



## EDUCATION ACT 2001

### ARTICLES OF GOVERNMENT OF THE UNIVERSITY COLLEGE ISLE OF MAN

The Department of Education and Children makes these Articles of Government under section 33(2)(b) of the Education Act 2001<sup>1</sup>

#### 1. Commencement

These Articles shall come into operation on 1st May 2016.

#### 2. Interpretation

In these Articles —

"academic year" means a year commencing on 1st September;

"the Board" means the Governing Body constituted by the instrument of government of the University College Isle of Man;

"the Department" means the Department of Education and Children;

"the Principal" means the principal of the UCM;

"financial regulations" means —

(a) any direction under section 3(1)(e) or (f) of the Treasury Act 1985<sup>2</sup> for the time being in force; and

(b) any regulations under section 12 of the Audit Act 2006<sup>3</sup> for the time being in force;

"ordinary meeting", in relation to the Board, means a meeting of the Board required to be held once in each UCM term.

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<sup>1</sup> 2001 c.33

<sup>2</sup> 1985 c.25

<sup>3</sup> 2006 c.15

"UCM strategic plan" means a plan submitted to the Department under article 7 and approved by the Department;

"the UCM" means the University College Isle of Man, being the college provided by the Department and incorporating the institutions formerly known as the Isle of Man College and the Isle of Man International Business School;

- (3) Where the Principal is absent or unable to act, or if there is no Principal, any reference in these Articles to the Principal shall be taken as a reference to the acting or deputy Principal.
- (4) The Interpretation Act 1976<sup>4</sup> applies to these Articles as it applies to an Act of Tynwald.

### **3. Direction and conduct of UCM**

The Board, in consultation with the Principal, shall be responsible for the general direction and conduct of the UCM.

### **4. Curriculum**

The Principal shall, in consultation with the Board, review and from time to time revise the curriculum for the UCM, having regard to the age, ability, aptitude and special educational needs of students attending the UCM and in accordance with general rules of policy prescribed by the Department.

### **5. Organisation and management**

- (1) The Principal shall control the internal organisation of the UCM and manage the staff of the UCM.
- (2) Any policy of the Principal relating to the organisation and management of the UCM shall be in accordance with any general directions of the Department and subject to the approval of the Board.

### **6. Standards**

- (1) The Board and the Principal shall consider the standards of achievement attained by students at the UCM and shall keep such standards under regular review.
- (2) The Principal shall make available to the Board members and the Department any information relating to —
  - (a) the assessment of the students and their expected attainments; and
  - (b) the results of any public examinations taken by the students;

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<sup>4</sup> 1976 c.20

at such times and in such form as the Department may determine.

- (3) Subject to paragraph (4), on the basis of the information provided under paragraph (2) and such other information as they possess, the Board shall —
  - (a) consider what action is appropriate to maintain or improve the standards of achievement attained by students at the UCM,
  - (b) make recommendations to the Principal as to such action, and
  - (c) report any major concerns to the Department.
- (4) The Board shall consider any reports on the College prepared by or on behalf of the Department, and shall comply with any recommendations contained therein and endorsed by the Department.

#### **7. UCM strategic plan**

- (1) The Principal shall prepare annually, in such form as may be required by the Department and after consulting with the Board, a 3-year UCM strategic plan specifying the educational, managerial and business priorities for the UCM.
- (2) The Board shall consider the plan prepared under paragraph (1) and shall submit it, with such recommendations for modification as it thinks appropriate, to the Department.
- (3) The Department may approve the plan with or without modifications.

#### **8. Reports by Principal to the Board**

- (1) The Principal shall, not later than the end of each academic year, make a report in writing to the Board on the implementation of the UCM strategic plan.
- (2) The Principal shall provide a report, in such form as the Department may specify, to the Board at each of its ordinary meetings.
- (3) A report under paragraph (2) shall cover each of the following areas —
  - (a) the attendance of students;
  - (b) the suspension and expulsion of students;
  - (c) the repair and maintenance of the fabric of the UCM, and the state of any works of demolition, construction or extension;
  - (d) the curriculum, and any proposals for its alteration;
  - (e) the finances of the UCM;
  - (f) the health and safety of students, staff and visitors;

- (g) the management of the UCM;
- (h) the teaching and other staff of the UCM;
- (i) the standards to be attained by students and their attainments;
- (j) progress in implementing the UCM strategic plan;
- (k) any matters relating to students with special educational needs;
- (l) any matters relating to the Student Association;
- (m) such other matters as the Department may from time to time require to be covered by the report.

#### **9. Visits and inspections by Board**

(1) The Board shall visit the UCM together regularly and, in any event, not less than 3 times in every academic year.

(2) The Board shall consult the Principal as to the time of any visit.

(3) The Board and the Principal shall together, at such intervals as the Department may require and at such other times as the Board or the Principal thinks appropriate, inspect the fabric of the UCM and report on the state of it to the Department, in such form as the Department may require.

#### **10. Reports by Board**

The Board shall make such reports to the Department as the Department may from time to time require.

#### **11. Finance: general**

- (1) All income received and expenditure incurred on account of the UCM shall be accounted for in accordance with the scheme for delegated financial management of the UCM for the time being in force, and the Principal shall be accountable for all such income and expenditure —
  - (a) to the Board, as regards compliance with policies approved by the Governing Body and the college strategic plan, and
  - (b) otherwise, to the Chief Executive Officer of the Department.
- (2) The Principal shall, at such times and in such form as the Department may require and in consultation with the Board, prepare —
  - (a) a budget comprising estimates of —
    - (i) income to be received on account of the UCM, excluding lettings, and

- (ii) the expenditure required to be incurred for the operation of the UCM and the implementation of the UCM strategic plan in the period covered by the budget; and
  - (b) estimates of expenditure required for major future developments at the UCM.
- (3) Expenditure on maintenance and repairs of the fabric of the UCM falling within "tenant's expenses" under the scheme referred to in paragraph (1) shall be included in the expenditure mentioned in paragraph (2)(a)(ii).
- (4) The Principal shall submit the estimates referred to in paragraph (2)(b) to the Department, who may approve them with or without modifications.
- (5) The Principal shall not without the prior approval of the Chief Executive Officer of the Department of Education and Children incur any expenditure not provided for in the said budget as approved by the Department.
- (6) The Principal shall present a financial statement, in such form as the Department may direct, at each ordinary meeting of the Board and at such other meetings of the Board as it may require.
- (7) If the information in a financial statement presented to the Board under paragraph (6) differs from the information most recently provided by the Department, the Principal shall forward a copy of the statement to the Department.
- (8) The Principal shall submit annually to the Board members and to the Department a duly audited statement of receipts and payments of all funds privately raised on account of the UCM and in his or her hands or under his or her control.
- (9) In exercising his functions under this article the Principal shall comply with the financial regulations.

**12. Appointment, suspension and dismissal of Principal etc.**

- (1) The Principal shall be appointed and may be dismissed by the Department.
- (2) The Principal shall be employed by the Department under a written contract of employment which shall incorporate the provisions of the Managers' Contract Terms and Conditions of Service for the time being in force.

- (3) The Department may of its own motion, and shall at the request of the Board, suspend the Principal from duty for misconduct or other adequate or urgent cause pending consideration by the Board.
- (4) The board may recommend the dismissal of the Principal.
- (5) This article applies to an Assistant Principal of the UCM as it applies to the Principal.

**13. Appointment etc. of academic managers and lecturers**

- (1) The arrangements for the appointment of academic managers and lecturers for the UCM shall comply with any directions by the Department for the time being in force.
- (2) An academic manager shall be employed by the Department under a written contract of employment which shall incorporate the provisions of the Managers' Contract Terms and Conditions of Service for the time being in force.
- (3) A lecturer shall be employed by the Department under a written contract of employment which shall incorporate the provisions of the Lecturers' Contract Terms and Conditions of Service for the time being in force.
- (4) The Department may of its own motion, and shall at the request of the Board, suspend an academic manager or lecturer from duty for misconduct or other adequate or urgent cause pending consideration by the Board.
- (5) An academic manager or lecturer may be dismissed by the Department.
- (6) The Board, after consulting the Principal, may recommend the dismissal of an academic manager or lecturer.
- (7) In this article —

"academic manager" means a member of the teaching staff of the UCM whose salary is determined by reference to the management spine or rates of pay;

"lecturer" means any member of the teaching staff of the UCM, except an academic manager or a person to whom article 12 applies.

**14. Support staff**

The Board, after consulting the Principal, may make recommendations to the Department or other such body as to the engagement and

dismissal of non-teaching staff of the UCM (including members of the Isle of Man Public Services Commission).

**15. Special educational needs**

- (1) The Principal, in consultation with the Board, shall be responsible for the management of staff (including staff seconded by the Department) and facilities for the teaching at the UCM of students with special educational needs.
- (2) In exercising his functions under paragraph (1) the Principal shall comply with any directions by the Department for the time being in force.

**16. Admission of students**

- (1) Subject to paragraph (2), the admission of students to the UCM shall be in accordance with arrangements made by the Principal, in consultation with the Board.
- (2) In determining the UCM's admission policy, the Principal shall have regard to any directions issued by the Department.

**17. UCM discipline**

- (1) The Principal, in consultation with the Board, shall determine the standard of behaviour which is to be regarded as acceptable at the UCM.
- (2) The Principal shall take all necessary steps to promote good behaviour at the UCM.
- (3) Measures to enforce good behaviour at the UCM shall be as provided by the UCM Student Disciplinary Procedure prescribed by the Department and for the time being in force.
- (4) The Principal shall forthwith notify the Department of the suspension or expulsion of a student.

**18. UCM sessions etc**

- (1) Terms and holidays for the UCM and the annual UCM calendar shall be determined by the Department.
- (2) The opening and closing times at the UCM shall be determined by the Board, after consulting the Principal and subject to compliance with any minimum requirements specified by the Department.

**19. Copies of articles**

- (1) The Department shall supply a copy of the instrument of government of the UCM and a copy of these Articles to every Board member and the Principal of the UCM.
- (2) The Principal shall ensure that a copy of the Instrument of Government of the UCM and a copy of these Articles are available for inspection by every member of staff of the UCM and any student attending the UCM.

**20. Determination of questions**

Any question as to the operation or application of any provision of these Articles shall be referred to and determined by the Department.

**21. Revocation**

The following instruments are revoked —

- (a) the articles of government of the former Isle of Man College of Further and Higher Education dated 22<sup>nd</sup> November 2011.

MADE 18<sup>th</sup> April 2016



Tim Crookall MLC

Minister for Education and Children