

ARTICLES OF GOVERNMENT

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

1 INTERPRETATION

- 1.1 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 26th April 1993, and amended on 15th July 1995 and 30th November 2004.

2 CONDUCT OF THE UNIVERSITY

- 2.1 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.

3 RESPONSIBILITIES OF THE BOARD OF GOVERNORS, VICE-CHANCELLOR & CHIEF EXECUTIVE AND ACADEMIC BOARD

The Board of Governors

- 3.1 The Board of Governors shall be responsible for:
- 3.1.1 the determination of the educational character and mission of the University and for oversight of its activities;
 - 3.1.2 the effective and efficient use of resources, the solvency of the University and the Corporation and for safeguarding their assets;
 - 3.1.3 approving annual estimates of income and expenditure;
 - 3.1.4 the appointment, performance, suspension, dismissal, pay and conditions of service arrangements for the Vice-Chancellor & Chief Executive; and
 - 3.1.5 approving a framework for the pay and conditions of service of all other staff.

The Vice-Chancellor & Chief Executive

- 3.2 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:
- 3.2.1 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;

- 3.2.2 the organisation, direction and management of the University and leadership of the staff;
- 3.2.3 the appointment, assignment, grading, performance, suspension, dismissal, and determination – within the framework approved by the Board of Governors – of the pay and conditions of service of staff;
- 3.2.4 the determination, after consultation with the Academic Board, of the University's academic activities, and for the determination of its other activities;
- 3.2.5 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
- 3.2.6 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.

The Academic Board

- 3.3 There shall be an Academic Board of the University, whose membership shall be set out in rules or bye-laws approved by the Board of Governors.
- 3.4 Subject to the provisions of these Articles, to the overall responsibility of the Board of Governors, and to the responsibilities of the Board of Governors, and to the responsibilities of the Vice-Chancellor & Chief Executive, the Academic Board shall be responsible for:
 - 3.4.1 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;
 - 3.4.2 considering the development of the academic activities of the University and the resources needed to support them and for advising the Vice-Chancellor & Chief Executive and the Board of Governors thereon; and
 - 3.4.3 advising on such other matters as the Board of Governors or the Vice-Chancellor & Chief Executive may refer to the Academic Board.

4 DELEGATION OF FUNCTIONS AND COMMITTEES

- 4.1 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 & Chief Executive 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 & Chief Executive.

4.2 The members of the committee or committees shall be drawn from the Board of Governors.

4.3 The Board of Governors shall not delegate the following:

4.3.1 the determination of the educational character and mission of the University;

4.3.2 the approval of the annual estimates of income and expenditure;

4.3.3 ensuring the solvency of the University and the Corporation and the safeguarding of their assets;

4.3.4 the appointment or dismissal of the Vice-Chancellor & Chief Executive; or

4.3.5 the varying or revoking of these Articles.

5 APPOINTMENT OF THE SECRETARY TO THE BOARD OF GOVERNORS

5.1 The Board of Governors shall appoint a Secretary to the Board of Governors.

6 PROCEDURES FOR MEETINGS

6.1 The quorum for meetings of the Board of Governors shall be 6 members of whom 4 shall be independent members. If a meeting is quorate, but less 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.

6.2 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, except where acting as a proxy for another member.

Election of Chair and Deputy Chair

6.3 On occurrence of a vacancy of the Chair or Deputy Chair, the Board of Governors shall at their first meeting or as soon as possible thereafter elect a new Chair or a Deputy Chair.

6.4 Members of the University staff, or co-opted members or students shall not be eligible for election as Chair or Deputy Chair.

6.5 If both the Chair and Deputy Chair are absent from any meeting of the Governors, the Governors present shall choose one of their members to act as Chair at the meeting before any other business is transacted.

6.6 The Chair and Deputy Chair shall, if willing, hold office until the termination of their Governorship.

Conduct of meetings

6.7 The conduct of meetings of the Board of Governors and Academic Board shall be determined in the Terms of Reference approved annually by the respective Board. The Terms of Reference shall be lodged with the Secretary of the Board of Governors for inspection.

Proxies

- 6.9 An independent member may empower another independent member of the Board with his/her proxy if unable to attend a particular meeting of the Board.

Appointments to the Board

- 6.10 The procedures for appointments to the Board of Governors are determined in paragraph 5 of the Instrument of Government.

7 APPOINTMENT OF THE VICE-CHANCELLOR & CHIEF EXECUTIVE

- 7.1 The Board of Governors shall appoint a Vice-Chancellor & Chief Executive.
- 7.2 Upon the occurrence of a vacancy or expected vacancy for the post of Vice-Chancellor & Chief Executive, the post shall be advertised nationally.

8 CONDUCT OF STAFF

- 8.1 The Board of Governors shall ensure there are suitable arrangements in place with respect to policies and procedures for the performance, conduct, discipline, dismissal, suspension and grievance of all staff.

Academic Freedom

- 8.2 In approving rules under Article 8.1, the Board of Governors shall have regard to the need to ensure that academic staff 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 of losing their jobs or any privileges they may have at the University.

Representation of Views

- 8.3 The Board of Governors shall ensure that there are suitable arrangements for enabling members of staff and students of the University to raise issues or matters of proper concern to them at all levels in the University.

9 SUSPENSION OR DISMISSAL OF STAFF

- 9.1 Procedures for the suspension or dismissal of staff, and for the consideration of appeals against dismissal shall be specified in the Disciplinary Policy approved by the Board of Governors after consultation with staff. The Policy includes rights of representation and rights of appeal.

10 STUDENTS

- 10.1 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.
- 10.2 In exercise of their responsibilities under Article 3.4.1 the Academic Board, after consultation with the Board of Governors and representatives of the students, shall determine policies and procedures for the admission, suspension and expulsion of students, and for dealing with student complaints and academic appeals.

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11 FINANCIAL MATTERS

Fees

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

Accounts Estimates and Audits

- 11.2 The Board of Governors shall keep accounts and records, and appoint auditors in accordance with the provisions of the Act.

- 11.3 Annual estimates of income and expenditure shall be prepared by the Vice-Chancellor & Chief Executive for consideration and approval of the Board of Governors.

12 RULES AND BYE-LAWS

- 12.1 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.

13 COPIES OF ARTICLES, RULES AND BYE-LAWS

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

14 AMENDMENTS OF ARTICLES

- 14.1 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.

15 DATE OF ARTICLES

- 15.1 These Articles (approved by the Board of Governors on 18 November 2016) shall come into operation on 12 December 2016.

Signed:



Chris Pomfret (Chair)

Date: 18 November 2016

Signed:



Dr Robin Kirby (Secretary)

Date: 18 November 2016