



## Leeds Beckett University

### ARTICLES OF GOVERNMENT

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#### Approval information

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## ARTICLES OF GOVERNMENT

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In exercise of the powers conferred upon it by section 125 of the Education Reform Act 1988, the Leeds Beckett University Higher Education Corporation makes the following Articles of Government, in accordance with which the business of Leeds Beckett University shall be conducted:

### INTERPRETATION

1. In these Articles, words and expressions shall have the meanings ascribed to them in paragraph 1 of the Instrument of Government made by the Privy Council on 26 April 1993, and

"the holders of senior posts" means the Vice-Chancellor, the Clerk and the holders of such other senior posts as the Board of Governors may determine and "holder of a senior post" shall be construed accordingly

"the staff" includes both teaching and other staff of the University.

"professional service staff" means the administrative, clerical and technician staff of the University.

"staff Governor" means a member of the Board of Governors appointed on the nomination of the Academic Board, or as a co-opted staff nominee

"student Governor" means a member of the Board of Governors appointed as a student nominee or a co-opted student nominee.

"a students' union" means any association of the generality of students formed to further the educational purposes of the University and the interests of students as students.

### CONDUCT OF THE UNIVERSITY

2. The University shall be conducted in accordance with the provisions of the Education Acts 1944 to 1993, any subsequent Education Acts, any relevant regulations, orders or directions made by the Secretary of State or by the Privy Council, and subject thereto, in accordance with the provisions of the Instrument, these Articles and any rules or bye-laws made under these Articles.

## **RESPONSIBILITIES OF THE BOARD OF GOVERNORS, VICE CHANCELLOR AND ACADEMIC BOARD**

### **3. The Board of Governors**

The Board of Governors shall be responsible for:

- (a) the determination of the educational character and mission of the University and for oversight of its activities;
- (b) the effective and efficient use of resources, the solvency of the University and the Corporation and for safeguarding their assets;
- (c) approving annual estimates of income and expenditure;
- (d) the appointment, grading, suspension, dismissal and determination of the pay and conditions of service of the Vice-Chancellor, the Clerk, the holders of posts of Deputy Vice-Chancellor and any other holders of senior posts;
- (e) setting a framework for the pay and conditions of service of all other staff; and
- (f) for the assignment and appraisal of the Vice-Chancellor and the Clerk to the Board of Governors.

### **4. The Vice-Chancellor**

Subject to the responsibilities of the Board of Governors, the Vice-Chancellor shall be the chief executive of the University, and shall be responsible for:

- (a) making proposals to the Board of Governors about the educational character and mission of the University and for implementing the decisions of the Board of Governors;
- (b) the organisation, direction and management of the University and leadership of the staff;
- (c) the assignment and appraisal of the holders of posts of Deputy Vice-Chancellor and any other holders of senior posts other than the Vice-Chancellor and the Clerk;
- (d) the appointment, assignment, grading, appraisal, suspension, dismissal, and determination - within the framework set by the Board of Governors - of the pay and conditions of service of staff other than the holders of senior posts;

- (e) the determination, after consultation with the Academic Board, of the University's academic activities, and for the determination of its other activities;
- (f) preparing annual estimates of income and expenditure, for consideration by the Board of Governors, and for the management of budget and resources, within the estimates approved by the Board of Governors; and
- (g) the maintenance of student discipline and, within the rules and procedures provided for within these Articles, for the suspension or expulsion of students on disciplinary grounds and for implementing decisions to expel students for academic reasons.

5. The Academic Board

Subject to the provisions of these Articles, to the overall responsibility of the Board of Governors, and to the responsibilities of the Vice-Chancellor, the Academic Board shall be responsible for:

- (a) general issues relating to the research, scholarship, teaching and courses at the University, including criteria for the admission of students; the appointment and removal of internal and external examiners; policies and procedures for assessment and examination of the academic performance of students; the content of the curriculum; academic standards and the validation and review of courses; the procedures for the award of qualifications and honorary academic titles; and the procedures for the expulsion of students for academic reasons. Such responsibilities shall be subject to the requirements of validating and accrediting bodies;
  - (b) considering the development of the academic and related activities of the University and the resources needed to support them and for advising the Vice-Chancellor and the Board of Governors thereon; and
  - (c) advising on such other matters as the Board of Governors or the Vice-Chancellor may refer to the Academic Board.
6. The Academic Board may establish such committees as it considers necessary to enable it to carry out its responsibilities provided that each establishment is first approved by the Vice-Chancellor and Board of Governors. The number of members of any such committee and the terms on which they are to hold and vacate office shall be determined by the Academic Board.
7. So far as is practicable, the Academic Board shall arrange for its tasks to be performed by Schools where those tasks are related to matters not affecting other Schools or the University as a whole.

## **ACADEMIC BOARD**

8. There shall be an Academic Board of forty members, comprising the Vice-Chancellor (who shall be Chair) and such other numbers of staff and students as may from time to time be approved by the Board of Governors. The Vice-Chancellor may nominate a Deputy Chair from among the members of the Academic Board to take the chair in his or her place. The period of appointment of members and the selection or election arrangements shall be subject to the approval of the Board of Governors.
9. In addition to the Vice-Chancellor, at least twenty members of the Academic Board shall be drawn from senior management, Deans, Heads of Units or Departments. No more than nineteen members of the Academic Board shall be drawn from elected academic and professional service staff, students and co-opted members.
10. The detailed membership profile, both between and within the categories identified in Article 9, will be as from time to time recommended by the Vice-Chancellor and approved by the Board of Governors. Prior to making recommendations, the Vice-Chancellor shall first consult the Academic Board.

## **DELEGATION OF FUNCTIONS AND COMMITTEES**

11. Subject to the following provisions of this Article, the Board of Governors may establish committees for any purpose or function, other than those assigned elsewhere in these Articles to the Vice-Chancellor or to the Academic Board, and may delegate powers to such committees or to the Chair of the Board of Governors or to the Vice-Chancellor. Such a committee may include persons who are not members of the Board of Governors.
12. The Board of Governors shall establish a committee or committees to determine or advise on such matters relating to employment policy or finance as the Board may remit to them. Staff or student governors shall withdraw from any meeting or part thereof where the Chair of the committee or committees considers the matters under discussion to be 'reserved' business. In determining this 'reserved' business, the committee or committees shall be mindful of advice given by the Clerk.
13. The Board of Governors shall also establish an Audit Committee, in accordance with guidance issued by the Higher Education Funding Council for England (HEFCE).
14. The Board of Governors shall not, however, delegate the following:
  - (a) the determination of the educational character and mission of the University;
  - (b) the approval of the annual estimates of income and expenditure;
  - (c) ensuring the solvency of the University and the Corporation and the safeguarding of their assets;
  - (d) the appointment or dismissal of the Vice-Chancellor; or
  - (e) the varying or revoking of these Articles.

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

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

## **PROCEDURES FOR MEETINGS**

16. The quorum for meetings of the Board of Governors shall be eight members of whom five shall be independent members, except in relation to matters in respect of which all the independent members are prevented from voting by Article 24 in which case the quorum shall be four. If a meeting is quorate, but fewer than half the members present are independent members, a majority of the independent members present shall be able to require that a decision be deferred to the next meeting. No decision shall be deferred more than once under this provision.
17. Members of the Board of Governors shall not be bound in their speaking and voting by mandates given to them by other bodies or persons.
18. The Board of Governors shall elect two of their number to be respectively Chair and Deputy Chair of the Corporation. Those members of the Corporation who are employed at the University or who are full-time students (including sabbatical officers of the students' union) at the University shall not be eligible for the offices of Chair or Deputy Chair of the Corporation. The period of office of the Chair and Deputy Chair shall be for three years to run from the first meeting to be held after the 1st September in each three-year period. The Chair and the Deputy Chair shall be eligible for re-election.
19. Whenever a vacancy shall occur in the office of Chair or Deputy Chair, the Board of Governors shall at its next meeting elect a new Chair or Deputy Chair, as the case may be, for the unexpired term of office.
20. If both the Chair and Deputy Chair are absent from any meeting of the Board of Governors, the members present shall choose one of their number, not being employed at the University nor full-time students (including sabbatical officers of the students' union) at the University, to preside at that meeting.
21. The Board of Governors shall meet at least three times in every year and shall hold such other meetings as may be necessary for the efficient discharge of their duties.
22. The Clerk to the Board of Governors shall send to each Governor, at least six days before each meeting, a summons to attend specifying the business proposed to be transacted. No business other than that referred to in the summons shall be transacted at the meeting unless the Chair considers it essential that other business shall be transacted.
23. The Clerk to the Board of Governors shall, in addition to the three meetings referred to in Article 21, call a special meeting of the Board at the request of the Chair or any

four Governors or, without such a request, when in the Clerk's opinion it is desirable that a meeting of the Board of Governors should be called.

24. If a Governor has a pecuniary, business, family, or other personal interest in any matter under discussion, that Governor shall declare such interest and shall take no part in the consideration of the matter and shall not vote on it. The requirements of this Article shall not, however, prevent the Board of Governors considering and voting upon proposals for the Corporation to insure the members of the Corporation against liabilities incurred by them arising out of their office or the Corporation obtaining such insurance and paying the premiums.
25. Governors, including the Vice-Chancellor, who are employed at the University or who are students at the University shall withdraw from any meeting or part thereof where his or her own position is under discussion. Where a named member of staff or a prospective member of staff is being considered by the Board of Governors or a committee of the Board of Governors, the Board of Governors or committee may, if it appears appropriate, resolve by clear majority of those present and voting that any Governor or Member of the committee who is employed at the University or is a student at the University should withdraw.

26. Subject to Article 27, a copy of:

- (a) the agenda for every meeting of the Board of Governors and its committees;
- (b) the draft minutes of every such meeting if they have been approved by the Chair of that meeting;
- (c) the confirmed minutes of every such meeting;
- (d) and any report, document or other paper considered at such a meeting;

shall, in each case as soon as may be, be made available at the University by the Clerk to any person wishing to inspect them.

27. The provisions of Article 26 shall not apply to:

- (a) all agenda, minutes, reports, documents and other papers of the Finance, Staffing and Resources Committee;
- (b) any material relating to a named person employed at or proposed to be employed at the University;
- (c) any material relating to a named student at, or candidate for admission to, the University;
- (d) any matter which the Board of Governors or any committee thereof are satisfied should be dealt with on a confidential basis.

28. Subject to the provisions of Article 16, every question to be determined at a meeting shall be determined by a majority of the votes of the members present and voting on the question. In the event of an equal division of votes, and subject to the provisions of Article 35, the Chair of the meeting shall be empowered to cast a second vote.

29. Proxy voting shall not be allowed at meetings of the Board of Governors, its committees and sub-committees.
30. The minutes of the proceedings transacted at each meeting of the Board of Governors, and of its committees and sub-committees, if agreed by the Board, or committee or sub-committee, to be a correct record, shall be signed by the Chair at the next meeting and shall be conclusive evidence of the matters stated therein.
31. The proceedings of the Board of Governors shall not be invalidated by any vacancy in their number or by any defect in the election, appointment or qualification of any Governor, or by any want of service of the summons to a meeting on any Governor.
32. Any resolution of the Board of Governors may be rescinded or varied at a subsequent meeting if due notice of the proposal to rescind or vary the same has been given to all Governors.
33. Where the Corporation is the appointing authority for members of the Corporation, procedures for quorum and summons of the meeting shall be as provided for in Articles 16 and 22. Every decision shall be determined by the majority of the votes of the members present and voting on the question except that for the appointment of an independent member a majority of the current independent members shall be required, whether or not taking part in the vote.
34. Where the independent members are the appointing authority for members of the Corporation they will form a Committee of the Corporation for this purpose. The quorum for meetings of this committee shall be six independent members and procedures for summons to the meeting shall be as provided for in Article 22. Every decision shall be determined by the majority of the members taking part in the vote.
35. In any vote at a meeting of an appointing authority, the Chair of the meeting shall not have a second or casting vote.

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

36. The Board of Governors shall adopt a statement of equal opportunities policy in respect of the appointment and promotion of staff.
37. Each member of staff shall serve under a contract of employment with the Corporation.
38. Upon the occurrence of a vacancy or expected vacancy for the post of Vice-Chancellor, the post shall be advertised nationally.
39. The Board of Governors shall determine arrangements for the appointment of the Vice-Chancellor, the Clerk to the Board of Governors and the holders of other senior posts.

40. The Vice-Chancellor shall determine arrangements for the appointment and promotion of staff other than the holders of senior posts.

## **CONDUCT OF STAFF**

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

### Academic Freedom

42. In making rules under Article 41, the Board of Governors shall have regard to the need to ensure that academic staff of the University have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy or losing their jobs or any privileges they may have at the University.

## **SUSPENSION AND DISMISSAL OF STAFF**

### Suspension

43. The Chair of the Board of Governors or, in the absence of the Chair, the Deputy Chair may suspend from duty, with pay, the holder of a senior post for alleged misconduct or other good and urgent cause. The Chair, or Deputy Chair, shall report such suspension in writing to the Board of Governors within two working days or as soon thereafter as practicable.
44. The Vice-Chancellor may suspend from duty, with pay, any member of the staff other than the holder of a senior post for alleged misconduct or other good and urgent cause.
45. Anyone who is suspended from duty under Articles 43 or 44 shall be entitled to receive from the Vice-Chancellor, or in the case of the holders of senior posts, from the Chair or Deputy Chair of the Board of Governors, written notification of the suspension, setting out the grounds on which the decision to suspend has been taken.
46. Procedures for the suspension of staff under Articles 43 or 44 shall be specified in rules made by the Board of Governors after consultation with representatives of the staff. The rules shall include provision that:
  - (a) any person who has been under suspension for three weeks or more may appeal in writing to the Board of Governors against the suspension, save that no such right of appeal shall lie if the person is the subject of a reference to a Special Committee under Article 47 or of a notification from the Vice-Chancellor under Article 55;
  - (b) any appeal made under part a shall be considered as soon as practicable; and

- (c) a suspension against which an appeal is made shall continue to operate pending the determination of the appeal.

#### Dismissal of holders of Senior Posts Including the Vice-Chancellor and the Clerk

47. If the Chair of the Board of Governors, or in his or her absence the Deputy Chair, or a majority of the members of the Board of Governors, consider that it may be appropriate for the Board of Governors to dismiss the holder of a senior post, the Chair, Deputy Chair or the Board of Governors as appropriate shall refer the matter to a Special Committee of the Board of Governors, which shall be convened as soon as possible to examine the facts, otherwise investigate the grounds for dismissal and to make a report to the Board of Governors.
48. The person whose dismissal is to be considered by the Special Committee shall have the right to make representations to the Committee, including oral representations, for which purpose he or she may be accompanied and represented by a friend.
49. The Special Committee shall prepare a written report for consideration by the Board of Governors, a copy of which shall be sent to the person to whom it relates. The report shall set out the facts relating to the case and any considerations which the Committee considers should be taken into account in the Board of Governors' consideration of the matter. The report should not contain recommendations as to the decisions to be taken by the Board of Governors.
50. The Board of Governors shall consider the report of the Special Committee and take such action as it considers appropriate, which may include the dismissal of the person concerned. The person concerned shall have the right to make representations to the Board of Governors, including oral representations for which purpose he or she may be accompanied and represented by a friend.
51. Members of the Special Committee shall be excluded from all participation in the meeting of the Board of Governors which considers the report of the Special Committee, except that the Chair, or other designated single member, of the Special Committee, shall attend the meeting of the Board of Governors in order to introduce the report of the Special Committee and answer questions.
52. The Special Committee shall consist of five members of the Board of Governors. The Chair of the Board of Governors, the Deputy Chair and the Vice-Chancellor shall not be eligible for membership of the Special Committee.
53. The Board of Governors shall make rules specifying procedures for the conduct of the Special Committee and other aspects of the procedure set out in Articles 47 to 52.

#### Dismissal of other Members of Staff

54. The Vice-Chancellor may dismiss any member of the staff of the University other than the holder of a senior post and if the circumstances are such that the Vice-Chancellor is entitled to do so by virtue of the conduct of that member of staff, that dismissal may take immediate effect without any need for prior notice.

55. Where the Vice-Chancellor proposes to dismiss such a member of staff and the circumstances described in Article 54 do not prevail the Vice-Chancellor shall notify the member of staff concerned of that proposal. That staff member shall be given an opportunity to make representations to the Vice-Chancellor (including oral representations, for which purpose he or she may be accompanied and represented by a friend) before any decision to dismiss by the Vice-Chancellor is taken.
56. The Vice-Chancellor may delegate his or her powers of suspension or dismissal to another member of staff providing that the delegation is reported to the Board of Governors. In such cases the Vice-Chancellor remains responsible, with the Board of Governors, for ensuring that the relevant rules are observed.
57. Where a staff member has been dismissed pursuant to Article 54 or a decision to dismiss has been taken pursuant to Article 55 that staff member may appeal against the dismissal or decision, as the case may be, to the Board of Governors. In the case of an appeal against a decision to dismiss the dismissal shall not take effect until the appeal has been determined.
58. The Vice-Chancellor shall be excluded from all participation in the meeting of the Board of Governors which considers the dismissal or decision, except that the Vice-Chancellor shall attend the meeting of the Board of Governors in order to introduce his/her report and answer questions. This exclusion shall apply whether or not the Vice-Chancellor's powers have been delegated under the terms of Article 56.
59. Procedures for the dismissal of staff by the Vice-Chancellor and for the consideration of appeals against dismissals shall be specified in rules made by the Board of Governors after consultation with representatives of the staff. The rules should include rights of representation.

## **GRIEVANCE PROCEDURES**

60. After consultation with representatives of the staff the Board of Governors shall make rules specifying procedures according to which staff may seek redress of any grievances relating to their employment.

## **STUDENTS**

61. A students' union shall conduct and manage its own affairs and funds in accordance with a constitution approved by the Board of Governors and shall present audited accounts annually to the Board of Governors. No amendment to or rescission of that constitution, in part or in whole, shall be valid unless and until approved by the Board of Governors.
62. The Board of Governors, after consultation with the Academic Board and representatives of the students, shall make rules with respect to the conduct of students, including procedures for suspension and expulsion.
63. In exercise of their responsibilities under Article 5 (a), the Academic Board, after consultation with the Board of Governors and representatives of the students, shall determine procedures for the expulsion of a student for an unsatisfactory standard

of work or other academic reason.

64. The Vice-Chancellor shall ensure that students have appropriate opportunities to raise matters of concern to them at all levels in the University. After consultation with representatives of the students, the Vice-Chancellor shall determine procedures to this end.

## **FINANCIAL MATTERS**

### Fees

65. The Board of Governors shall determine the tuition and other fees payable to the Corporation (subject to any terms and conditions attached to grants, loans or other payments paid or made by the appropriate Higher Education Funding Council).

### Accounts, Estimates and Audit

66. The Board of Governors shall keep accounts and records, and appoint auditors in accordance with the provisions of the Act.
67. Annual estimates of income and expenditure shall be prepared by the Vice-Chancellor for the consideration and approval of the Board of Governors.

## **RULES AND BYE-LAWS**

68. The Board of Governors shall have power to make rules and bye-laws concerning such matters with regard to the government and conduct of the University as it shall think fit. Such rules and bye-laws shall be subject to the provisions of these Articles.

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

69. A copy of these Articles, and any rules or bye-laws, shall be given to every Governor and shall be available for inspection upon request to every member of staff and every student.

## **AMENDMENT OF ARTICLES**

70. These Articles may be amended or replaced by a resolution of the Corporation either with the approval of the Privy Council or as required by the Privy Council, after consultation with the Corporation, in accordance with section 125 of the Act.

## **DATE OF ARTICLES**

71. These Articles shall come into operation on the fifteenth day of July 2016.
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