



## Press Statement from Bournemouth University Thursday 25 February 2010

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### **Professor Buckland v Bournemouth University Press Statement following judgement of the Court of Appeal**

The case relates to historic events dating back to 2006.

The case was originally heard in 2008 and has been in and out of the Courts since that time.

The case was primarily concerned not with matters of academic quality but with matters of employment law.

We accept the finding of the Employment Tribunal that the action of the Chair of the Board of Examiners in 2006 in substituting the marks originally awarded by Professor Buckland with a second set of marks without first consulting with him was wrong. This was acknowledged openly in the report of an internal University enquiry in January 2007 which, as the Employment Tribunal, Employment Appeal Tribunal and Court of Appeal all accepted, had in fact vindicated Professor Buckland.

It is important to note, however, that the set of marks proposed by Professor Buckland was not supported by the three external examiners and this was accepted by the relevant examination board. The issue over quality and standards relating to the assessment was therefore closed. However Professor Buckland resigned and claimed unfair dismissal.

Notwithstanding the conclusions of the internal enquiry, the Employment Tribunal found that what happened in 2006 amounted to a breach of contract entitling Professor Buckland to resign and claim constructive dismissal.

Ultimately the case turned on whether the damage done had been repaired by the internal enquiry. The Employment Appeal Tribunal determined that it had. The Court of Appeal has now restored the decision of the Employment Tribunal to the effect that it had not.

However the Court of Appeal's primary finding is that, as a matter of law, there was nothing the University could have done to remedy its breach of contract, no matter how fairly or reasonably it behaved and no matter how unreasonably Professor Buckland may have been in refusing to accept the outcome of the internal enquiry.

Naturally, we are disappointed at the Court's judgement, particularly on this important point of employment law. We have decided nevertheless to accept the Court of Appeal's decision and will not be appealing their judgement further.

There is not and has not been an issue over quality and standards at Bournemouth University. For example, at their periodic (typically every five years) audit of quality and standards at the University by the Quality Assurance Agency (QAA) conducted in autumn 2008, the Agency concluded that at Bournemouth University

- “confidence can be placed in the soundness of the institution’s current and likely future management of the academic standards of its awards
- “confidence can be placed in the soundness of the institution’s current and likely future management of the quality of the learning opportunities available to students.”

The full judgement of the Court of Appeal can be found at  
<http://www.bailii.org/ew/cases/EWCA/Civ/2010/121.html>