

CARDIFF UNIVERSITY
ORDINANCES

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ORDINANCE 1
INTERPRETATION

1. Definitions

- (1) Unless the context otherwise requires, words defined in the Charter or the Statutes shall have the same meaning in the Ordinances and in the Regulations.
- (2) In these Ordinances:
 - (i) “University” means Cardiff University;
 - (ii) “Alumni” means the graduates, diplomates or other certificate holders of the University and its predecessor institutions;
 - (iii) “College” means one of the Colleges of the University as set out in Ordinance 9 – Academic Bodies;
 - (iv) “Professional Services” means the administrative services of the University, irrespective of the location of those services.

ORDINANCE 2

MEMBERS OF THE UNIVERSITY

1. The following shall be Members of Cardiff University
 - (1) the Chancellor, the Pro Chancellors, the President and Vice-Chancellor, the Chair of Council and other Officers;
 - (2) the members of the Council and Senate;
 - (3) the employees of Cardiff University;
 - (4) the Students and alumni of Cardiff University and its predecessor institutions;
 - (5) other persons as defined by resolution of the Council.

Ordinance 3

**Standing Orders governing the Council, the Senate and other committees of
Cardiff University**

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1. Application of these Standing Orders

These Standing Orders shall govern the conduct of the Council, the Senate and of their Major Committees and Sub-Committees as set out in Ordinance 10.

Unless the context otherwise requires, words, references and other expressions used in this Ordinance shall have the same meaning as they have in the Charter or the Statutes.

General Meetings of the Students' Union, and meetings of its Council and other Committees, shall operate under Standing Orders to be established under the Constitution of the Students' Union.

2. Establishment of Committees

- 2.1 A Committee shall be established by, or in accordance with, powers granted in the Charter, Statutes and Ordinances, or by Resolution of the Parent Committee, and shall have an ongoing rather than time-limited remit.
- 2.2 Unless otherwise specifically proscribed, each Committee shall have power to establish Sub-Committees, and may delegate any powers or functions within its remit.
- 2.3 Except where provided for by Ordinance, a Committee may by Resolution set or amend the Constitution of any of its Sub-Committees. All Sub-Committees shall be empowered to make representations and recommendations to their Parent Committees about their own Constitutions.

3. Membership of Committees

- 3.1 Unless otherwise specifically provided, the Chair of the Council and the President and Vice-Chancellor shall be ex officio members of all Major Committees of the Council and of all Joint Committees of the Council and the Senate. The President and Vice-Chancellor shall be an ex officio member of all Major Committees of the Senate.

3.2 Members of Committees

All members of Committees share the same responsibilities and obligations, regardless of the mechanism of their appointment. Members shall abide by the principle of collective decision making and avoid putting specific or personal interests before those of the institution.

- .1 A 'member' of a Committee shall be one appointed or elected in accordance with Statutes, Ordinances, Regulations or Resolutions as applicable.
- .2 An 'ex officio member' shall hold membership by virtue of office or appointment.
- .3 A 'co-opted member' shall be invited by the Committee to serve, under its powers of co-option, and shall be a full member of a Committee with speaking and voting rights.
- .4 A 'Committee Officer' shall be a member of staff routinely invited by the Chair to attend its meetings; such persons shall not be members or have powers of voting and can be required at any time to withdraw

from the meeting by the Chair or by simple resolution of the Committee.

- .5 An 'Observer' shall be a person invited by the Chair to attend its meetings; such persons shall not be members of the Committee, or have power of speaking (except at the invitation of the Committee) or voting and can be required at any time to withdraw from the meeting by the Chair or by simple resolution of the Committee.

3.3 Terms of Office

- .1 An ex-officio member of the Committee shall be a member of the Committee so long as that member continues to hold the qualifying office or position.
 - .2 A Student member shall normally hold office for one year from 1 July. If the person ceases to be a Student during the term of office of that member, there shall be a casual vacancy.
 - .3 Any other member shall hold office for three years, unless the Committee determines a different period (up to a maximum of four years) or the member ceases to be qualified for membership in which case there shall be a casual vacancy.
 - .4 Subject to the provisions of the Charter and Statutes all periods of office shall begin, or be deemed to begin, on the first day of August of the calendar year of appointment. Members shall not normally be eligible to serve for more than two consecutive terms in the same capacity or for longer than a maximum of eight consecutive years, unless specified by Ordinance or by the Committee Constitution duly approved by the Parent Committee.
 - .5 When a Committee is first established the terms of service of the members shall be staggered to ensure rotation; this may be done either by lot or by varying the lengths of terms of service, or by other suitable means.
 - .6 All members are subject to the provisions for removing members set out in section 3.10 below, including ex-officio members.
- 3.4 A member may resign at any time: a resignation shall be in writing and shall be effective from the day after the next meeting of the Committee once notification is received by the Secretary of the Committee or later as agreed with the Chair.
- 3.5 Casual vacancies arise from the resignation, retirement or death of a member, or when a member ceases to be qualified for membership. Such vacancies shall be filled by the same method for appointing the member whose place has become vacant. The person appointed to fill the vacancy shall hold office for the unexpired term of office, or, should a casual vacancy arise shortly before the end of the term of office, the Committee may decide to allow the vacancy to continue until the term of office expires.
- 3.6 Unless proscribed otherwise at its establishment, each Committee shall have power to appoint co-opted members. The total number of co-opted members shall not exceed one quarter of the number of the other members.

- 3.7 Each Committee shall have power to invite persons who are not members of that Committee to attend its meetings as Observers.
- 3.8 The attendance of a substitute for a member of a Committee on an ad hoc basis shall be at the discretion of the Chair. Co-opted members may not send a substitute.
- 3.9 If an elected member undertakes a secondment during their term of office, which leaves them temporarily ineligible to continue in their appointment, they may nominate an individual to attend as a member in their place, with the agreement of the Chair, and with the need to ensure the nominee is eligible within the category of membership. Similarly, a member may suggest a nominee should they undertake a significant period of leave (e.g. parental leave).

3.10 Removal of a Member

- .1 A request may be made to the Chair of the People, Cynefin and Governance Committee to remove a member from membership for good cause in accordance with the procedure described below:
- (1) a request must be made by at least two members of the Committee, giving the grounds for removal;
 - (2) if the Chair of the People, Cynefin and Governance Committee decides that there is a prima facie case, a Panel will be set up, comprising three members of the People, Cynefin and Governance Committee (or of the Council in the case of a request to remove a member of the People, Cynefin and Governance Committee), one of whom will be appointed as the Chair;
 - (3) the Panel will receive representations from the members lodging the request and from the member who is the subject of the request;
 - (4) the Panel shall make a recommendation to the People, Cynefin and Governance Committee (or to the Council in the case of a request to remove a member of the People, Cynefin and Governance Committee) on whether to accept or reject the request;
 - (5) the matter will be considered at a meeting under 'Reserved Business'.
- .2 Grounds for removal for good cause may include, but are not limited to, improper conduct, financial impropriety, breaches of confidentiality, failure to attend meetings. Advice should be sought from the University Secretary's Office on the application of this procedure.
- .3 Should the request to remove from membership relate to the Chair of the People, Cynefin and Governance Committee, the matter should be referred to the Chair of Council who would act in the capacity of the Chair.

4. Elected Members: Nominations, Elections and Ballots

Nominations

- 4.1 When a vacancy is due to occur or, in the case of a casual vacancy, when a vacancy has occurred, vacancies shall be advertised, and nominations invited. Every nomination must normally be received by noon on the date specified in the advertisement of nominations.
- 4.2 Nominations to fill vacancies on Committees shall be made to the Corporate Governance Team. Such nominations shall carry the name of the proposer and seconder and, where feasible, the agreement of the person nominated. All parties (including proposers and seconders) must be eligible to fulfil the role, being members of the relevant constituency. Individuals can act as proposer and seconder to multiple nominations if they remain eligible.
- 4.3 Where sufficient nominations to fill all vacancies have been received by the specified deadline, no further nominations shall be accepted thereafter. Nominations will be accepted for vacancies where insufficient nominations have been received after the closing date, up until the point where appointments are ratified.
- 4.4 If the number of nominations is equivalent to the number of vacancies the nominees shall be declared to be elected without further ballot.
- 4.5 If the number of nominations is greater than the number of vacancies, appointment shall be made by secret ballot.
- 4. 6 If the number of nominations is less than the number of vacancies, those nominated shall be declared to be appointed without further ballot and further nominations shall be sought.

Elections and Ballots

- 4. 7 Elections shall be by secret ballot and nominees will be provided with the opportunity to provide a personal statement for the ballot. Once the ballot is issued, personal statements cannot be amended, unless to correct a factual error.
- 4.8 Each person entitled to vote shall have as many votes as there are vacancies.
- 4.9 If the ballot remains tied at the closing date, it may be extended to allow for those who have not voted to do so. If the ballot remains tied after an extension, a new ballot may be called, or the Chair of the Committee may determine the successful candidate.
- 4.10 The vacancies shall be filled by the candidate(s) who have received more votes than the other candidates.
- 4.11 Ballot material and results shall be reviewed by an Independent Scrutineer and Returning Officer.
- 4.12 All appointments shall be ratified by the Chair of Council.

5. Lay Members: Appointments

- 5.1 When the vacancy is due to occur or, in the case of a casual vacancy, when a vacancy has occurred, vacancies shall normally be advertised, and applications or nominations invited.

6. The Chair

- 6.1 The Chair, or the method of appointment of the Chair, shall be defined in the Committee Constitution or by Ordinance. The term of office of a Chair (other than an ex officio Chair) shall be three years, normally starting on the first day of August in the calendar year of appointment. The Chair shall not normally be eligible to serve for more than two consecutive terms in the same capacity or for longer than a maximum of eight consecutive years. If an existing member of the Committee is appointed as the Chair during their term, the term of their appointment as Chair shall be in line with their original term of office as a member.
- 6.2 The Chair shall preside over the meeting or in their absence shall arrange for another member to act as Chair for all or part of the meeting.
- 6.3 A Chair of a Committee shall have power in a matter of urgency, or when it seems to the Chair to be desirable, to act on behalf of the Committee. A report of any action taken shall be made to the Committee at its next meeting.

7. Quorum

- 7.1 Unless otherwise specified in the Charter, Statutes, Ordinances or Committee Constitution, the quorum of a Committee shall be the nearest higher whole number to one-third of the membership. For this purpose, co-opted members will not be included in the total membership.
- 7.2 In the absence of a quorum, a Committee shall not make any resolutions on the business of the meeting and the Chair shall decide whether to act on behalf of the Committee in relation to any matters requiring resolution, to reconvene the meeting or to refer such matters for resolution by the Parent Committee at its next meeting.
- 7.3 At least three clear working days' notice of the calling of the reconvened meeting shall be given.
- 7.4 If, during a meeting, the Committee becomes inquorate, Standing Order 7.2 shall apply from that moment. If it is identified after a meeting has been held that the Committee was either inquorate or became inquorate during the meeting, all Resolutions made when the Committee was inquorate shall be deemed null and void and Standing Order 7.2 shall apply.

8. Meetings and Notice of Meetings

- 8.1 Dates of meetings of the Senate, Council and other Committees shall be published in a calendar of meetings and shared with members, but such dates may be varied by resolution of the committee concerned. Publication of the calendar on the University website shall be deemed to be sufficient notice of meetings.
- 8.2 Council and Senate shall meet at least three times each during the academic year.

- 8.3 Major Committees and Sub-Committees of Council and Senate shall meet at sufficient times and appropriate points in the academic year to enable timely reporting of business to their Parent Committees.
- 8.4 A notice of the meeting will be sent five working days prior to the Meeting, setting out the business to be transacted at the Meeting ('the Agenda') and a copy of the papers for consideration. Late papers shall only be considered at the discretion of the Chair.
- 8.5 Meetings of Committees specially arranged to deal with specific and/or restricted items of business shall be designated as Special Meetings.
- 8.6 Special Meetings may be called on the instructions of the Chair or at the request of not less than ten or one quarter of the members (whichever number is lower). Sufficient notice of the calling of Special Meetings shall be given to the Secretary (stating the business for which the Meeting is being called) to enable at least three clear working days' notice of the meeting and of its business to be given. The Secretary shall call the meeting to be held within four weeks of receipt of such notice.
- 8.7 Minutes and Reports of Special Meetings shall be submitted to the next meeting of the Committee and shall be subject to the procedure for Minutes and Reports of Sub-Committees as detailed in Standing Order 12.

9. Participation by video/telephone conferencing

- 9.1 Where necessary, and with the agreement of the Chair, a Committee meeting may be held by video/telephone conferencing (i.e. virtually) or by a combination of virtual and face to face format (i.e. hybrid) to enable members and presenters to participate in meetings. This may be for the whole meeting or just for specific items.

10. Order of Business

- 10.1 The order in which business shall be discussed at a meeting shall usually follow the order of the agenda and shall always include the ability:
- .1 to read and approve as a correct record (or otherwise deal with) the Minutes of the previous Meeting of the Committee;
 - .2 to deal with matters arising from Minutes of the previous Meeting if not otherwise on the Agenda;
 - .3 to receive, read, consider and appropriately deal with Minutes, Reports, and Papers.
- 10.2 A request to vary the order of business shall be at the discretion of the Chair.

11. Confidential and Reserved Business

- 11.1 Committee members and those in attendance or receiving papers have a duty to maintain the confidentiality of any business to which they are party by virtue of their membership of, attendance at, or receipt of papers for the Committee.
- 11.2 On occasion due to the Highly Confidential, legally privileged and/or personal nature of matters to be discussed by the Committee, some items shall be

determined by the Chair as Reserved Business. Reserved business will be regarded as Highly Confidential and treated as such by all those party to it.

- 11.3 Reserved areas of business may include Highly Confidential information relating to:
- (i) matters relating to the personal safety or security of identifiable individuals;
 - (ii) the appointment, promotion, discipline and personal affairs of any individual employee of the University;
 - (iii) the admission, academic assessment or personal affairs of any individual Student of the University and the discipline of individual Students;
 - (iv) matters relating to security vulnerabilities and details of the protection of critical infrastructure, services, assets and facilities;
 - (v) information officially restricted by Government or other statutory bodies; (vi) commercially sensitive information from third parties subject to a duty of confidence.
- 11.4 All members of Council, as the governing body (including students and staff members), share the same legal responsibilities and obligations as other members, therefore no Council members shall be routinely excluded from discussions of Reserved Business.
- 11.5 In the case of other Committees the Chair may consider whether any Committee members should be asked to withdraw for the discussion of Reserved Business, depending on the nature of the information to be discussed. The Chair shall consider the principles of equality, diversity, accessibility, participation and fair outcomes for all in determining the need to exclude any members.
- 11.6 If the Committee is required to decide on Reserved Business from which some members have been excluded, the Chair shall ensure that the principle of integrity is met and that the values of transparency and accountability are upheld.
- 11.7 Reserved Business shall not be recorded in the Minutes in detail, but a record of any decisions taken shall be made in the full copy of the Minutes, insofar as possible without breaching confidentiality or prejudicing the safety or security of any person or asset. The Minutes shall record which members were asked to withdraw, if any, for the Reserved Business.
- 12. Minutes and Reports**
- 12.1 It shall be the duty of the Secretary of a Committee to prepare the Minutes or Reports of that Committee. The Minutes shall be the authoritative record of the proceedings of the Committee and shall detail the Resolutions and decisions of that Committee.

12.2 The Minutes of each meeting shall be confirmed as approved once agreed by the Committee.

12.3 The Minutes, except for any confidential Minutes or File Copies, shall be made available in line with the Committee Minutes and Papers [Publication Policy](#).

12.4 Minutes and Reports of Sub-Committees

.1 A Committee shall decide whether its Sub-Committee is to present to it the full Minutes of the proceedings of the Sub-Committee, or a report.

.2 To ensure timely reporting, unconfirmed Minutes may be presented and the presenter may draw the attention of the Committee to any errors, or amendments subsequently agreed which have not yet been corrected, or incorporated.

.3 Minutes and Reports of Sub-Committees shall be presented to the Parent Committee by the Chair of the relevant Sub-Committee, or in the Chair's absence by any member of the Sub-Committee present, otherwise by the Chair of the Parent Committee.

13. Deputations

13.1 Deputations wishing to be received by a Committee shall submit a memorandum in writing to the Secretary of the Committee which shall be brought to the attention of the Chair. The Chair may permit the Committee to receive the Deputation, refer the memorandum to a Panel of not less than three members for detailed consideration and report, may require a Sub-Committee to receive the Deputation and to act on behalf of the Committee. In the case of a deputation to Council, Panel appointed must have a majority of lay (independent) members.

13.2 A Deputation shall not exceed three in number and, only one member thereof shall be at liberty to address the Committee (except in reply to questions from members of the Committee). The matter brought forward by the Deputation shall not be considered by the Committee until the Deputation has withdrawn.

13.3 The decision of the Committee shall be conveyed to the Deputation in writing by the Secretary of the Committee.

14. Items before the Meeting - Motions

14.1 A Motion may be put forward by a member of the Committee provided it is seconded by another member of the Committee and where the matter is within the Committee's powers.

14.2 Normally, notice of a Motion should be given to the Secretary prior to the meeting, with sufficient time to be listed on the Agenda, and circulated with the papers.

14.3 Any Motion put forward in the meeting and not seconded shall immediately lapse, and shall not be further discussed at that meeting.

14.4 The Chair may propose a Motion without notice and without being seconded and it shall become the Motion before the Committee.

- 14.5 A Motion once formally approved by a Committee shall immediately become a Resolution of that Committee.
- 14.6 No Motion to rescind any Resolution passed within the preceding six months shall be put to the Committee.
- 14.7 Any Motion not carried, or disposed of by the Committee, shall not be open to any member to propose a similar Motion within a further period of six months.

15. Voting at meetings

- 15.1 An item shall be put to a vote either:
 - .1 where this is specifically requested by a member; or
 - .2 where there is no clear consensus by the members on an item requiring a decision (including a Motion).
- 15.2 A simple majority of members of the Committee present shall be required to carry a vote, except where otherwise specified. Voting shall be by show of hands or any other method that enables the vote of each member to be visible to all present and prevents members voting more than once. A secret ballot may be held instead where this has been called for by an absolute majority of the members.
- 15.3 Members shall be deemed to have abstained from a vote if they neither vote for nor against a Motion or decision.
- 15.4 In the case of equality of votes the Chair shall have a second or casting vote, but shall not be obliged to exercise this casting vote. Where the Chair declines so to vote the Motion or decision shall be declared "not carried".
- 15.5 When all members vote for a Motion or decision it shall be carried "unanimously".
- 15.6 A Motion or decision carried by the votes of two-thirds or more of the members present shall be carried by an absolute majority.
- 15.7 A Motion or decision carried by the votes of less than two-thirds of the members present shall be carried by a "Simple Majority".

16. Rules of Debate

- 16.1 When speaking, a member or Committee Officer shall address the Chair. Members shall adhere to the timings for business provided on the agenda and/or any guidance/instructions from the Chair with respect to the time available.
- 16.2 A member shall indicate the desire or intention to speak by the raising of a hand. The Chair shall determine the order in which the members shall speak.
- 16.3 The Chair shall signal when there has been sufficient debate of the issue, clarify the action or decision of the Committee and/or put the item to a vote, if required.

17. Disorderly Conduct and Suspension of Sitting

17.1 If any member of the Committee persistently disregards the rulings of the Chair or behaves irregularly, improperly, offensively, or wilfully obstructs the business of the Committee, the member may be asked to leave the meeting by the Chair.

17.2 If the due and orderly dispatch of business is rendered impossible, the Chair, may decide to adjourn, or suspend the sitting of the Committee for such period as may be considered expedient.

18. Interest of Committee Members in Contracts and other Matters

18.1 Members will be asked to disclose at the beginning of each meeting any pecuniary or other interest, direct or indirect, in any of the Committee's business for the meeting. Members shall be asked to recuse themselves from the meeting for such items of business and this shall be recorded in the Minutes. A member of any Committee is not considered to have a pecuniary or personal interest in matters under discussion merely because they are a member of staff or student of the University.

18.2 Register of Interests

A Register of Interests of all members of Council, Audit and Risk Committee and the University Executive Board will be maintained by the Secretary to Council and will be made available publicly on the University website.

19. Delegation of Duties, and Powers and Functions

19.1 A Committee may delegate to Officers of the University, Sub-Committees, or other persons, any duties, powers and functions which it is itself competent to perform, in accordance with the Scheme of Delegation.

19.2 Action thereafter taken by the Officers of the University, Sub-Committees or the person so delegated within such limits shall be deemed to be the action of the Committee which has delegated those powers.

ORDINANCE 4

THE COUNCIL

1. Membership

- 1.1 The members of the Council shall be:
- (1) Up to fifteen lay persons appointed by the Council, at least one of whom will be appointed from the NHS in Wales, specifically the Cardiff and Vale University Health Board;
 - (2) the President and Vice-Chancellor (ex officio);
 - (3) the Provost and Deputy Vice-Chancellor (ex officio);
 - (4) One Pro Vice-Chancellor Head of College, nominated by the Vice-Chancellor [for the purposes of determining eligibility of the members of Senate, this College shall be referred to as 'College A'].
 - (5) Two members of Senate:
 - (i) One Head of School from 'College B' elected by Senate.
 - (i) One member of Academic staff from 'College C' (excluding those in the Professional Services) elected by and from Senate
 - (6) two Students selected in the manner prescribed by Ordinance;
 - (7) two members of Professional Services staff who are not members of the University Executive Board: selected in the manner prescribed by Ordinance from the following categories:
 - (i) one member of Professional Services grades 1-4
 - (ii) one member of Professional Services grades 5 and above.
- 1.2 In appointing lay members, Council shall be advised by the Nominations Sub-Committee who shall have regard to the balance of membership on the Council and the needs of the University; taking into account the need to maintain an appropriate balance of skills and expertise and diversity of members.
- 1.3 The Pro Vice-Chancellor, Head of School and Senate members shall normally be appointed or elected, in accordance with 1(4) and 1(5), from a different College every three years on a rotational basis.

2. Appointment of the Chair and Vice-Chair

- 2.1 There shall be a Chair who shall be appointed by the Council. The Chair shall be a lay appointment and may be selected through external competition.
- 2.2 The term of office of the Chair of Council shall be determined by the Council up to a maximum of four years. The Chair shall be eligible for re-appointment for a second term and may exceptionally be re-appointed for a third term provided that the total number of years served as Chair does not exceed nine.
- 2.3 In exceptional circumstances, Council may determine that a change to the agreed term of office (subject to the provisions of 2.2 above) is in the best interests of the University and shall take the Chair's views into consideration when approving a revised duration.
- 2.4 There shall be a Vice-Chair who shall be appointed by the Council from amongst the lay members of the Council.

- 2.5 The Vice-Chair will hold office in line with their term of office as a lay member. The Vice-Chair shall be eligible for re-appointment as Vice-Chair, provided that the total number of years as a lay member does not exceed nine.
- 2.6 The term of the Vice-Chair may be extended to provide continuity for the appointment of a new Chair, provided that the total number of years as a lay member does not exceed nine.

3. Terms of Office

- 3.1 A lay member of the Council shall normally hold office for up to four years.
- 3.2 An ex-officio member of the Council shall be a member of the Council so long as that member continues to hold the qualifying office or position.
- 3.3 Appointments of the Pro Vice-Chancellor, Head of College and the two Senate representatives may not exceed three years. If the Pro Vice-Chancellor Head of College or Head of School ceases in their role, there shall be a casual vacancy which shall normally be filled by their successor in that role.
- 3.4 An elected member of the Council shall hold office for up to three years. If the member ceases to be qualified for membership, there shall be a casual vacancy.
- 3.5 A Student member of the Council shall normally hold office for one year, provided that if such a member ceases to be a Student during the term of office of that member, there shall be a casual vacancy.
- 3.6 Any other member of the Council shall hold office for up to three years.
- 3.7 Normally no member shall serve more than two consecutive terms of office or with exceptional justification a maximum of ten years in total. An outgoing member may be nominated and appointed as Chair of Council provided the overall duration of their term would not exceed the aforementioned maximum.
- 3.8 A member of the Council may resign by writing to the Secretary to the Council.
- 3.9 All members are subject to the provisions for removing members set out in section 4 below, including ex-officio members.

4. Removal of members of Council

- 4.1 A request may be made to the Chair of Council to remove a member from membership of the Council for good cause in accordance with the procedure described below:
 - (1) a request must be made by at least two members of Council, giving the grounds for removal.
 - (2) if the Chair decides that there is a prima facie case, a Panel will be set up, comprising three lay members of Council and will normally be chaired by the Vice-Chair. If the Vice-Chair is the subject of the request, the Chair will appoint another lay member to act as Chair.
 - (3) the Panel will receive representations from the members lodging the request and from the member who is the subject of the request.

- (4) The Panel shall make a recommendation to Council on whether to uphold the request or dismiss it.
 - (5) The matter will be considered at a meeting of Council under 'Reserved Business'.
- 4.2 Grounds for removal for good cause may include, but are not limited to, improper conduct, financial impropriety, breaches of confidentiality, failure to attend meetings, ill-health or incapacity.
- 4.3 Should the request to remove from membership relate to the Chair of Council, the matter should be referred to the Vice-Chair.
- 5. Elections to the Council of Members of the Senate or Employees of the University**
- 5.1 Elections to Council of members of the Senate and of Employees of the University shall be arranged in accordance with the provisions laid down in Ordinance 11 - Standing Orders.
- 5.2 Nominations for the Senate member within the Head of School category shall be on an opt-out basis (i.e. all Heads of School shall be automatically nominated unless requested by them to be removed).
- 6. Selection of Students to the Council**
- 6.1 The Students' Union shall appoint annually two students to Council, being registered students of the University, and may be Elected officers or non-Elected officers of the Students' Union. One of the student members shall be the President of the Students' Union.
- 7. Meetings**
- 7.1. The quorum for a meeting of the Council shall be nine members or such higher number as may be prescribed by Standing Orders.
- 7.2. The Chair shall have an original and a casting vote.

ORDINANCE 5

THE SENATE

1. Membership

The Senate shall consist of the following persons:

- (1) the President and Vice-Chancellor, who shall be the Chair;
- (2) the Provost and Deputy Vice-Chancellor and Pro Vice-Chancellors;
- (3) the Heads of all Schools;
- (4) the Director of Lifelong Learning;
- (5) Director of University Libraries and the University Librarian
- (6) the Director of English Language Programmes
- (7) the Director of Cardiff Learning and Teaching Academy
- (8) fifteen professors elected by and from the Professors of the University;
- (9) twenty five members elected by and from the Academic Staff of the Schools or Colleges;
- (10) five members elected by and from the Academic Staff of the Professional Services;
- (11) seven Students, elected by and from the Students of the University;
- (12) Co-opted Members. If the Senate so determines, not more than ten members appointed by co-option.

2. Terms of Office

- 2.1 Elected members of the Senate, other than the Student members, shall hold office for three years unless the member ceases to be qualified for membership, in which case there shall be a casual vacancy. They shall be eligible for re-election.
- 2.2 Ex officio members of the Senate shall hold office so long as they continue to occupy the position by virtue of which they became members.
- 2.3 Student members of the Senate shall hold office for one year from 1 July. They shall be eligible for re-election.
- 2.4 The co-opted members shall hold office for three years or such shorter period as shall be determined by the Senate and shall be eligible for re-appointment.
- 2.5 A member appointed or elected to fill a casual vacancy shall hold office for the remainder of the period for which his or her predecessor would have held office.

3. Election of Professors

3.1 The Secretary of the Senate shall arrange for the election of fifteen members of the professorial staff of the University to the Senate.

3.2 There should be a maximum of one representative from any one School.

4. Election of Academic Staff of the Schools of the University

4.1 The Secretary of the Senate shall arrange for the election of twenty five members of the academic staff of the Schools and Colleges of the University to the Senate.

4.2 Members of the professoriate are not eligible for appointment under this category.

4.3 There should be a maximum of two members from any one School.

5. Election of Academic Staff of the Professional Services of the University

5.1 The Secretary of the Senate shall arrange for the election of five members elected by and from the academic staff of the Professional Services.

5.2 There should be a maximum of one representative from any one Directorate.

6. Election of Students to Senate

6.1 The Students' Union shall arrange for the election of seven student members to the Senate and in accordance with the provisions set out below.

6.2 The seven students must be registered students of the University and may be Elected or non-Elected officers of the Students' Union and shall comprise:

- (1) the two students elected by the Students' Union to be members of Council who shall be members of Senate;
- (2) five students, providing that no student may be excluded from nomination on the grounds that they have exercised their right to opt-out of Students' Union membership, at least one of whom should be an undergraduate student and one a postgraduate student.

7. Meetings

7.1 In the absence of the President and Vice-Chancellor, the Provost and Deputy Vice-Chancellor or a Pro Vice-Chancellor shall be Chair at that meeting of the Senate;

7.2 The Chair shall have an original and a casting vote;

7.3 The quorum for a meeting of the Senate shall be twenty members.

8. Functions, powers and responsibilities

8.1 Subject to the provisions of the Charter and Statutes concerning the duties of Council, the Senate shall be responsible for all matters having academic implications, and matters relating to the student experience, which shall include:

- (1) recommending to Council courses of study leading to degrees, diplomas, certificates and other distinctions which may be substantive, dual, joint or otherwise of Cardiff University and schemes provided on behalf of other professional bodies;
 - (2) responsibility for:
 - (i) teaching both intra-mural and extra-mural;
 - (ii) the promotion and supervision of research;
 - (iii) Cardiff University examinations;
 - (iv) monitoring the content, quality and standard of courses of study and research, taking into account the academic regulations of Cardiff University and the requirements of professional and other external bodies;
 - (v) admission of Students;
 - (vi) discipline of Students;
 - (vii) exclusion of Students from Cardiff University for failure to pursue studies diligently or to make satisfactory academic progress.
- 8.2 Subject to the Charter and to these Statutes, the Senate shall have all necessary powers for the discharge of its responsibilities under the Charter and these Statutes.
- 8.3 Senate shall have the power to make Regulations in respect of any matter for which it is responsible, including Regulations for:
- (1) the use of the facilities and accommodation provided by Cardiff University;
 - (2) the extra-mural work of Cardiff University;
 - (3) subject to the terms of the trust (if any), the terms of the award of studentships, scholarships, exhibitions, bursaries, prizes and other aids to study and research.
 - (4) the discipline of Students and of other persons studying at Cardiff University or who are candidates for an examination to be conducted at or under the auspices of Cardiff University, and such Regulations shall include provision for:
 - (i) rules of discipline;
 - (ii) subject to the rules of natural justice, the procedure to be followed when a breach of discipline is alleged;
 - (iii) punishment of a breach of discipline by expulsion from Cardiff University, permanently or temporarily, by exclusion therefrom or any part Cardiff University and its precincts and other premises owned or occupied by Cardiff University, permanently or temporarily, by a fine or otherwise;
 - (iv) appeals.

- 8.4 Subject to the authority of the Council, the Senate shall determine awards which shall be granted in the manner determined by the Council, in relation to:
- (1) Cardiff University degrees, diplomas, certificates and similar distinctions, which may be substantive, dual, joint or otherwise;
 - (2) studentships, scholarships, exhibitions, bursaries, prizes, and other aids to study and research.
- 8.5 Subject to the authority of the Council, the Senate shall regulate and conduct examinations leading to degrees and other awards or distinctions Cardiff University and appoint internal and external examiners therefore, and shall regulate and conduct examinations leading to degrees and other awards or distinctions of other bodies with the agreement of those bodies.
- 8.6 Senate shall advise the Council on the conferment of academic titles on appropriate persons and in accordance with the Ordinances or other Regulations.
- 8.7 The Senate may
- (1) approve, with or without amendment, refer back or reject any recommendation of a School or other body or person and, on matters within the powers of the Senate, give directions to a School or other body or person;
 - (2) require from a Head of School or other academic unit information about the School or other academic unit;
 - (3) make any recommendation to the Council with regard to the work of Cardiff University;
 - (4) report to the Council on any matter respecting the work of Cardiff University;
 - (5) do any act or thing authorised by the Council.
- 8.8 The Senate shall:
- (1) review from time to time the duties and conditions of appointment and service of members of the Academic Staff and make recommendations thereon to the Council;
 - (2) advise the Council on the appointment of members of the Academic Staff and, subject to these Statutes, removal of members of the Academic Staff;
 - (3) make recommendations to the Council on matters referred to the Senate by the Council;
 - (4) report to the Council its decisions on matters which might be relevant to the deliberations of the Council.

ORDINANCE 6

CHANCELLOR AND PRO CHANCELLORS

1. Role of the Chancellor and Pro Chancellors

1.1 The Chancellor shall:

- (1) have a ceremonial role at graduation and other ceremonies;
- (2) act as an ambassador for the University.

1.2 The Pro Chancellors shall:

- (1) deputise for the Chancellor if required;
- (2) act as ambassadors for the University.

2. Appointment of the Chancellor and the Pro Chancellors

2.1 The Chancellor shall be appointed by the Council and shall hold office for three years or such shorter time as the Council may resolve and shall be eligible for reappointment, but a Chancellor going out of that office after holding it for two consecutive periods shall not be eligible for immediate reappointment.

2.2 Pro Chancellors shall be appointed by the Council and shall hold office for three years or such shorter time as the Council may resolve. They shall be eligible for reappointment, but a Pro Chancellor going out of that office after holding it for two consecutive periods shall not be eligible for immediate reappointment.

3. Procedure for Appointment of a Chancellor

3.1 In the event of a vacancy or an impending vacancy in the office of Chancellor, a Chancellor Appointment Committee shall be formed to seek nominations for the role as it determines, consult with the Vice-Chancellor, and make a recommendation to Council as it sees fit.

3.2 The Chancellor Appointment Committee shall comprise:

- (i) the Chair of the Council who shall be in the Chair;
- (ii) the Vice-Chancellor or nominee;
- (iii) the President of the Students' Union.

3.3 The University Secretary shall be secretary to the Chancellor Appointment Committee.

4. Procedure for Appointing a Pro Chancellor

4.1 Pro Chancellors shall be appointed by the Council on the nomination of the President and Vice-Chancellor, after consultation with the Chancellor.

ORDINANCE 7

PROCEDURE FOR APPOINTING A PRESIDENT AND VICE-CHANCELLOR

1. Procedure for Appointment of a President and Vice-Chancellor

1.1 In the event of a vacancy or an impending vacancy in the office of President and Vice-Chancellor a Joint Committee of the Council and the Senate shall be formed consisting of:

- (i) the Chair of the Council who shall be in the Chair;
- (ii) four persons appointed by the Council, comprising:
 - a. at least two lay members of Council;
 - b. one external member who holds the position of Vice-Chancellor, Provost or equivalent role at a higher education institution; and
 - c. one other person who is neither an employee nor student of the University.
- (iii) four members of the Senate appointed by election by and from the following groups:
 - d. one student member;
 - e. one Head of School;
 - f. one Pro Vice-Chancellor or Provost and Deputy Vice-Chancellor;
 - g. one other Senate member not falling within categories d-f.

1.2 The Joint Committee shall by Report make such recommendations to the Council in respect of the appointment of a President and Vice-Chancellor as the Joint Committee shall see fit.

1.3 The Secretary of the Council shall be secretary to the Joint Committee.

1.4 The Joint Committee shall have power to determine its method of operation in the light of circumstances prevailing at the time.

2. Appointment of an acting President and Vice-Chancellor

2.1 If the absence of the President and Vice-Chancellor or a vacancy in the office of President and Vice-Chancellor is likely to extend beyond a period of three months, the Council may appoint an acting President and Vice-Chancellor on the recommendation of a joint Committee of the Senate and the Council established for this purpose, consisting of the Chair of Council, or in his or her absence, the Vice-Chair, and one lay member appointed by the Council and two members appointed by the Senate.

2.2 An acting President and Vice-Chancellor shall act either until such time as the existing post-holder resumes his/her duties, or until a permanent appointment is made, or for such period as may be decided by the Council.

2.3 If in the view of the Chair of Council action is required urgently and he/she believes it may be appropriate to appoint an acting President and Vice-Chancellor, the Chair of Council may take executive action in accordance with

Standing Order 4.3 to establish the Committee to appoint an acting President and Vice-Chancellor.

- 2.4 The Secretary of Council shall be secretary to the Joint Committee.
- 2.5 In the event of the Chair of Council or the Vice-Chair being unable to serve on the Committee, or having resigned from the Committee, a further lay member of the Council shall be appointed to the Committee.
- 2.6 Any person serving on this Committee shall have indicated that he/she is not a candidate for the post. If during the appointment process a member of the Committee indicates that he/she would wish to be considered, that member shall be required to resign from the Committee and a replacement shall be appointed.

3. Delegation of functions

The President and Vice-Chancellor may delegate to the Provost and Deputy Vice-Chancellor or other officer any function normally discharged by himself/herself. Where there has been no express delegation of functions either in the absence of the President and Vice-Chancellor, or during a vacancy in the office of the President and Vice-Chancellor, the functions of the President and Vice-Chancellor shall be performed by the Provost and Deputy Vice-Chancellor.

ORDINANCE 8

APPOINTMENT OF PROVOST AND DEPUTY VICE-CHANCELLOR AND PRO VICE-CHANCELLORS

1. Appointment of a Provost and Deputy Vice-Chancellor

- 1.1 The Council shall appoint a Provost and Deputy Vice-Chancellor on the nomination of the Vice-Chancellor, after consultation with the Senate. The Vice-Chancellor may decide to undertake a process involving external advertisement and recruitment.
- 1.2 The appointment of a Provost and Deputy Vice-Chancellor shall normally be for a four-year year period and may be renewed normally for one further term of up to four years. The appointment shall be subject to automatic review on the appointment of a new Vice-Chancellor.

2. Appointment of Pro Vice-Chancellors

- 2.1 The Council may appoint not more than six Pro Vice-Chancellors.
- 2.2 Senate shall be advised (by correspondence if no meeting scheduled) of an academic leadership vacancy for the role of Pro Vice-Chancellor and their portfolio.
- 2.3 The Vice-Chancellor will consider any written representations made by Members of Senate which may help to inform the appointment process.
- 2.4 The Vice-Chancellor may undertake a process involving external advertisement and recruitment.
- 2.5 Following a transparent recruitment process, the Vice-Chancellor will recommend the appointment to Council for approval.
- 2.6 The appointment of a Pro Vice-Chancellor shall normally for four years or for such period and on such other terms as the Council may from time to time determine. The appointment may be renewed by the Vice-Chancellor normally for one further term of up to four years.
- 2.7 Appointments shall be subject to automatic review on the appointment of a new Vice-Chancellor.

ORDINANCE 9

ACADEMIC BODIES

1. Principal Academic Bodies

- 1.1 In accordance with the Charter and Statutes there shall be such principal academic bodies as may be decided by Council and following consultation with Senate. Other subordinate academic bodies may be established or dissolved by the President and Vice-Chancellor (hereinafter the Vice-Chancellor) in accordance with any regulation or guidance issued by Senate or Council from time to time.

2. The Colleges

- 2.1 There shall be three principal academic bodies to be known as Colleges, namely:
- College of Arts, Humanities and Social Sciences;
 - College of Biomedical and Life Sciences;
 - College of Physical Sciences and Engineering.
- 2.2 Colleges may be established, dissolved or changed by the Council on the recommendation of the Vice-Chancellor, following consultation with Senate. Each College will comprise a group of Schools as shown in Annex A. Colleges may also contain other academic units.

3. Heads of College

- 3.1 Each College shall be headed by a Pro Vice-Chancellor and Head of College who shall be responsible and accountable to the Provost and Deputy Vice-Chancellor for the management of the College and shall line manage the Heads of the Schools and the heads of other academic bodies within the College.

4. College Boards

- 4.1 Each College will have a College Board that will act as an advisory body to the Head of College and will comprise the Heads of the constituent schools together with such College Deans or other officers as are required by the Academic Leadership Framework. Heads of other academic units or other individuals may also be appointed to the College Board at the discretion of the Head of College.

5. Responsibilities of Heads of College

- 5.1 The Pro Vice-Chancellor and Head of College will be a member of the University Executive Board and will have the following generic responsibilities:
- (1) to play a significant role, in collaboration with other members of the University Executive Board, in developing and delivering the University's strategy;

- (2) to lead the University in areas of responsibility delegated to them, including taking a visible corporate leadership role on issues assigned and agreed by the Vice-Chancellor and the University Executive Board;
- (3) to promote the University in teaching, research, innovation and engagement;
- (4) to promote the interests and values of the University internally and externally;
- (5) to play an active role in the recruitment and appointment of high calibre staff to the University;
- (6) to encourage staff development to meet the overall needs of the University in the context of its development;
- (7) to encourage and develop interdisciplinary activities between all Colleges and all Schools;
- (8) taking responsibility for chairing University Committees, and as necessary playing a part in ceremonial University activities including graduation ceremonies;
- (9) encouraging and rewarding research, academic excellence and collegial participation throughout the University;
- (10) playing an active role in the University Executive Board, assisting the Vice-Chancellor to achieve the goals of the University as defined in its Strategic Plan and contributing to University planning and to the formulation of policies and procedures;
- (11) responding to issues and incidents likely to impinge on the University's reputation and activities in a manner that manages and minimises risk to the University;
- (12) ensuring compliance with all requirements such as those relating to health, safety and environmental matters, equality and diversity and other statutory or regulatory requirements;
- (13) contributing to the development and testing of University risk and crisis management plans which will be utilised in crisis situations or when serious unexpected events occur;
- (14) promoting the well-being of all staff and students, fostering a culture of respect in all aspects of operation and leading, supporting and being sensitive to the different needs of students irrespective of their location or mode of study;
- (15) promoting the University as a place of international repute in which to study, research and work and encourage international collaboration and exchange;
- (16) building effective and productive relationships with key influencers in government, business and professional bodies;
- (17) actively promoting cross-institutional structures and systems (whether related to research/academic programmes/portfolio matters or administration);

- (18) representing the University as required at local, national and international level; and
- (19) undertaking such other duties as required by the Provost and Deputy Vice-Chancellor.

6. Appointment of Heads of College

- 6.1 The appointment process for Pro Vice-Chancellor Head of College will follow the process outlined in Ordinance 8

7. University and College Deans

- 7.1 Each College shall have the following College Deans

- Dean of Education and Student Experience
- Dean for Research, Innovation and Enterprise
- Associate Dean for Equity, Diversity, Inclusion & Anti-Racism
- Associate Dean for PGR
- Associate Dean for Welsh

- 7.2 The Vice-Chancellor may create University Dean posts and any further College Dean posts.

- 7.3 University and College Deans will be appointed by the Vice-Chancellor or line-managing Pro Vice-Chancellor(s) following appropriate consultation and a transparent internal selection process.

- 7.4 The Vice-Chancellor or line-managing Pro Vice-Chancellor(s) may decide in certain circumstances to undertake a process involving external advertisement and recruitment.

- 7.5 Deans shall be appointed for a period of up to three years and may be reappointed by the Vice-Chancellor or line-managing Pro Vice-Chancellor(s) normally for one further term of up to three years.

- 7.6 University Dean appointments shall be reported to Senate and Council at the earliest opportunity.

8. Schools and other academic units within Colleges

- 8.1 Schools and other academic units may be established, dissolved or otherwise re-organised by the Vice-Chancellor on the recommendation of the relevant College Head and following consultation with Senate. Each School will be headed by a Head of School who shall be a member of the relevant College Board.

9. Responsibilities of Heads of School

- 9.1 Heads of School will be accountable to the Head of College for:

- (1) The assignment of research, teaching, administrative and other duties to the Academic and other staff of the School;

- (2) Promoting the development of learning and teaching, including their quality and enhancement, across the range of provision associated with the School and with other Schools in the College;
- (3) Encouraging and promoting the prosecution of research by staff and Students of the School;
- (4) Encouraging and promoting innovation and knowledge transfer as appropriate within the School;
- (5) Arranging for the selection of students for admission;
- (6) Ensuring compliance within the School with College/University regulations in relation to all academic, employment, financial, professional and statutory bodies, including all equality and diversity requirements, and other matters;
- (7) Developing appropriate plans and strategies for the School for approval by the College and University and to manage the School to fulfil the objectives identified therein;
- (8) Ensuring on behalf of the University compliance with its obligations with regard to the health, safety and welfare at work of staff and other persons or animals in or affected by the School and for the premises, plant and substances therein, including environmental matters;
- (9) Liaising, where appropriate, with all relevant professional and other bodies in order to ensure adequate support for research, education and training;
- (10) Representing, or arranging representation of, the School on all appropriate bodies both internal and external to the University;
- (11) To undertake such other duties as required by the Head of College.

The Head of School shall line manage any heads of departments or sections within the School. The Head of School is expected to make a substantial contribution to the setting of strategy and direction within the College.

10. Appointment of Heads of School

10.1 A Head of School may be appointed by the Vice-Chancellor, on the recommendation of the Provost and Deputy Vice-Chancellor, either:

- (1) from among the senior Academic Staff and following consultation within the relevant School, or
- (2) through open advertisement and recruitment.

Heads of School shall be appointed for an initial period of up to five years and this may be extended by one further term of up to three years.

Annex A: Schools Within Colleges and Other Academic Units

1. The Colleges of the University shall comprise the following Schools:

1.1 College of Arts, Humanities and Social Sciences:

- Cardiff Business School
- School of Global Humanities
- School of Journalism, Media and Culture
- School of Law and Politics
- School of Social and Spatial Sciences

1.2 College of Biomedical and Life Sciences:

- School of Biosciences
- School of Dentistry
- School of Healthcare Sciences
- School of Medicine
- School of Optometry and Vision Sciences
- School of Pharmacy and Pharmaceutical Sciences
- School of Psychology

1.3 College of Physical Sciences and Engineering:

- Welsh School of Architecture
- School of Computational and Mathematical Sciences
- School of Engineering
- School of Physical, Chemical and Environmental Sciences

Other academic units such as centres or institutes may also be attached to Colleges or Schools.

ORDINANCE 10

COMMITTEES

1. As set out in the Charter and Statute VII, Council has the power to establish and discharge Committees and to delegate powers to those Committees.
2. As set out in Statute VIII, Senate has the power to establish and discharge Committees and may join with Council to do so. Senate may delegate powers within its remit and in accordance with Charter and Statutes, to such Committees.
3. The Constitutions of any Committees (including Composition, Terms of Reference, Responsibilities, Duties, and Powers) established by the Council and/or the Senate shall be:
 - 3.1. approved by Resolution of the Parent Committee, and
 - 3.2. known as Major Committees
 - 3.3. published in the Governance Framework.
4. The Constitutions of any Committees established by Major Committees shall be approved by the parent body and published in the Governance Framework, or otherwise available on request from the University Secretary's Office.
5. All such Committee Constitutions shall be reviewed annually by the Parent Committee and any amendments shall require approval from the Parent Committee.
6. In line with external regulatory requirements, (Financial Management Code and Committee of University Chairs' Higher Education Code of Governance), as a minimum there shall be the following Committees of the Council:
 - 6.1. An audit committee or equivalent, which shall be responsible for assuring the governing body about the adequacy and effectiveness of risk management, control and governance; economy, efficiency and effectiveness; and management and quality assurance of data submitted to statutory regulators and other bodies such as the Higher Education Statistics Agency and the Student Loans Company.
 - 6.2. A finance committee or equivalent, which shall advise the Council on the institution's financial matters.
7. The Major Committees of Council are:
 - Audit and Risk Committee
 - Finance and Infrastructure Committee
 - People, Cynefin and Governance Committee
 - Remuneration Committee
 - Redundancy Committee

8. The Major Committees of Senate are:
 - Academic Standards and Quality Committee
 - Education and Student Experience Committee
 - University Awards and Progress Committee
 - University Research Committee
 - University Research Integrity and Ethics Committee
9. The Sub-Committees of Council's Major Committees are:
 - Investment and Banking Sub-Committee
 - Nominations Sub-Committee

Note: The composition and terms of reference of Standing Panels and Sub-Committees not published on the website are available on request from Committees@cardiff.ac.uk

ORDINANCE 11

UNIVERSITY SECRETARY

1. The Council shall appoint a University Secretary, upon nomination by the Vice-Chancellor, who shall be the Clerk to Council.
2. The Vice-Chancellor may undertake a process involving external advertisement and recruitment and shall involve the Chair of Council or their nominee in the selection process.
3. The Vice-Chancellor shall recommend the appointment to Council for approval.
4. In the capacity of Clerk to Council the University Secretary shall:
 - 4.1. be responsible to the governing body for the provision of operational and legal advice in relation to compliance with governing instruments, including standing orders;
 - 4.2. alert Council if any proposed action would exceed the Council's powers or be contrary to legislation or to the requirements of the Funding Council or other regulators;
 - 4.3. advise Council in relation to formal serious incident reporting to the Charity Commission and other regulators as appropriate;
 - 4.4. manage Public Interest Disclosures on behalf of Council;
 - 4.5. highlight issues relating to members' independence or conflict to the Chair of Council;
 - 4.6. be required to advise the Chair in respect to any matters where conflict, potential or real, may occur between Council and the Vice-Chancellor;
 - 4.7. take custody of the University Seal and be accountable for its proper use;
 - 4.8. maintain the Register of Interests of the members of Council and of any other persons from whom Council requires a statement of interests;
 - 4.9. make a full and timely disclosure of personal interests in the Register.
5. In the case that the University Secretary role combines the function of Clerk with a senior administrative or management role in the University, Council shall review, at least every three years, whether the independence of the role of Clerk is at risk of being compromised.

ORDINANCE 12

ACADEMIC STAFF

I DEFINITION OF ACADEMIC STAFF

1. Statute 1 'Interpretation and General' 2 (1) provides the following definition of academic staff.

- (i) 'Academic Staff' means the academic staff of Cardiff University and shall include such categories of employee or other individual employees as the Council may from time to time determine.

In addition Statute XV 'Academic Staff' 3 (1) provides that
This Statute shall apply –

- (i) to Professors, Readers, Senior Lecturers and Lecturers; and such research staff and such other categories of employee or other individual employees as the Council may from time to time determine;
 - (ii) to the President and Vice-Chancellor, to the extent and in the manner set out in the Annex to the Statute.
2. Council has determined that the term 'academic staff' will also cover the following:
- .1 those employees who on who either held the status of academic staff or were paid on academic related pay scales;
 - .2 those employees who are appointed after 1 August 2004 and who are paid on contracts on Grades 5 and above of the University pay scales

II COMPLAINTS AND DISCIPLINE

4. Preamble

- 4.1 This Ordinance sets out the processes which shall normally be followed in dealing with complaints against staff and disciplinary matters, and on the operation of procedures as required by Statute XV (the Statute). The Statute requires that procedures be defined by Ordinance in relation to:
- (a) The procedure to be followed in respect of the preparation, hearing and determination of charges by a Tribunal instituted in accordance with paragraphs 15 and 16 of the Statute. (Paragraph 17 – Provisions concerning Tribunal procedures).
 - (b) The procedure to be followed in respect of the preparation, consolidation, hearing and determination of appeals as defined in Part V of the Statute. (Paragraph 29– Provisions concerning appeal procedures and powers refers).

- (c) The procedure to be followed in the consideration and determination of grievances. (Part VI – Grievance Procedures refer).

- 4.2 Paragraph 7 (1) of the Statute specifies that ‘In the case of any conflict, the provisions of this Statute shall prevail over those of any other Statute and over those of the Ordinances and Regulations and the provisions of any Ordinance made under this Statute shall prevail over those of any other Ordinance’. This Ordinance is made under the Statute.

Article XI paragraph 4 of the Supplemental Charter of 2013 determines that any provision of an Ordinance, Regulation or standing order ‘which is inconsistent with this Our Charter or with the Statutes shall, to the extent of the inconsistency, be void’.

It is therefore imperative that anyone making use of this Ordinance does so with access to the relevant parts of the Statute.

- 4.3 The Ordinance shall be construed to give effect to the guiding principles as set out in paragraph 1 of Part 1 of the Statute.
- 4.4 Cardiff University and each member of staff, as parties to an employer: employee relationship, have an obligation in law to maintain mutual trust and confidence.

Cardiff University is obliged by the Supplemental Charter of 2004 to promote the objects of the Institution and to construe benevolently the requirements of that Charter.

- 4.5 Throughout the operation of any of the procedures for dealing with complaints against staff and disciplinary matters, whether formal or informal, the principles of natural justice shall be observed as far as is reasonably practicable and the person who is the cause for concern shall have the right to be accompanied by a person who may be either a work colleague or a trade union representative.
- 4.6 An employee may
 - a. make a complaint in the Welsh language
 - b. respond to a complaint in the Welsh language
 - c. response to disciplinary matters in the Welsh language
- 4.7 If a meeting relating to the above is required with an employee, the University will ask them whether they wish use the Welsh language at the meeting and explain that a simultaneous translation service from Welsh to English will be provided for that purpose unless the meeting can be conducted in Welsh without a translation service.
- 4.8 When the University communicates with an employee about the arrangements for the process of any updates, and the sharing of the outcome, it will be done in the Welsh Language if the employee:

- a. made the complaint in the Welsh language
- b. responses in the Welsh language to any allegations, or
- c. asked for the process to be conducted in the Welsh Language.

III PROCEDURE FOR DEALING WITH COMPLAINTS AGAINST STAFF AND DISCIPLINARY MATTERS OTHER THAN THOSE CONSIDERED BY A TRIBUNAL

5. Initial Considerations

- 5.1 When situations arise or allegations are made that question the appropriateness of a member of the academic staff's performance or conduct and that have the potential to lead to disciplinary action, the Head of School/Directorate or anyone acting in this capacity shall take action to establish the key facts as far as reasonably practicable. In the following paragraphs this potential shall be referred to as 'the cause for concern'.
- 5.2 Where the Head of School/Directorate is the subject of the cause for concern, or where the involvement of the Head of School/Directorate in taking such action would result in an actual or potential conflict of interests, an appropriate senior officer, appointed by the Vice-Chancellor, shall substitute for the role of Head of School/Directorate in taking such action. Hereafter all references to Head of School/Directorate shall be deemed to include references to the appropriate senior officer where necessary appointed by the Vice-Chancellor.
- 5.3 Where the cause for concern involves allegations of misconduct in research, the facts shall be established in accordance with the University's Procedures for Dealing with Allegations of Misconduct in Academic Research.
- 5.4 Where the cause for concern is initially raised via the University's Code of Practice on Public Interest Disclosure or the Student Complaints Procedure any investigation shall be conducted under this Ordinance.
- 5.5 Where it appears to the Head of School/Directorate that there is no prima facie case to answer he/she shall dispose of the matter.
- 5.6 Where it appears to the Head of School/Directorate that there is a prima facie case to answer he/she shall consider whether the matter can be dealt with formally or informally.
- 5.7 'Minor Faults' shall be dealt with informally (paragraph 13.1 of the Statute) as far as reasonably practicable. Where the matter is to be dealt with informally the Head of School/Directorate shall take such steps as he/she thinks fit to resolve the situation.
- 5.8 Where it appears that the matter is more serious or 'Minor Faults' are repeated and/or not informally resolved, the Head of School/Directorate shall take advice from the Director of People and Culture or appropriate officer and conduct an investigation in accordance with Part IV below.

IV PROCEDURE RELATING TO THE HEAD OF SCHOOL'S/DIRECTORATE'S INVESTIGATION OF ALLEGATIONS CONCERNING ACADEMIC STAFF BEHAVIOUR/PERFORMANCE OR DISCIPLINARY MATTERS (paragraph 13.2 of the Statute)

6. Investigation

- 6.1 The Head of School/Directorate having taken advice from the HR Directorate shall appoint an individual to conduct a formal investigation into the cause for concern. That individual shall be a senior member of academic staff of the University drawn from outside the relevant School/Directorate.
- 6.2 The Head of School/Directorate shall ensure that the member of staff under investigation is informed in writing as soon as reasonably practicable of the cause for concern and the name of the individual carrying out the investigation.
- 6.3 The person investigating the cause for concern is responsible for ensuring that all the relevant facts are obtained promptly, as far as reasonably practicable and that the person who is the subject of the cause for concern is given the opportunity to state his/her case as part of the investigation.
- 6.4 An investigation report shall be compiled by the person investigating the matter for consideration by the Head of School/Directorate.
- 6.5 At the conclusion of the investigation, and without undue delay, the Head of School/Directorate shall decide upon an appropriate course of action in accordance with paragraph 13 or 14 of the Statute.
- 6.6 The Head of School/Directorate shall notify
- a) the Director of People and Culture; and
 - b) the person who is the subject of the cause for concern
- of the outcome of his/her consideration of the investigation and of his/her decision made in accordance with 6.5 above.

7. Hearing

- 7.1 Where after investigation under 6 above the cause for concern appears more serious than Minor Faults or it appears that Minor Faults have been repeated but not resolved, but the cause for concern appears to fall short of constituting possible good cause for dismissal, the Head of School/Directorate shall advise the person who is the subject of the cause for concern in writing that a hearing shall be held.
- 7.2 The written notification to the person who is the subject of the cause for concern shall contain the following:-
- (a) details of the nature of the cause for concern;

- (b) supporting evidential material;
 - (c) details of the date of the hearing, which shall not be less than 10 working days from the issue of the written notification, together with details of the time and venue of the meeting;
 - (d) the possible outcomes of the meeting;
 - (e) a statement of the right to be accompanied by a work colleague or trade union representative at the meeting;
 - (f) details of those to be present at the meeting.
- 7.3 The date of the hearing may be rearranged by the Head of School/Directorate and the reasons for the new date, which shall normally be within 10 working days of the original date, shall be notified to the member of staff who is the cause for concern. The member of staff who is the cause for concern may request of the Head of School/Directorate that the date be rearranged if the original date is unsuitable for him/her, such a request including an explanation as to why a re-arrangement is necessary and suggesting alternative dates, which shall normally be within 10 working days of the original date.
- 7.4 A member of the HR Directorate shall be present at the hearing in an advisory capacity.
- 7.5 The person who is the subject of the cause for concern shall be given the opportunity to state his/her case before any decision is made.
- 7.6 If the person who is the subject for the cause for concern:
- (i) has indicated that he/she will not attend the hearing; and
 - (ii) fails to attend the hearing, having given no good reason for failing to attend
- the hearing may be held in that person's absence.
- 7.7 At the conclusion of the hearing, and without undue delay, the person responsible for making the decision (usually the Head of School/Directorate) shall decide upon an appropriate course of action in accordance with the Statute and inform in writing the person who was the subject of the cause for concern:
- (a) that the cause for concern is not established and that accordingly no further action shall be taken;
 - (b) that the cause for concern is established and that either:
 - (i) no further action shall be taken;
 - (ii) informal action shall be taken;

- (iii) a Stage 1 – Oral Warning is issued (this shall be in accordance with paragraph 13.2 of the Statute);
- (iv) a Stage 2 – Written Warning is issued (this shall be in accordance with paragraph 13.2 of the Statute); or
- (v) that there has been no satisfactory improvement following a prior Stage 2 - Written Warning, or that the cause for concern may constitute good cause for dismissal or removal from office, and (in either case) that a complaint shall be lodged in accordance with paragraph 14.1 of the Statute.

Where a Stage 1 - Oral Warning or Stage 2 - Written Warning is issued the person responsible for making the decision shall also notify the person who is the subject of the Warning of the right to appeal against it (in accordance with paragraph 13.2 of the Statute).

- 7.8 The Head of School/Director shall advise the Director of People and Culture of his/her decision.
- 7.9 Where the cause for concern was raised as part of a formal complaint brought under the Student Complaints procedure, the Head of School/Directorate shall ensure that his/her responsibilities under the relevant procedure are subsequently fulfilled.
- 7.10 Where the cause for concern was raised under the University's Code of Practice on Public Interest Disclosure the Head of School/Directorate shall report on the outcome to the Audit and Risk Committee, in accordance with paragraph 11.1 of the Code.

V. APPEALS AGAINST A STAGE 1 ORAL WARNING OR STAGE 2 WRITTEN WARNING (Paragraph 13.2 of the Statute)

8. Preliminary

- 8.1 The subsequent provisions of this Part only apply to appeals against Oral Warnings and Written Warnings viz (paragraph 13.2 of the Statute)

“A member of the academic staff who wishes to appeal against a disciplinary warning shall inform the Director of Human Resources Management or other appropriate member of the administrative staff designated by the Vice-Chancellor within two weeks. The Pro Vice-Chancellor nominated by the Vice-Chancellor shall hear all such appeals and his/her decision shall be final.”

9. Provisions concerning appeal procedures and powers

- 9.1 The Pro Vice-Chancellor nominated by the Vice-Chancellor shall:
 - (a) determine the procedure to be followed for the preparation for and the conduct of the appeal hearing so that it shall be heard and determined as expeditiously as is reasonably practicable;

- (b) conduct the hearing as he/she sees fit, including, where appropriate, limiting evidence or the questioning of witnesses; and
- (c) ensure that so far as reasonably practicable the principles of natural justice are observed.

10. Decision

- 10.1 The Pro Vice-Chancellor's decision shall be final, (paragraph 13(2) of the Statute).
- 10.2 The Pro Vice-Chancellor shall notify the Appellant of the decision.

VI. TRIBUNAL PROCEDURE AS REQUIRED BY PARAGRAPH 17 OF THE STATUTE

11. Tribunal

- 11.1 The provisions of Part VI of this Ordinance must be read in conjunction with the Statute.
- 11.2 Where it appears following investigation under 6 or at the conclusion of a hearing under 7 that there may be possible good cause for dismissal and following a complaint being lodged in accordance with paragraph 14.1 of the Statute and a direction of the Vice-Chancellor in accordance with Paragraph 15 of the Statute, a Tribunal shall be appointed by Council in accordance with Paragraph 16 of the Statute.

12. Preparation

- 12.1 The Secretary of the Tribunal, as defined by paragraph 15.2 of the Statute, ("the Secretary") shall ensure that the charge(s) together with any documents which will be relied upon in support of the charges, and any other documents referred to in the charges, are forwarded within 20 working days of the appointment of a Tribunal by the Council to the members of the Tribunal and to the member of staff who is the cause for concern, as provided in paragraph 15.4 of the Statute. The Secretary shall inform the member of staff that a hearing is to be convened for consideration of the charges and that he or she is entitled to be represented in connection with and at the hearing of the charges by the Tribunal, shall specify the proposed date for the Tribunal hearing, and shall require the member of staff to specify the name, address, and designation of the person (if any) who will act as his or her representative, including information on whether or not the person is qualified or is practising in law, and if so in what capacity.
- 12.2 The Secretary shall also inform the member of staff that he/she and their representative, and the University, are entitled to call witnesses to the hearing and to question any witness who attends the hearing in relation to the evidence upon which the case against the member of staff is based. The Secretary shall also indicate in accordance with paragraph 19 of the Statute the possible outcomes should the charge(s) be upheld.

- 12.3 The member of staff shall be required to give his or her response to the enquiry regarding representation within 10 working days of the date of the letter inviting the response.
- 12.4 The University reserves the right to engage the service of a person, including one who is legally qualified, to present the charge or charges to the Tribunal and to question witnesses as appropriate. Otherwise the case may be presented by the Head of the relevant School/Directorate or by some other person on behalf of and selected by the University. The person presenting the charges to the Tribunal shall be known hereafter as the "University Representative".
- 12.5 The date of the hearing shall be set as expeditiously as reasonably practicable, and the arrangements must be made within 20 working days of the appointment of the Tribunal by Council with the hearing scheduled to take place as soon as reasonably practicable and in any event normally within 50 working days of the appointment of a Tribunal.
- 12.6 The date set may be rearranged by the Chair of the Tribunal, normally for a new date which is within 20 working days of the original. The grounds for rearrangement and the proposed new date for hearing the charges will be notified to the member of staff. The member of staff may also request of the Secretary that the date be rearranged if the original date is unsuitable for themselves or their representative. In so doing the member of staff must explain why a rearrangement is requested and suggest alternative dates falling within 20 working days of the original.
- 12.7 The member of staff or their representative and the University Representative must inform the Secretary no later than 15 working days prior to the date set, of the names of any persons they wish to call as witnesses and the availability of such witnesses to attend the hearing.
- 12.8 Members of staff of the University, employees and students may be requested to attend a hearing as witnesses. Outside parties may be invited to attend as witnesses where relevant and appropriate. Exceptionally, at the discretion of the Chair of the Tribunal, any witness unable to attend on the set date may supply a signed and witnessed written statement, to be received by the Secretary no later than 10 working days prior to the date of the hearing
- 12.9 The exchange of statements relating to the case must be made 5 working days prior to the date of the hearing. Following exchange, the Secretary shall ensure that a copy of each statement is sent to the members of the Tribunal. Evidence contained in statements exchanged after this deadline shall only be admitted to the hearing at the discretion of the Chair of the Tribunal.

13. Hearing

- 13.1 The Tribunal has the right to regulate its procedures in any way it sees fit which is consistent with the provisions of the Statute and with the principles of natural justice, and has the right at any time to adjourn or postpone the

hearing, to correct accidental errors, to remit the case to the Vice-Chancellor for further consideration, or to dismiss the charges for want of prosecution.

- 13.2 The parties and their representatives are entitled to be present for the presentation to and hearing of all evidence by the Tribunal. The Secretary of the Tribunal shall be present throughout the hearing and is responsible for ensuring that a record is kept of the proceedings.
- 13.3 Either party may request an adjournment of the hearing at any stage, provided there are good grounds to do so. Whether or not to grant an adjournment and of what length shall be determined by the Tribunal.
- 13.4 At the hearing, the member of staff shall be entitled to call any witnesses whose evidence has been disclosed or admitted in accordance with 12 above and may question any witnesses similarly called by the University Representative. The Tribunal shall govern the hearing as it sees fit, including where appropriate limiting evidence or questioning of witnesses.

14. Decision

- 14.1 Once the Tribunal has heard all the evidence it shall adjourn the hearing to consider the case. The University Representative, the member of staff and their representative if applicable, shall not be present during the deliberations of the Tribunal.
- 14.2 The Tribunal is required to determine the case as expeditiously as possible (paragraph 17.2.iv(b) of the Statute), and shall send its decision, together with an outline of its findings of fact, and the reasons for its decision regarding the charge and its recommendation, if any, as to the appropriate penalty, (in accordance with paragraph 18.1 of the Statute) to the Vice-Chancellor and to the member of staff and the University Representative.
- 14.3 The Tribunal may, without limitation, dismiss the charges, remit them for further consideration by the Vice-Chancellor or correction of accidental errors, or uphold the charges and recommend dismissal or a lesser disciplinary penalty.
- 14.4 The Tribunal, when communicating its decision, shall, if appropriate, draw attention to the period of time within which any appeal may be made by ensuring that the Secretary provides a copy of Part V of the Statute (Appeals) with each copy of its decision sent to each party to the proceedings.

VII PROCEDURES TO BE FOLLOWED IN RESPECT OF THE PREPARATION, CONSOLIDATION, HEARING AND DETERMINATION OF APPEALS ALLOWED UNDER PART V OF THE STATUTE

15. Preliminary

- 15.1 The subsequent provisions of this Part only apply to appeals as defined in paragraph 25 of the Statute and only when the requirements of paragraph 26 of the Statute as to time limits for appeals have been satisfied. When such time limits have not been complied with, the subsequent provisions of this

Ordinance apply when, in accordance with paragraph 27 of the Statute, the “person appointed” by Council under paragraph 28 of the Statute to hear and determine an appeal taking account of paragraph 25 and paragraph 27, decides to permit the appeal to proceed.

- 15.2 The provisions of this Ordinance do not apply to appeals arising in relation to Warnings issued under paragraph 13 of the Statute, (Section V of this document refers).

16. Preparation and Consolidation

- 16.1 The Council shall appoint a person not employed by the University, holding or having held judicial office or being a barrister or solicitor of at least 10 years’ standing, to hear and determine the appeal, who shall be the Appointed Person. The Appointed Person shall sit alone unless he or she considers that justice and fairness will best be served by sitting with two other persons who shall be:

- (a) one member of the Council not being a person employed by the University.
- (b) one member of the academic staff nominated by the Senate

Those person(s) appointed to hear and determine the appeal shall be asked to confirm that their appointment involves no actual or potential conflict of interest.

- 16.2 The Vice-Chancellor shall designate an Administrative Officer, who shall normally be a member of the HR Directorate. The Administrative Officer shall in accordance with paragraph 29 of the Statute:

- (i) Bring any notice of appeal received (and the date when it was served) to the attention of the Council and to inform the Appellant that he or she has done so;
- (ii) Forward the grounds of appeal to the Appointed Person;
- (iii) Appoint a date for the appeal hearing, which shall be as soon as reasonably practical after identification of the Appointed Person and in any event normally within 50 working days thereafter;
- (iv) Under the instruction of the Appointed Person make any necessary administrative arrangements for the summoning of witnesses, the production of documents and generally, the proper presentation of the case before the appeal panel and shall write to the Appellant at least 20 working days before the hearing to advise the Appellant that a hearing is to be held to consider the appeal and in doing so:
 - (a) advise the Appellant of the date of the hearing of the appeal;
 - (b) inform the Appellant that he or she is entitled to be represented in connection with and at the hearing, and require the Appellant to specify 15 working days before the hearing the name, address

and designation of the person (if any) who will act as their representative, including information on whether or not that person is qualified or is practising in law, and if so, in what capacity; and

- (c) require the Appellant to identify 15 working days before the hearing any witnesses he/she wishes to call, subject to the approval of the Appointed Person, such letter to be copied to all members of the appeal panel.

- 16.3 Appeals shall be made in accordance with paragraph 25 of the Statute. In accordance with paragraph 25.2 of the Statute, no appeal shall be against the findings of fact of a Tribunal under paragraph 18(1) of the Statute save where, with the consent of the Appointed Person, new evidence is called on behalf of the Appellant. In appeals based on these grounds, the Appellant must show good reason why such new evidence was not made known to the Tribunal at its hearing. This will be one of the factors considered by the Appointed Person in deciding whether to allow witness evidence.
- 16.4 The date set for the appeal hearing may be rearranged by the Appointed Person, normally for a new date which is within 20 working days of the original. The grounds for rearrangement and the proposed new date for hearing the appeal shall be notified to the Appellant. The Appellant may also request of the Administrative Officer that the date be rearranged, if the original date is unsuitable for themselves or their representative. In so doing, the Appellant must explain why a rearrangement is requested and suggest alternative dates falling within 20 working days of the original.
- 16.5 The University may appoint a person to present the case on its behalf, such a representative may be legally qualified. There shall be no bar to this person having had prior involvement in the case.
- 16.6 All parties to the proceedings including members of the appeals panel, with consent of the Appointed Person, may call witnesses. The exchange of statements relating to the case must be made no later than 10 working days prior to the date of the hearing. Evidence contained in statements exchanged after this deadline shall only be admitted to the hearing by the Appointed Person.
- 16.7 The Appointed Person shall determine the procedure to be followed for the conduct of the hearing (including where appropriate limiting evidence or questioning of witnesses) to the intent that the appeal shall be heard and determined as expeditiously as reasonably practicable.
- 16.8 Either party may request an adjournment of the hearing at any stage but must specify the grounds for the request, for consideration by the Appointed Person.

17. Decision

- 17.1 The Appellant and his/her representative and the University's representative shall not be present during the deliberations of the Appointed Person and any other persons sitting with him/her.
- 17.2 The Appointed Person shall send a reasoned decision to the Vice-Chancellor in accordance with paragraph 29.3 of the Statute and to the parties to the appeal as soon as may be reasonably practicable following the conclusion of the appeal.

VIII PROCEDURES GOVERNING THE CONSIDERATION AND DETERMINATION OF GRIEVANCES, PURSUANT TO PART VI OF THE STATUTE

18. Preamble

- 18.1 The method used to seek to redress individual grievances shall be as defined in paragraph 33, 34, 35 and 36 of the Statute. The application of this Ordinance and those paragraphs of the Statute, is as defined under paragraph 32 of the Statute.
- 18.2 An employee may
- a. raise a grievance in the Welsh language
 - b. respond to a grievance in the Welsh language
- 18.3 If a meeting relating to the above is required with an employee, the university will ask them whether they wish to use the Welsh language at the meeting and explain that a simultaneous translation service from Welsh to English will be provided for that purpose, unless the meeting can be conducted in Welsh without a translation service.
- 18.4 When the University communicates with an employee about arrangements for the process, any updates, and the sharing of the outcome, it will be done in the Welsh language if the employee:
- a. made the grievance in the Welsh language,
 - b. responded in the Welsh language to any allegations, or
 - c. asked for the process to be conducted in the Welsh language.

19. Informal procedures

- 19.1 Remedies for individual grievances to be pursued within the employee's School/Directorate or other relevant area, including the raising of the grievance with the Head of School or other relevant area (paragraph 33.1 of the Statute), shall be taken to include a requirement that the complaint be

made in writing, that the complainant be given the opportunity to meet with the Head of School/Directorate and that the outcome of that meeting be confirmed in writing and the complainant notified of the right to raise the matter with the Vice-Chancellor, in writing, if he or she is not satisfied with the outcome.

- 19.2 Dismissal of a grievance by the Vice-Chancellor in accordance with paragraph 33. (3) of the Statute because it is trivial or invalid or has been finally determined under any of Parts III, IV or V of the Statute shall only be undertaken following a meeting with the complainant to discuss the matter and shall be confirmed to the complainant in writing. If he/she considers the grievance to be malicious, the Vice-Chancellor shall, having dismissed the grievance, notify the relevant Head of School/Directorate, who in turn shall consider the matter under the disciplinary procedures in respect of the person making the grievance, in accordance with Part IV of this Ordinance.
- 19.3 If the person making the grievance instigates legal proceedings in respect of the grievance, upon being advised of such legal proceedings, all action under this Part may be stayed and the University shall have the right to take suitable steps to ensure that its legal position is fully protected.
- 19.4 Informal disposal of a grievance by the Vice-Chancellor in accordance with paragraph 33 (5) of the Statute shall only be undertaken following a meeting with the complainant to discuss the matter and shall be confirmed to the complainant in writing.
- 19.5 Where the Vice-Chancellor considers that the grievance gives cause for concern, as defined by Part III of this Ordinance, about a member of staff he/she shall refer the matter to the relevant Head of School/Directorate, who in turn shall if appropriate invoke appropriate disciplinary procedures in accordance with Part IV of this Ordinance.

20. Grievance Committee Procedure

- 20.1 Where a grievance is referred by the Vice-Chancellor in accordance with paragraph 34 of the Statute to a Grievance Committee, the procedure in connection with the consideration and determination of a grievance shall be as defined herein.
- 20.2 The Grievance Committee shall be comprised as defined in paragraph 35 of the Statute.
- 20.3 The Chair of Council shall designate an Administrative Officer to support the Grievance Committee.
- 20.4 Where the matter has been referred to the relevant Head of School/Directorate under 19.5 above, the Committee shall receive the report from the Head of School/Directorate on the outcome of any disciplinary proceedings and the grievance shall not normally progress until the disciplinary proceedings are concluded.

- 20.5 In cases where the matter has not been referred to the relevant Head of School/Directorate under 19.5 above or once disciplinary proceedings are concluded:
- (i) The Chair of Council shall ensure that the parties to the particular grievance, including the complainant and persons against whom a complaint has been made, are invited to attend a hearing, each with the opportunity to be accompanied by a Trade Union representative or a friend or representative, and that where appropriate a person to represent the interests of the University as the employer, ("the University Representative"), shall be invited to attend the hearing.
 - (ii) The Chair may set appropriate time limits at any stage of the procedure (including at the Grievance Committee itself) to the intent that the grievance shall be heard and determined as expeditiously as reasonably practicable.
 - (iii) The Committee has the authority to adjourn the proceedings or to dismiss the case at any time. Subject to ensuring that the principles of natural justice and the rights of the complainant are observed as far as reasonably practicable, the Committee shall control the hearing as it thinks fit, including where appropriate limiting evidence or questioning of witnesses.
- 20.6 The parties shall not be present when the Committee deliberates, but may be recalled if the Committee seeks to explore the possibility of a settlement, and will otherwise be notified by the Administrative Officer of the Committee decision as soon as is reasonably practicable.
- 20.7 The Committee shall notify Council of its decision in accordance with paragraph 37 of the Statute.

ORDINANCE 13

THE STUDENTS' UNION

PREAMBLE

Subject to the provisions of the Charter of the University, Statutes may provide for a Students' Union. Statute XVI of the University provides:

In accordance with the educational purposes of the Cardiff University there shall be for the benefit of the students a Students' Union.

- (i) The functions and privileges of the Students' Union and other matters relating thereto shall be prescribed by Ordinances. Subject to the provisions of such Ordinances, the Students' Union shall have the power to manage its own affairs and funds.
- (ii) An Ordinance made under this Statute may provide for the benefits of the Students' Union to be available, whether by way of membership or otherwise, to persons, other than students, who are studying at Cardiff University or who have such other connection with the Institution as renders it appropriate that those benefits should be made available to them.

1. Title and Objects

- 1.1 There shall be a Students' Union of the University to be called "Cardiff University Students' Union" and, as an abbreviated title "Students' Union" shall be used (hereinafter referred to as "the Union"). The objects of the Union are the advancement of education of Students at Cardiff University for the public benefit by:
- .1 promoting the interests and welfare of Students at Cardiff University during their course of study and representing, supporting and advising Students;
 - .2 being the recognised representative channel between Students and Cardiff University and any other external bodies; and
 - .3 providing social, cultural, sporting and recreational activities and forums for discussions and debate for the personal development of its Students.

2. Definitions of Terms

- 2.1 'the University' shall mean Cardiff University.
- 2.2 References to 'the Council', 'the Statutes', 'the Ordinances', 'the Finance and Infrastructure Committee' and 'the Senate' will be to those of the University.
- 2.3 'Session' shall mean one academic year.

2.4 'Self-defining' shall mean anyone who can categorise themselves as members of a particular group.

2.5 'Bilingual' shall mean English and Welsh.

3. Mission Statement

3.1 The Union seeks to enhance the student experience by providing representation, welfare services, recreational facilities and opportunities for student development within the Union, the University and the local community. The Union exists to provide an efficient and accountable service for all students at the University. In particular:

- .1 to afford a recognised and representative channel of communication between the Union's membership, the University and other bodies;
- .2 to meet the intellectual, welfare, social, cultural, sporting and recreational needs and further the activities of all its members;
- .3 to invest in staff development and training in order to enhance the services provided;
- .4 to contribute to the overall corporate life of the University;
- .5 to move towards a more ethical and environmentally friendly union;
- .6 to contribute to its 'all-Wales' responsibilities.

4. Meetings

4.1 Definitions

- .1 'Quorum' shall mean the least number of Ordinary Members whose presence at a meeting, or participation in a Referendum, is necessary to make valid decisions. In a Student Members' Annual General Meeting the number present shall be determined by a show of University Identity cards. In a Referendum the quorum shall be determined by a count of votes cast for, against and in abstention, but shall not include spoilt papers.
- .2 'Simple majority' shall mean the greater number of votes cast, excluding abstentions.
- .3 'Two-thirds majority' shall mean at least two-thirds of the votes cast, excluding abstentions.

5. Sabbatical Officers and Trustees

- 5.1 There shall be a maximum of seven Sabbatical Officer Trustees, including the President, and the remainder shall be as provided in the Bye-Laws as hereinafter defined.
- 5.2 The Sabbatical Trustees shall be elected from registered students of the University who are also members of the Union. Provided that they have not previously been expelled after disciplinary proceedings by the University, the Union or the Company they shall be registered as students and they shall be permitted to serve in office.
- 5.3 The Director of Student Services and Governance or his/her nominee shall be present when votes are counted in sabbatical elections.
- 5.4 In the absence of the President, another Sabbatical Trustee shall be appointed by the President to serve as acting President for the duration of the absence.
- 5.5 A Sabbatical office shall last one session only. No student shall hold Sabbatical office for more than two sessions.
- 5.6 There shall be not more than fifteen other Officers who shall be Non-Sabbatical as provided in the Bye-Laws as hereinafter defined.
- 5.7 The Office of a Sabbatical Trustee shall be vacated if:
 - (i) a motion of no confidence in the Sabbatical Trustee is passed by a simple majority of Student Members voting in a Referendum, provided that at least 1,500 Members cast a vote in the Referendum. Such a motion shall only be triggered by a Secure Petition of no confidence signed by at least 500 Student Members; or
 - (ii) a motion of no confidence in the Trustee is passed by a 75% majority in a vote of the Student Council.

Provided that, in the case of a Sabbatical Trustee, such removal shall be subject to the Union having first carried out any steps it is required to take under the Sabbatical Trustee's contract of employment and/or the applicable disciplinary procedure and otherwise in accordance with good employment practice.

6. Student Members of the Council and Senate of the University

- 6.1 The Student Members of the Council shall comprise one student representing undergraduates and one student representing postgraduates, one of whom shall be the President of the Students' Union. The terms of office of the Student Members of the Council shall be the terms of office of their election.

6.2 The Student members of Senate shall be:

- (i) the President of the Students' Union and one other Sabbatical Officer, who shall also be members of Council, and shall hold office for one year from 1st July;
- (ii) the Post Graduate Students' Officer of the Students' Union, or in the absence of an elected Postgraduate Students' Officer, another postgraduate student elected by the Student Council;
- (iii) one student nominated or elected by and from the students of each of the three Colleges of the University, providing that no student may be excluded from nomination on the grounds that they have exercised their right to opt-out of Students' Union membership.

7. Finances, Fees and Accounts

7.1 The University will set out in a Financial Agreement the terms and conditions under which it will make payments to the Union.

7.2 The University will make an annual block grant to the Union, calculated on a basis to be determined by the Council from time to time provided:

- .1 that estimates for the following year by way of financial forecasts for both the Union and the Company be prepared and submitted to the Finance and Infrastructure Committee by the end of the Spring Semester.
- .2 that finalised budgets for the following year for both the Union and the Company be prepared and submitted to the Finance and Infrastructure Committee for approval at its first meeting in the Autumn Semester each year.
- .3 the draft annual accounts for both the Union and the Company be prepared and submitted to the Finance and Infrastructure Committee at its first meeting in the Autumn Semester each year.

7.3 Membership fees for Non-ordinary members of the Union may be applied from time to time, as the discretion of the Board of Trustees.

7.4 Reciprocal, Honorary and Associate members shall not be required to pay fees to access activities and services provided by the Union, other than those activities and services that attract membership or participation fees.

7.5 The books and accounts of the Union shall be audited annually by auditors who shall be Chartered Accountants appointed by the Union's Board of Trustees. The Auditors shall be paid by the Union, and the Union shall provide the Auditors with all information required by them in the discharge of those functions. The audited accounts for each academic year shall be submitted to the Finance and Infrastructure Committee and the Council not later than the end of the first semester of the following session, together with the audited accounts of the Company.

- 7.6 The signatory for the annual financial statements of the Union and the Company, shall be the President, or any other person, as determined by the Board of Trustees.

8. Students' Union Company

- 8.1 There shall be a Students' Union Company which for the time being shall be known as Cardiff Union Services Ltd ("The Company") limited by guarantee which shall perform these duties and functions as are required by the Union and agreed from time to time between the Union and the Company provided that such duties and functions will be subject to the provisions of any Agreement between the Union and the University and shall not be inconsistent with these Ordinances, the Memorandum and Articles of Association or the Bye-Laws of the Union as hereinafter defined.
- 8.2 For the avoidance of doubt such duties and functions shall include:
- .1 the management of and the provision of ancillary services in relation to the Union building.
 - .2 the employment of such staff as shall be considered necessary by the Company to perform its duties and functions and to operate services and activities for the Union's members.
- 8.3 All matters relating to the performance of the Company's duties and functions (including the manner of their exercise) shall be the prerogative of the Company. There shall be a Board of Directors for the Company, whose membership shall be the Trustees of the Union.
- 8.4 The Board of Directors will appoint a Chief Executive who shall be responsible for all branches of the routine administration of the Union and the Company, the control of the staff, accounting and secretarial services and such other duties as the Board of Directors shall from time to time decide. The conditions of service of the Chief Executive including remuneration shall be determined by the Board of Directors. The Staff Senior Management Team shall be responsible to the Chief Executive, who shall report to the Board of Directors for matters relating to the management of the Company and to the Board of Trustees for matters relating to the management of the Union.

9. Amendments to this Ordinance relating to the Students' Union

- 9.1 Amendments to this Ordinance proposed by the University shall be first submitted jointly to the Board of Trustees and the Student Council for consideration. The recommendations of the Board of Trustees and the Student Council shall be regarded by the Senate when making its recommendation to the Council and the Council shall have regard to the recommendations of the Board of Trustees and the Student Council before approving such amendments.
- 9.2 Amendments to this Ordinance proposed by the Board of Trustees must be approved by at least two-thirds of the Members of a quorate meeting of Student Council and shall also require the approval of the Council, which

must fully consider the views of the Senate before approving such amendments.

10. Amendments to the Memorandum and Articles of Association of the Students' Union

- 10.1 Amendments to the Memorandum and Articles of Association shall require the consent of the Student Members, the University Council and shall require a special resolution of the Trustees of the Union, as stated within section 9 of the Memorandum and Articles of Association.

11. Bye-Laws

- 11.1 The Trustees and the Student Council shall have the power from time to time to jointly make, repeal or amend Bye-Laws as to the management of the Union and its working practices provided that such Bye-Laws shall not be inconsistent with the Memorandum and Articles of Association or these Ordinances.
- 11.2 Bye-Laws and amendments to Bye-Laws shall be of immediate and binding effect upon all Members of the Union unless and until such time as they are amended. Amendments shall only be binding upon Members if ratified jointly by the Board of Trustees and the Student Council, provided that such amendments are not repugnant to the Charter, Statutes and Ordinances of the University, the Memorandum and Articles of Association or the general law.
- 11.3 Amendments to the Bye-Laws which are adopted in accordance with the Ordinances, Memorandum and Articles of Association and the Bye-Laws shall be adopted immediately, unless otherwise stated within the amendment.

12. Compliance and Administration

- 12.1 The Trustees shall ensure that the Union complies with its responsibilities, according to this ordinance, the Memorandum and Articles of Association and the Bye-Laws. The Union should also ensure that accurate and up-to-date copies of these documents are kept and made freely available to Student Members and Council upon request.

ORDINANCE 14

THE EXECUTION OF DOCUMENTS BY THE UNIVERSITY

1. When the Council, or any person or body of persons authorised by the Council, generally or in respect of a particular transaction, has determined to execute a document by deed, the Common Seal of the University shall be affixed to the document at the direction of the University Secretary. Documents which are to be executed under hand (and not as a deed) shall be signed on behalf of the University in accordance with the delegation of authority approved by the Council generally or in respect of a particular transaction.
2. When the document has been approved for execution as a deed in accordance with section 1 above, the Common Seal shall be affixed to the deed in the presence of two members of Council or one member of the Council and the University Secretary/Chief Finance Officer/Chief Operating Officer under the following form of words:

Executed as a deed by affixing the Common Seal of Cardiff University in the presence of:

Signature of Council Member: _____

Signature of Council Member and the University Secretary/Chief Finance Officer/Chief Operating Officer: _____

The signatories under sub-section (1) above by their signatures confirm the authenticity of the seal, that they have seen the authority of the Council for the execution of the document by deed and that the Common Seal was affixed in their presence.

3. Each use of the Common Seal shall be reported by the University Secretary to Council annually.
4. The Common Seal shall remain in the custody of the University Secretary or such other person as the Council may direct, and the University Secretary or that other person shall maintain a register of documents to which the Common Seal has been affixed.

ORDINANCE 15

AWARDS OF CARDIFF UNIVERSITY

1. The degrees of the University shall be designated in a list to be approved and maintained by the Senate.
2. In order to qualify for the award of a degree of the University every candidate must have:
 - (i) pursued and successfully completed, subject to the Statutes and in accordance with the appropriate academic regulations or procedures, a programme of research or study leading to a degree;
 - (ii) complied with the requirements of such Statutes and Ordinances and academic regulation or procedures as may be relevant.
3. The period of study and all other requirements necessary to qualify persons for the grant of diplomas, certificates and other academic awards of the University shall be prescribed by academic regulation or procedures.
4. Notwithstanding the above provisions aegrotat or posthumous awards may be authorised, under conditions prescribed by the University in academic regulation or procedures.
5. The University reserves the right not to confer a degree, diploma or certificate upon any person who has not fulfilled all his/her financial obligations to the University.
6. Persons may be admitted to degrees of the University or granted diplomas, certificates or other academic awards of the University only on the authority of the Council, on the recommendation of Senate. This authority relating to admission to degrees shall be delegated to the Awards and Progress Committee, a Joint Sub-Committee of Senate and Council as prescribed by Ordinance, and subject to report to Council and Senate.
7. The procedure and ceremonial of Congregations shall be determined by the Council on the advice of the Senate.
8. In accordance with the Statutes, the Council may by resolution, on the recommendation of Senate and the advice of the Awards and Progress Committee, deprive any person of a degree, diploma, certificate or other academic award of the University.
9. No such person shall be so deprived by the Council unless he or she shall have been given a reasonable opportunity of being heard. Council will establish a Panel, with a lay Chair, to hear the recommendation of Senate and to receive representation from the person. The Panel will determine whether there is good cause for deprivation of an award and make a recommendation to Council accordingly.
10. The Council may by resolution, on the recommendation of Senate, at any time restore any such degree, diploma, certificate or other academic award to any person so deprived.