

Ordinance 29

President/Vice-Chancellor

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Ordinance 29

President/Vice-Chancellor

A. President/Vice-Chancellor

1. The President/Vice-Chancellor shall be appointed by the Council.
2. When a vacancy occurs, or is known to be about to occur, in the office of President/Vice-Chancellor, an Appointment Committee of the Council shall be appointed (none of whom shall be eligible to apply for the vacancy) consisting of:
 - a. The Chair of the Council, who shall be Chair of the Appointment Committee;
 - b. Two other independent members appointed by, and from, the Council;
 - c. A representative of the Students' Union, who is a Member of Council;
 - d. Two members of the Senate, nominated by the Senate.

In addition, the President/Vice-Chancellor or Principal of another institution may be invited to be in attendance at the Committee meetings.

3. The outgoing President/Vice-Chancellor shall not be a member of, but may be consulted by, the Committee.
4. The Appointment Committee can request that the Chief People Officer be in attendance.
5. The University Secretary shall act as Secretary to the Committee.
6. The vacancy in the office of President/Vice-Chancellor shall be publicly advertised. The Committee shall also seek possible candidates for the office by private enquiry, or any other means, and shall report to the Council.
7. The Appointment Committee shall have the power to determine its method of operation.
8. The Appointment Committee shall submit to the Council for its approval a report of its recommendations in respect of the appointment of a President/Vice-Chancellor.
9. The Council shall appoint a President/Vice-Chancellor on such terms and conditions as it considers appropriate.
10. Under paragraph 11 of the Charter, the President/Vice-Chancellor shall hold a term of office as a member of the Council for so long as they continue to occupy their representative position unless removed in accordance with this Ordinance 29.

B. Functions of the President/Vice-Chancellor

1. As defined under paragraph 14.2 of the Charter, the President/Vice-Chancellor is the principal academic and administrative officer of the University. The President/Vice-Chancellor has a responsibility to the Council for:
 - maintaining and promoting the efficiency and good order of the University in a sustainable manner;
 - making recommendations to Council;

- implementing strategy and the decisions of Council;
 - delivering agreed objectives;
 - protecting the reputation of the University;
 - suspending (paragraph 18.6, Charter), disciplining (paragraph 18.7, Charter), or dismissing (paragraph 18.9, Charter) any member of staff;
 - conferring awards, degrees and other distinctions on individuals as approved by the Senate and Council.
2. The President/Vice-Chancellor may nominate an individual to deputise and attend any meeting or committee in their place

C. Appointment of an Acting President/Vice-Chancellor

1. In the event of the absence of the President/Vice-Chancellor for more than 3 months, or a vacancy in the office of President/Vice-Chancellor, the Council may appoint an acting President/Vice-Chancellor on the recommendation of a selection committee established for this purpose.
2. The selection committee shall comprise (none of whom shall be eligible to apply for the vacancy):
 - a. The Chair of the Council, who shall be Chair of the Appointment Committee;
 - b. Two other independent members appointed by, and from, the Council;
 - c. A student representative who is a member of Council, appointed by the Students' Union
 - d. Two members of the Senate, nominated by the Senate
4. The University Secretary shall act as Secretary to the selection committee.
5. The Appointment Committee can request that the Chief People Officer be in attendance.
6. An acting President/Vice-Chancellor shall act either until such time as the existing post-holder resumes their duties, or until a permanent appointment is made, or for such period as may be decided by the Council.

D. Grievance Relating to the President/Vice-Chancellor

1. A grievance relating to the President/Vice Chancellor should be submitted to the Chair of Council and shall be dealt with in accordance with the University's Grievance Policy and Procedure.
2. For grievances brought by the President/Vice Chancellor, the Grievance Policy and Procedure shall have effect, subject to the following modifications:
 - a. for references to a member of staff, there shall be substituted references to the President/Vice Chancellor;
 - b. for references to the responsible manager / line manager there shall be substituted reference to the office of Chair of Council or, if the grievance relates to the Chair of the Council, another member of the Council and any investigation shall be undertaken by or under the direction of another member of Council;
 - c. for any references to the office of the President/Vice Chancellor there shall be substituted a reference to the office of Chair of Council or, if the grievance relates to the Chair of the Council, another member of the Council, and;

- d. should the President/Vice Chancellor appeal the outcome of a grievance, the Appeal Chair shall be a member of the Council, not being a person employed by the University, provided that they have had no prior involvement with the grievance.

E. Disciplinary action and dismissal

1. A complaint seeking the dismissal of the President/Vice-Chancellor may be made by not less than three members of the Council to the Chair of the Council.
2. If it appears to the Chair of the Council, on the material before them, that the complaint raises a prima facie case and that could reasonably lead to dismissal, removal from office or a formal warning regarding their conduct or performance, they shall request the Council to appoint a Tribunal to hear and determine the matter.
3. If it appears to the Chairman of the Council that a complaint made under paragraph E.1 does not raise a prima facie case or is trivial or invalid, they may recommend to the Council that no further action be taken upon it.
4. Where a complaint is to be referred to a Tribunal, the Chair of the Council may suspend, if appropriate, the President/Vice-Chancellor from their duties. Whilst suspended, the President/Vice-Chancellor must not contact fellow workers or visit University property or access University facilities including email and databases without first obtaining authority from the Chair of the Council, such authority would be granted (subject to any conditions considered appropriate) to enable the President/Vice-Chancellor to prepare their response. The President/Vice-Chancellor retains the right to contact their Trade Union representative. Any decision to suspend by the Chair of Council shall not be deemed to be a disciplinary sanction, shall be imposed for as short a period as is appropriate, and shall be kept under review during the course of the process under this Ordinance.
5. When the Council has appointed a Tribunal under paragraph E.2 it shall instruct a solicitor or other suitable person to formulate a charge or charges and to present, or arrange for the presentation of, the charges before the Tribunal.
6. A Tribunal appointed by the Council shall comprise:
 - a. an independent Chair; and
 - b. one member of the Council, not being a person employed by the University; and
 - c. one member of the Senate.
7. Members of the Council who made the complaint under paragraph E.1 should not sit on the Tribunal.
8. Subject to the principles of justice and fairness and the principles set out in the ACAS Code of Practice on Disciplinary and Grievances, the Tribunal may determine its own procedure, or vary the appropriate procedure in the Ordinances, and notify this in writing to the President/Vice-Chancellor, provided that the President/Vice-Chancellor shall have the right to appear at a hearing in person.
9. Following the hearing, the Tribunal may, according to the circumstances of the case:
 - a. take no formal action; or
 - b. give a formal warning or final warning; or
 - c. give notice of dismissal; or

- d. dismiss the President/Vice-Chancellor summarily without notice.
- 10. The Tribunal shall send its decision with its reasons, on any allegations referred to it, together with its findings of fact regarding the allegations, and its recommendations, if any, as to the appropriate penalty to the Chair of the Council and to the President/Vice-Chancellor drawing attention to the period of time within which any appeal should be made and the method of lodging an appeal.
- 11. Upon receipt of an appeal, the Chair of the Council shall appoint an Appeal Panel. An Appeal Panel shall comprise:
 - a. an independent Chair ("Appeal Chair"); and
 - b. one member of the Council, not being a person employed by the University; and
 - c. one member of the Senate.
- 12. Members of the Council who made the complaint under paragraph E.1 or who sat on the Tribunal should not sit on the Appeal Panel.
- 13. The Appeal Chair shall, subject to the principles of natural justice and fairness, and taking into consideration the principles set out in the ACAS Code of Practice on Disciplinary and Grievances, determine the procedure to be adopted in hearing any appeal.
- 14. The appeal will be a review of the decision taken by the Tribunal. No new evidence may be presented to the Appeal Panel, nor any witnesses called, unless the Appeal Panel is satisfied that there are exceptional reasons why such evidence or witnesses were not produced at the disciplinary hearing and that it is necessary in the interests of fairness, in reviewing the disciplinary manager's decision, for the Appeal Panel to consider this evidence or hear from the witnesses concerned.
- 15. The Appeal Panel may:
 - a. uphold the action taken; or
 - b. withdraw the action taken; or
 - c. reduce the level of action taken.
- 16. The Appeal Panel shall send its fully reasoned written decision on the appeal, and its recommendations, if any, as to the appropriate penalty, to the Chair of the Council and to the President/Vice-Chancellor.
- 17. Where an allegation or allegations have been upheld by the panel, or where the allegations are upheld on appeal by the Appeal Chair, the Chair of Council will determine the appropriate penalty, up to and including dismissal of the President/Vice-Chancellor to Council. Where the Tribunal decided to dismiss the President/Vice-Chancellor and, in the event of an appeal by the President/Vice-Chancellor, this decision has been upheld by an Appeal Panel, the Chair of the Council will instruct the Chief People Officer to dismiss the President/Vice-Chancellor.
- 18. For the purposes of the removal of the President/Vice-Chancellor for poor performance, or for incapacity on medical grounds, the Capability and Supporting Performance Policy shall have effect, subject to the following modifications:
 - a. for references to a member of staff there shall be substituted references to the President/Vice-Chancellor/University Secretary (as appropriate);

- b. any reference to medical advice can include the University Occupational Health team and/or external advice;
- c. for references to the responsible manager/line manager there shall be substituted reference to the office of Chair of Council;
- d. for any references to the office of the President/Vice-Chancellor there shall be substituted a reference to the office of Chair of Council, and;
- e. any appeal shall be heard and determined in accordance with the provisions set out in this Ordinance.