1978 No. 279

ULSTER POLYTECHNIC

Ulster Polytechnic Regulations (Northern Ireland) 1978

Made . . . . . *19th September* 1978

Coming into operation . . . *24th October* 1978

The Department(a) of Education (hereinafter referred to as "the Department") in pursuance of the powers vested in it by sections 1 and 9 of the Ulster College Act (Northern Ireland) 1968(b) and of all other powers enabling it in that behalf, and with the approval of the Department(a) of Finance as to grants, hereby makes the following regulations:

Citation and commencement

1.—(1) These regulations may be cited as the Ulster Polytechnic Regulations (Northern Ireland) 1978.

(2) These regulations shall come into operation on 24th October 1978.

Regulations revoked

2. The following regulations are hereby revoked: the Ulster College Regulations (Northern Ireland) 1975(c).

Interpretation

3.—(1) In these regulations—

"the Governors" means the Governors of the Ulster Polytechnic;

"the Polytechnic" means the Ulster Polytechnic.

(2) The body corporate formerly known as the Governors of the Ulster College shall continue under the name of the Governors of the Ulster Polytechnic.

Composition of the Governors

4. The Governors shall consist of—

(*a*) the following persons appointed by the Department:

(i) one person to act as chairman;

(ii) two persons appointed after consultation with the Belfast Education and Library Board;

(iii) four persons appointed after consultation with the Association of Education and Library Boards;

(iv) one person appointed after consultation with the Association of Chief Officers of Education and Library Boards;

(v) three persons appointed after consultation with the Northern Ireland Committee of the Irish Congress of Trade Unions;

(a) Formerly Ministry: *see* 1973 c. 36 Schedule 5 paragraph 8(1)
(b) 1968 c. 14 (N.I.)
(c) S.R. 1975 No. 181 (II, p. 955)

(vi) three persons appointed after consultation with the Northern Ireland Chamber of Commerce and Industry;

(vii) three persons appointed after consultation with the Confederation of British Industry (Northern Ireland Region);

(viii) two persons appointed after consultation with such organisations appearing to the Department to represent teachers serving in secondary schools and institutions of further education, as it shall think fit;

(ix) two persons appointed after consultation with The Queen's University of Belfast;

(x) one person appointed after consultation with the New University of Ulster;

(xi) one person appointed after consultation with the Department of Health and Social Services;

(xii) one person appointed after consultation with the Arts Council of Northern Ireland;

(xiii) one person appointed after consultation with the Royal Ulster Academy of Arts; and

(*b*) the following persons:

(i) the rector of the Polytechnic for the time being who shall act as vice-chairman;

(ii) not more than five members of the academic staff of the Polytechnic for the time being as shall be determined from time to time by the persons appointed under 4(*a*) and 4(*b*)(i);

(iii) four persons elected by the academic staff of the Polytechnic for the time being from their own number in accordance with arrangements made by the Governors;

(iv) two persons elected by the staff of the Polytechnic other than academic staff for the time being from their own number in accordance with arrangements made by the Governors; and

(v) three students of the Polytechnic for the time being elected by the Students' Representative Council in accordance with arrangements made by the Governors.

Power of co-option

5. The Governors shall have power to co-opt not more than three persons not being staff or students of the Polytechnic to serve as governors.

Period of office

6.—(1) Subject to the provisions of this regulation governors other than the rector of the Polytechnic shall hold office each for a term of three years.

(2) The term of office of each governor existing at the date of these regulations shall expire on the date on which it was due to have expired under the regulations hereby revoked.

(3) The persons elected under regulation 4(*b*)(iii) and (iv) shall not be eligible for re-election for a consecutive term of office.

(4) The persons elected under regulation 4(*b*)(v) shall be elected annually. No such person may serve as a governor for more than three consecutive years.

Power of Governors

7. Subject to the provisions of these regulations the Governors shall have power to make rules for the conduct of the Polytechnic and to make standing orders for the regulation of their own proceedings, and of the proceedings of committees of the Governors and for keeping of records, the execution of documents and other such matters connected with the conduct of their business as they think fit.

Determination of governorship

8.—(1) Any governor appointed under the provisions of regulation 4(*a*) or co-opted under the provisions of regulation 5—

(*a*) who is absent from all meetings of the Governors during a period of one year shall cease to be a governor at the end of the next ensuing meeting unless the Governors at that meeting decide otherwise: Provided that attendance at a meeting of a committee of the Governors shall be regarded as attendance at a meeting of the Governors for the purposes of this sub-paragraph;

(*b*) who is adjudicated a bankrupt or who is legally incapacitated shall thereupon cease to be a governor;

(*c*) who communicates in writing to the Governors a wish to resign shall thereupon cease to be a governor.

(2) Any governor who is a member of the staff of the Polytechnic shall cease to be a governor upon—

(*a*) ceasing to be a member of such staff;

(*b*) receiving notice to terminate his employment; or

(*c*) being suspended.

Any such governor whose suspension is subsequently lifted may, subject to the approval of the Department, be reinstated as a governor.

(3) Any governor who is a student of the Polytechnic shall cease to be a governor upon ceasing to be a student of the Polytechnic or being suspended. Any such governor whose suspension is subsequently lifted may, subject to the approval of the Department, be reinstated as a governor.

Vacancies

9.—(1) The Secretary of the Polytechnic shall notify the Department of every vacancy in the Governors appointed under the provisions of regulation 4(*a*).

(2) Subject to the provisions of regulations 6(3), 6(4) and 10(2) any governor may be appointed, elected or co-opted for a further period of office.

(3) A governor appointed in place of a governor who has died or vacated office before the end of his normal period of office shall hold office only during the unexpired portion of the said governor's period of office.

Governors to have no financial interest in the Polytechnic

10.—(1) No governor shall take or hold any interest in property held or used for the purposes of the Polytechnic, otherwise than as a trustee for the purposes thereof, or receive any remuneration (other than that payable in respect of salary or other emoluments as rector or member of staff of the Polytechnic) for his services but subject to the approval of the Department governors may receive out-of-pocket expenses incurred in connection with the discharge of their duties as governors.

(2) A governor who is concerned, by himself or his partner or through any company of which he is a director or with the management of which he is associated in any similar capacity, in any bargain or contract entered into with the Governors, or who participates by himself or his partner or through such company in the profit of any such bargain or contract or of any work done under the authority of the Governors, shall become disqualified from being a governor unless—

(*a*) before the bargain or contract is entered into he makes full disclosure of any such interest as aforesaid; and

(*b*) he abstains from voting upon any matter connected therewith.

Meetings of Governors

11.—(1) The Governors shall hold ordinary meetings at least four times in each year.

(2) A special meeting of the Governors may be summoned by the secretary to the Governors on the request either of the chairman or of any six governors, at least three of whom must be governors who are neither members of the staff nor students of the Polytechnic.

(3) There shall be a quorum when one-third of the Governors are present at a meeting and more than half of those present are governors appointed under the provisions of regulation 4(*a*) or co-opted under the provisions of regulation 5.

(4) The chairman, or in his absence the vice-chairman, shall preside at meetings of the Governors but if both are absent from any meeting or any part of it a chairman of that meeting or of that part of a meeting shall be appointed by the governors present.

(5) Every matter shall be determined by a majority of the Governors present and voting on the question. In the case of equality of votes on any matter the chairman of the meeting shall have a second or casting vote.

(6) Minutes shall be kept of all meetings of the Governors and their committees and shall be signed at the same or the next ordinary meeting of the Governors or the committee, as the case may be, by the person presiding thereat.

(7) Unless invited by a resolution of the other governors present at the meeting to remain, a governor who is a member of the staff of the Polytechnic shall withdraw from that part of any meeting of the Governors, or a committee thereof, at which there is consideration of the appointment or promotion of a person to a post equal to or senior to that which is held by him or consideration of the suspension, dismissal, or retirement of a person holding such a post.

(8) No governor who is a member of the staff of the Polytechnic shall take part as governor in the consideration of his own promotion, suspension, dismissal or retirement.

(9) Unless invited by a resolution of the other governors present at the meeting to remain, a governor who is a student of the Polytechnic shall withdraw from that part of any meeting of the Governors, or a committee thereof, at which the conditions of service or the appointment, promotion, suspension or dismissal of any member of the staff of the Polytechnic are considered.

Appointment of committees

12. The Governors may appoint such committees as they consider necessary to exercise such functions as may be delegated to them by the Governors under regulation 15. The committees may include members who are not governors provided that at least one-half of the members of any committee and the chairman of the committee are governors.

Appointment of advisory panels

13. The Governors may, after consultation with the Academic Board of the Polytechnic, appoint advisory panels to assist with the development of specified fields of study. Such panels shall, if practicable, include a majority of persons, whether members of the academic staff or not, who have expert knowledge of the relevant field of study.

Functions of the Governors

14.—(1) The Governors shall—

(*a*) conduct the Polytechnic and plan its development within the financial limits specified by the Department;

(*b*) subject to such directions, if any, as the Department may give, determine the courses to be provided in the Polytechnic;

(*c*) prepare and submit to the Department for approval estimates of income and expenditure for the Polytechnic for such period and in such form as the Department may from time to time direct, supply such other information as the Department may require and shall not without the consent of the Department incur expenditure otherwise than in accordance with the approved estimates;

(*d*) be responsible for the maintenance of the Polytechnic premises and for the provision and maintenance of the equipment;

(*e*) be responsible for carrying out alterations, additions and extensions to the Polytechnic premises subject to the approval of the Department;

(*f*) be responsible for the appointment of staff;

(*g*) have power to borrow, or invest, money on such terms and for such purposes as the Department, after consultation with the Department of Finance, may in writing approve;

(*h*) effect such insurance as the Department may from time to time approve or direct;

(*i*) for the purpose of promoting the efficiency of the Polytechnic take such steps as they consider from time to time appropriate to establish and maintain contact with industry, commerce, universities, other colleges and research institutions;

(*j*) prepare and publish an annual report for the Polytechnic.

(2) Except with the approval in writing of the Department the Governors shall not—

(*a*) dispose of or charge any property other than land vested in them which is valued at more than £1,500; or

(*b*) acquire any estate or interest in land or dispose of or charge any estate or interest in land.

Delegation of functions

15.—(1) The Governors may delegate to committees appointed by them under regulation 12 or to the rector the exercise of any of their functions other than responsibility for—

(*a*) the appointment and dismissal of—

(i) the rector of the Polytechnic, or

(ii) the secretary of the Polytechnic, and

(*b*) the submission to the Department of estimates of income and expenditure.

(2) The Governors having regard to the provisions of these regulations relating to the Academic Board may delegate to that Board such of their functions as they consider appropriate other than functions specified in sub-paragraphs (*a*) and (*b*) of paragraph (1), and the appointment and dismissal of the pro-rectors and deans.

Seal

16. The Governors shall provide for the safe custody of the seal which shall be used only by the authority of the Governors or of a committee of the Governors authorised by the Governors in that behalf and every instrument to which the seal is affixed shall be signed by a governor and by the rector or by a second governor or by some other person authorised by the Governors for the purpose.

Academic and other staff of the Polytechnic

17.—(1) The rector of the Polytechnic shall be the head of the academic staff and the chief executive of the Governors responsible to the Governors for the management of the Polytechnic.

(2)(*a*) The Governors shall pay to the academic staff, salaries in accordance with scales or rates approved by the Department.

(*b*) Employment of academic staff shall be determinable (except in the case of dismissal for misconduct) by not less than three calendar months' notice in writing.

(*c*) Academic staff shall be employed in accordance with and subject to such other conditions of service as the Governors may determine.

(3)(*a*) The Governors, or the rector of the Polytechnic, shall have power to suspend for misconduct any member of the academic staff. If the rector suspends any member of the academic staff he shall immediately report the suspension to the Governors.

(*b*) The procedure for the dismissal of members of the academic staff shall be such as may be decided by the Governors with the approval of the Department.

(4) The secretary of the Polytechnic shall be responsible to the rector and shall act as secretary to the Governors.

(5) The secretary and staff of the Polytechnic, other than academic staff, shall be employed in accordance with and subject to such conditions of service as the Governors may determine.

Scholarships and other awards

18. Subject to such conditions as may from time to time be specified by the Department the Governors, on the recommendation of the Academic Board, may make provision for the award of fellowships, research assistantships, scholarships, bursaries, prizes or other awards.

Academic Board

19.—(1) There shall continue to be an Academic Board for the Polytechnic which shall include—

(*a*) the rector of the Polytechnic;

(*b*) the pro-rectors of the Polytechnic;

(*c*) the deans of the Polytechnic;

(*d*) the directors of studies and heads of departments of the Polytechnic;

(*e*) representatives of the academic staff from each faculty chosen by the staff of such faculty. The number of representatives from each faculty and the term of appointment shall be such as the Governors shall determine;

(*f*) the secretary and the librarian.

(2) The Academic Board shall have power to co-opt not more than six other persons to serve on the Board.

(3) The Academic Board shall be responsible for—

(*a*) the regulation of the teaching work of the Polytechnic;

(*b*) advising the Governors on future development and requirements for staff, accommodation and equipment;

(*c*) the admission of students to the various courses;

(*d*) the regulation of examinations;

(*e*) the promotion and regulation of research within the finances provided;

(*f*) the making of recommendations for the award of fellowships, research assistantships, scholarships, bursaries, prizes and other awards;

(*g*) the nomination of academic representatives to external bodies;

(*h*) such other functions as may from time to time be delegated to the Board by the Governors.

(4) The rector of the Polytechnic shall be the chairman of the Academic Board and he, or in his absence his nominee, shall preside at meetings of the Academic Board.

(5) Subject to the provisions of these regulations the Academic Board shall have power to regulate its proceedings and the conduct of its business, including the appointment of such sub-committees as it considers necessary.

(6) The Academic Board shall submit at every meeting of the Governors the minutes of all meetings of the Academic Board or its sub-committees which have been held since the last meeting of the Governors.

Admission, suspension and expulsion of students

20.—(1) Students shall be admitted to the Polytechnic in accordance with conditions laid down by the Academic Board and approved by the Governors.

(2) The rector shall have power to suspend a student and shall immediately report any suspension to the Governors or in an emergency to their chairman who shall report to the next meeting of the Governors. Before

suspending a student the rector shall so far as is practicable consult the student's director of studies or head of department.

(3) The Governors may require a student whose work is unsatisfactory or who is guilty of misconduct to leave the Polytechnic in accordance with conditions laid down by them.

Students' Representative Council

21. The Governors shall continue to—

(*a*) make provision for a Students' Representative Council, elected by the students, with powers to manage its own affairs and funds; and

(*b*) make arrangements enabling representations on matters of concern to the students to be made to the rector, the Academic Board or the Governors as appropriate.

Fees

22. The fees payable by the students attending the Polytechnic shall be such as shall from time to time be determined by the Governors with the approval of the Department.

Payment of Grant

23.—(1) The amount of grant which the Department may pay to the Governors shall be equal to the expenditure incurred by them in accordance with regulation 14(1)(*c*).

(2) Payment of grant shall be made at such times, in such manner and subject to such conditions as the Department may determine.

24. For the purpose of determining the amount of grant payable under regulation 23 there shall be deducted from the expenditure specified therein any receipts which in the opinion of the Department should be taken into account in determining the appropriate expenditure incurred by the Governors.

Sealed with the Official Seal of the Department of Education for Northern Ireland on 19th September 1978 in the presence of

(L.S.) *P. Carvill*
Assistant Secretary

The Department of Finance hereby approves the foregoing regulations as to grants.

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 19th September 1978 in the presence of

(L.S.) *H. Carson*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations which replace existing provisions, are consequent upon the recent amendment of the Ulster College Act (Northern Ireland) 1968 which provides that the former Governors of the Ulster College shall be retitled Governors of the Ulster Polytechnic. The regulations also provide for certain changes in the membership and structure of the Governors and make certain consequential and minor amendments to the regulations revoked. Certain provisions of the existing regulations are now incorporated in the Act and are not therefore included in these regulations.