elsewhere.

1. The opportunity has been taken to amend paragraph 24 of the Charter to allow a period of up to 4 months, rather than 3 months, between the two meetings of Council required to pass a Special Resolution to amend the Charter and Statutes. The present scheduling of Council meetings, which is largely determined by the financial cycle, means that meetings are frequently between three and four months apart and there can be only one occasion each year which meets the current timing requirements for Special Resolutions.
2. With the approval of Learning and Teaching Committee and Research Committee (June 2011) paragraph 3 of the Charter has been amended to make explicit reference to powers to make academic awards in conjunction with other institutions including the award of joint degrees. This follows signature of an agreement with Nanyang Technological University relating to joint PhD awards and in line with QAA good practice guidance to avoid risk of legal challenge to joint awards.

**Revisions to the Statutes**

1. The majority of the Statutes are not affected by the changes to the University structure or changes are minor to replace Faculty with School in line with the proposed amendments to the Charter.
2. Paragraph 4 of Statute V relating to the Vice Chancellor has been revised as follows:

|  |  |
| --- | --- |
| *\** | *The Vice-Chancellor may refuse to admit any person as a Student ~~without disclosing any reason to that person~~ and may, subject to the provisions of Statute XXIV, suspend any Student from any class or classes and exclude any Student from any part of the University or its precincts; provided that the reasons for any such refusal, suspension or exclusion shall be reported to the Council and the Senate at their respective next meetings.* |

as the current wording is not in line with modern concepts of transparency of decision-making or good practice required by UCAS.

1. Statute XIV concerning the Senate has been revised in line with the proposals for amendment of the composition of Senate approved by Senate on 26 January 2011.
2. It is proposed to retain Statute XVI Faculties but to delete the detail relating to Deans of Faculty and Faculty Boards whilst introducing reference to Schools. The Statute will therefore read simply:

*XVI Faculties and Schools*

1. *The scope of any Faculty or School shall be prescribed by the Senate*
2. *Any Faculties or Schools shall be established by the Council on the recommendation of the Senate.*
3. Statute XX Removal of Officers and Members has been revised to remove reference to obsolete membership of Council and to modernise wording.
4. Statute XXI Academic Staff requires substantial revision to bring it fully into line with employment legislation and modern HR practice. Its revision is the subject of separate discussions. In the meantime, for internal purposes, temporary arrangements have been agreed to replace roles which will not longer exist under the new University structure. These arrangements will not be submitted to the Privy Council as it is anticipated they they will be superceded in 2012 by the revisions to the Statute.

Author – Jennifer Nutkins  
Date – 14 June 2011  
Copyright (c) Loughborough University. All rights reserved.