

# THE STATUTES OF THE UNIVERSITY OF BATH

## SECTION 1

### Definitions

#### 1.1 In these Statutes:

Subject to Section 25 of these Statutes 'Academic Staff' means all persons holding appointments as Professors, Readers, Senior Lecturers, Lecturers or Assistant Lecturers of the University or in other posts stipulated by the Senate.

'Boards of Studies' means Boards of Studies of the University.

'College' means the Bristol College of Science and Technology.

'Charter' means the Charter of the University.

'Council' means the Council of the University.

'Court' means the Court of the University.

'Senate' means the Senate of the University.

'Students' Union' means the Students' Union of the University.

'Functions' includes powers and duties.

'Ordinances' means Ordinances made pursuant to the Charter or these Statutes.

'Regulations' means Regulations made pursuant to the Charter, these Statutes or the Ordinances.

'Schools' means Schools of the University.

'Student' means any Graduate or Undergraduate Student of the University, whether full-time or part-time.

'University' means The University of Bath.

'Year' means a period of twelve months ending on such date as may be prescribed from time to time by the Ordinances, which may prescribe different dates for different purposes.

1.2 Words in the singular shall include the plural and words in the plural shall include the singular.

1.3 Words defined in the Charter or these Statutes shall have the same meaning in the Ordinances and the Regulations unless the context be repugnant thereto.

1.4 Any reference in the Charter or these Statutes to any provision of a statute or Act of Parliament shall be construed as a reference to that provision as subsequently amended, re-enacted or extended at the relevant time.

1.5 Any reference in the Charter or these Statutes to the title of an organisational unit or office shall be deemed to include any change in that title effective at the relevant time.

1.6 Any reference to a specific post in these Statutes shall be deemed to include any person duly authorised to act in place of the post-holder.

## SECTION 2

### The Members of the University

2.1 The following persons shall be Members of the University:

The Officers of the University namely, the Chancellor, the Pro-Chancellors and the Treasurer.

The members of the Court.  
The members of the Council.  
The Professors Emeriti.  
All employees of the University.  
The Graduates of the University.  
The Students.

**2.2** The Council shall have the power after consulting with the Senate to declare such other persons Members of the University as it may deem fit.

### **SECTION 3**

#### **The Chancellor**

**3.1** The Chancellor shall be appointed by the Council, on the recommendation of a Joint Committee consisting of three members of the Council and three members of the Senate together with the Vice-Chancellor who shall be Chair.

**3.2** The Chancellor shall hold office for such period as may be determined by Council or until resignation.

**3.3** The Chancellor may resign by writing addressed to the Council.

### **SECTION 4**

#### **The Pro-Chancellor**

**4.1** Pro-Chancellors shall be appointed by the Council and shall hold office for three years or such shorter period as the Council may in each case determine, and shall be eligible for re-appointment.

**4.2** If there is more than one Pro-Chancellor, the Pro-Chancellor who has been in office for the longest period or aggregate of periods (whether consecutive or not) shall be the Pro-Chancellor who shall, subject to these Statutes, during a vacancy in the office of Chancellor, or during the Chancellor's inability through illness or any other cause to perform his or her functions, perform all the functions of the Chancellor except that of conferring Degrees. In the absence through illness or any other cause of such Pro-Chancellor, the Pro-Chancellor who has been in office for the next longest period or aggregate of periods (whether consecutive or not) shall so act.

**4.3** A Pro-Chancellor may resign by writing addressed to the Council.

### **SECTION 5**

#### **The Vice-Chancellor**

**5.1** The successors to the first Vice-Chancellor shall be appointed by the Council after consideration of a report from a Joint Committee consisting of the Chancellor, Chair of Council and two other members of the Council and three members of the Senate; the Chair shall be appointed by the Chancellor.

**5.2** The Vice-Chancellor shall be appointed upon such terms and conditions (subject to Section 25 of these Statutes) as the Council may think fit.

**5.3** The Vice-Chancellor shall be ex-officio Chair of the Senate and a member of the Court, the Council, the Boards of Studies and of all Committees and Joint Committees of these bodies (other than a Joint Committee appointed pursuant to paragraph 1 of this Section of these Statutes, Remuneration Committee, Audit Committee, Council Appeals Committee and Senate Appeals Committee).

**5.4** The Vice-Chancellor shall have general responsibility to the Council for maintaining and promoting the efficiency and good order of the University.

**5.5** The Vice-Chancellor shall have the power to admit Students to the University and may without assigning any reason refuse to admit any person as a Student.

**5.6** The Vice-Chancellor may subject to the provisions of Section 27 of these Statutes:

- (i) suspend any Student from any class or classes; or
- (ii) exclude any Student from any part of the University or its precincts for such period as the Vice-Chancellor may determine,

and shall report any such suspension or exclusion to the Senate at its next meeting.

**5.7** The Vice-Chancellor may delegate all or any of the functions under paragraph 5 of this Section of these Statutes to the Deputy Vice-Chancellor, a Pro-Vice-Chancellor or the Pro-Vice-Chancellor (Student Experience). The Vice-Chancellor may delegate all or any of the functions under paragraph 6 of this Section of these Statutes to the Deputy Vice-Chancellor, a Pro-Vice-Chancellor, the Pro-Vice-Chancellor (Student Experience) or Chair of the Student Disciplinary & Misconduct Committee.

**5.8** The Vice-Chancellor may resign by writing addressed to the Council.

## **SECTION 6**

### **The Treasurer**

**6.1** The first Treasurer shall hold office for three years and shall be eligible for re-appointment.

**6.2** The successors to the first Treasurer shall be appointed by the Council and shall hold office for three years or such shorter period as the Council may determine and shall be eligible for re-appointment.

**6.3** The Treasurer shall, in an honorary capacity, perform such functions as may be determined by the Council.

**6.4** The Treasurer may resign by writing addressed to the Council.

**6.5** The receipt of the Treasurer for any moneys or property payable or deliverable to the University shall be a sufficient discharge for the same to the person paying or delivering the same, but the Council may appoint any person or persons to give receipts for such moneys or property and in such case a receipt given by such persons or any one of such persons shall be a sufficient discharge for the same.

## **SECTION 7**

### **The Deputy Vice-Chancellor and Pro-Vice-Chancellors**

**7.1** The first Deputy Vice-Chancellor and Pro-Vice-Chancellor shall hold office for five years and shall be eligible for re-appointment for a further period not exceeding three years.

**7.2** Successors to the first Deputy Vice-Chancellor, Pro-Vice-Chancellor and other Pro-Vice-Chancellors shall be appointed by the Council on the nomination of the Senate upon such terms and conditions (subject to Section 25 of these Statutes) as Council may think fit.

**7.3** During the inability through illness or any other cause of the Chancellor and the Vice-Chancellor to confer Degrees, the Deputy Vice-Chancellor shall confer Degrees; in the inability through illness or any other cause of the Deputy Vice-Chancellor to confer Degrees, the Pro-Vice-Chancellor who is present and has been in office for the longest period or aggregate of periods (whether consecutive or not) shall so act.

**7.4** The Deputy Vice-Chancellor or a Pro-Vice-Chancellor shall, subject to these Statutes, perform such other of the functions of the Vice-Chancellor as shall be delegated to him or her in accordance with the provisions of the Ordinances.

**7.5** The Deputy Vice-Chancellor or a Pro-Vice-Chancellor may resign by writing addressed to the Council.

## **SECTION 8**

### **The Heads of Schools**

**8.1** The Heads of Schools shall be appointed by the Council upon such terms and conditions as it thinks fit (subject to Section 25 of these Statutes and the Ordinances) after consideration of a report from a Joint Committee of the Council and the Senate constituted in accordance with the Ordinances.

**8.2** The Head of a School shall have general responsibility to the Vice-Chancellor for promoting and maintaining the efficiency and good order of the School.

**8.3** The Head of School shall be ex-officio Chair of the Board of Studies of that School.

**8.4** The Head of a School may resign his or her office by writing addressed to the Council.

## **SECTION 9**

### **Senior Administrative Officers**

The Council shall appoint senior administrative officers such as the Council may by Ordinance determine.

## **SECTION 10**

### **Secretary to the University Council**

The Council shall appoint a Secretary to the Council with such functions and upon such terms and conditions as it may think fit.

## **SECTION 11**

### **The University Librarian**

The Council shall on the recommendation of the Senate appoint a University Librarian with such functions as may be prescribed by Ordinance and at such remuneration and (subject to Section 25 of these Statutes) upon such terms and conditions as it may think fit.

## **SECTION 12**

### **The External Auditor**

**12.1** The Council shall appoint an External Auditor. Every such Auditor shall be a member of a body of accountants established in the United Kingdom and for the time being recognised for the purposes of paragraph (a) of subsection (1) of Section 1212 of the Companies Act, 2006.

**12.2** The External Auditor shall hold office for one year, shall be eligible for re-appointment, and shall receive such remuneration as may be determined from time to time by the Council.

**12.3** The External Auditor shall have a right of access at all reasonable times to the books, records, accounts and vouchers of the University and shall be entitled to require from the Officers of the University such information and explanation as may be necessary for the performance of his or her duties.

**12.4** The External Auditor shall make a report to the Council at least once in each year.

**12.5** If the office of External Auditor shall become vacant by death or resignation or any other cause before the expiration of the External Auditor's period of office the Council shall forthwith appoint an External Auditor for the remainder of such period.

**12.6** An External Auditor may resign by writing addressed to the Council.

## **SECTION 13**

### **The Court**

**13.1** The Court shall consist of the Chancellor and Pro-Chancellors ex officio and a total of ninety three other members, as follows:

- (a) Fourteen current members of staff of the University, including ex officio, the Chair of Academic Assembly;
- (b) Fourteen current students and student union officers of the University;
- (c) Six office holders, including ex officio, the Vice-Chancellor;
- (d) Six members of the Council of the University, including ex officio, the Chair of Council, the Treasurer and the Senior Independent Director;
- (e) Ten Emeritus Professors of the University;
- (f) Six alumni of the University;
- (g) Six representatives of local and regional elected bodies;
- (h) Eight representatives of communities of strategic importance to the University;
- (i) Six representatives of local or regional educational institutions or trusts;
- (j) Five representatives of research funders and business partners;
- (k) Five representatives of employers, placement providers and professional bodies;
- (l) Four members of the University's international stakeholder community;
- (m) Three representatives of the campus trade unions who are not members of the University.

**13.2** The appointment and election of members of Court shall be conducted under the supervision of the Secretary to Court in accordance with the Ordinances.

**13.3**

- (a) All members of Court, other than those appointed ex-officio, shall be subject to a term of office of a maximum of three years and shall be eligible for re-appointment or re-election.
- (b) The term of office of a member of Court will automatically come to an end before three years has expired:
  - (i) when that member leaves the role in the capacity of which they were appointed or elected to Court; or
  - (ii) in the event of their death in post.
- (c) A member of Court may stand down before the expiry of their term of office by giving notice, in writing, to the Secretary to Court.
- (d) No member of Court, other than those appointed ex-officio, shall serve for longer than nine years in total.
- (e) For the purposes of subsection 13.3(d), any term of service on a previously composed Court shall not count towards the total.
- (f) For the purposes of subsections 13.3(a) and 13.3(d), a term of office begins on the day that the appointment or election is confirmed in writing by the Secretary to Court.
- (g) The Secretary to Court shall take the steps necessary to provide that any vacancy on Court arising as a result of any of the circumstances set out in subsections 13.3(a) – (d) is filled within six months of the vacancy arising.

**SECTION 14**

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**SECTION 15**

**Court: meetings and functions**

**15.1** Court shall meet at least once in every academic year and within fifteen months of the preceding meeting at such day and hour as may be determined by the Council and with such notice as is specified in the Standing Orders of Court.

**15.2** Court shall have the following functions:

- (a) To make representation pursuant to Article 4 of the Charter for the appointment of a Visitor.
- (b) To receive from the Vice-Chancellor an Annual Report on the working of the University and to receive the annual audited Statement of Accounts of the University.
- (c) On the joint recommendation of the Council and the Senate to amend, add to or repeal any Article of the Charter in accordance with Article 29 of the Charter.
- (d) To make representations to the Council on any matter affecting the University.

**SECTION 16**

**The Council**

**16.1** The Council shall consist of the following persons:

- (a) EX-OFFICIO MEMBERS

The Vice-Chancellor, the Treasurer and the Chair of Academic Assembly.

(b) APPOINTED MEMBERS

- (i) The Chair of Council.
- (ii) Such other persons not being members of the Staff or Students of the University, and not exceeding ten in number, at least one of whom shall be an alumna/us of the University, as may be appointed by the Council in accordance with guidelines prescribed by the Council from time to time.

(c) ELECTED MEMBERS

- (i) Two persons elected by the Senate from among its members in accordance with the Ordinances.
- (ii) One person elected in accordance with the Ordinances by the Academic Assembly from members of the Senate elected in accordance with sub-paragraph (b) (ii) of paragraph 1 of Section 18 of these Statutes.
- (iii) Two members of professional services staff elected by professional services staff in accordance with the Ordinances.

(d) STUDENT MEMBERS

Two members appointed by the Students' Union from among the Student members of the Senate, normally President and Education Officer.

**16.2**

- (a) An ex-officio member shall remain a member only while holding the office by virtue of which he or she became a member.
- (b) An Appointed member shall hold office until the end of the third year following appointment, with the exception of the Chair of Council who shall be appointed in accordance with paragraph 1 of Section 17 of these Statutes.
- (c) A member elected by the Senate or Academic Assembly under sub-paragraphs 16.1 (c), (i) or (ii) of this Section of the Statutes shall hold office until the expiry of their term of office on Senate, the end of the third year following election or for such shorter period as the Senate may determine.
- (d) A member elected by professional services staff under sub-paragraph 16.1 (c) (iii) of this Section of these Statutes shall hold office until the end of the third year following election providing that they remain a member of professional services staff at the University.
- (e) A Student member shall remain a member only so long as remaining a Student member of the Senate.

**16.3**

- (a) An Appointed member may serve for not more than a total of nine years save in exceptional cases. As part of this maximum period, Officers (i.e. Chair, Treasurer) may serve a maximum of six years in those roles, save in exceptional cases.
- (b) All casual vacancies in the Council may be filled by the body which appointed the member of the Council whose place has become vacant. The term of office of the newly appointed member begins on the day that the appointment or election is confirmed in writing by the Secretary to Council.

**16.4**

- (a) An elected member may not serve for more than a total of nine years save in exceptional cases.
- (b) A Member, elected by the Senate or Academic Assembly under sub-paragraphs 16.1 (c), (i) or (ii) of this Section of these Statutes, upon completion of the term of membership under paragraph 2(c) of this Section of these Statutes shall be eligible for immediate re-election subject to a maximum term of nine years.
- (c) A member elected by professional services staff under sub-paragraphs 16.1 (c) (iii) of this Section of these Statutes, upon completion of the term of membership under paragraph 2 (c) of this Section of these Statutes, shall be eligible for immediate re-election subject to a maximum term of nine years.

**16.5** The Council shall appoint its own Chair.

**16.6** A member of the Council may resign at any time by writing addressed to the Council.

**16.7** The Council shall ensure that all new members are made aware, before the start of their term of office, of their responsibilities and liabilities as members of the governing body of the University.

**SECTION 17**  
**Functions of the Council**

Subject to the Charter, these Statutes and Ordinances the Council in addition to all other functions vested in it, shall have the following functions:

**17.1** To appoint a Chair not being a member of Staff or Student of the University who shall hold office for three years and shall be eligible for re-appointment. The Chair shall not hold office for more than two periods of three years, except in exceptional circumstances.

**17.2** To appoint members to the Joint Committees referred to in Sections 3 and 5 of these Statutes.

**17.3** To nominate to the Court persons for appointment as Pro-Chancellors.

**17.4** To appoint a Treasurer.

**17.5** To appoint members of the Court as provided for in these Statutes.

**17.6** After consideration of such reports, recommendations or nominations as are required by these Statutes to appoint the Vice-Chancellor, the Deputy Vice-Chancellor, Pro-Vice-Chancellors, Heads of Schools and the University Librarian.

**17.7** To determine the method of appointment, conditions of appointment and service, and remuneration of all Staff of the University, Academic or otherwise, and of all other persons employed or engaged by the University.

**17.8** After consideration of a report from the Senate, to deprive persons of any Degrees or other distinctions or titles conferred on them, and to revoke any Diplomas or Certificates granted to



them by the University either itself or jointly or in conjunction with other institutions, and to withdraw all privileges connected therewith.

**17.9** On the recommendation of the Senate to institute, combine or discontinue Schools, Departments, Institutes or other academic sections of the University.

**17.10** To bring from time to time before the Court and the Senate any matters which in its opinion should be dealt with by these bodies respectively.

**17.11** In accordance with Article 29 of the Charter, jointly with the Senate to recommend Special Resolutions to the Court.

**17.12** In accordance with Article 23 of the Charter to make Ordinances.

**17.13** To govern, manage and regulate the finances, accounts, investments, property, business and all affairs whatsoever of the University, and for these purposes to appoint bankers, and any other officers or agents whom it may think fit to appoint, and to cause proper books of account to be kept for all sums of money received and expended by the University, and for the assets and liabilities of the University, so that such books give a true and fair view of the state of the University's affairs and explain its transactions; provided that, before determining any question of finance which affects the academic policy of the University, the Council shall take into consideration any recommendation or report thereon by the Senate.

**17.14** To invest any moneys belonging to or held by the University in any manner as the Council shall from time to time think fit, in any part of the world, or in the purchase of freehold or leasehold hereditaments in the United Kingdom, including rents; provided that in the case of moneys held by the University as trustees the powers conferred by this paragraph shall be exercised subject to the provisions of the governing trust instrument.

**17.15** To sell, buy, exchange, lease and accept leases of real and personal property on behalf of the University.

**17.16** To borrow money on behalf of the University, and for that purpose, if the Council thinks fit, to mortgage, or charge all or any part of the property of the University, whether real or personal, unless the conditions of any Will, Deed or Gift or other similar instrument are thereby contravened, and to give such other security whether real or personal property or otherwise as the Council may think fit.

**17.17** To provide the buildings, premises, furniture and equipment and other means required for carrying on the work of the University and maintaining its efficiency and well-being.

**17.18** To provide at its discretion for the welfare of all persons in the employment of the University or formerly in the employment of the University or of the College and the spouses, widows, widowers, and dependants of such persons including the payment of money, pensions or other payments and to subscribe to benevolent and other funds for the benefit of such person.

**17.19** To consider, adjudicate upon, and, if thought fit, redress any grievance of the Academic and

other Staff of the University, the Graduates and the Students of the University who may for any reason feel aggrieved otherwise than by an act of the Court or by an act taken in accordance with the provisions of Sections 19 or 25 of these Statutes.

**17.20** To enter into, vary, carry out and cancel contracts on behalf of the University, subject to the provisions of Section 25 of these Statutes in those cases where Section 25 applies.

**17.21** To determine all University fees.

**17.22** To accept, reject or refer back any recommendation made by the Senate; provided that no such recommendation may be rejected unless the Senate is informed of the reasons for such rejection and is given an opportunity to comment thereon to the Council.

**17.23** To call for reports from the Senate and by receiving such reports to review the work of the University.

**17.24** Subject to the powers of the Senate, to take such action as it may think fit to advance the teaching and research, the interests and general efficiency of the University, and to provide for the recreation and welfare of the Students and Staff of the University.

**17.25** To establish Joint Committees of the Council and representatives of the Students' Union and to prescribe the method of appointment of such representatives and the functions of such committees.

**17.26** To select a Seal and a Mace for the University and to have the sole custody and use of the Seal and under detailed provisions to be contained in the Ordinances to provide that the use of the Seal and its witnessing or the execution of deeds on behalf of the University by Officers of the University and those persons nominated by the Council for this purpose may be dealt with as if the University was a Company incorporated under the provisions of the Companies Act 1985 or under any legislation in substitution therefore and in accordance with any resolution of the Council relating to the use of the Seal or the execution of deeds.

**17.27** To exercise all such powers as are or may be conferred on the Council by the Charter, these Statutes and the Ordinances and to carry them into effect.

**17.28** To appoint the External Auditor.

**17.29** On the recommendation of the Senate to make, amend, add to or repeal Statutes in accordance with Article 21 of the Charter.

**17.30** To consider representations from the Court on any matter affecting the University.

**17.31** To delegate, upon such conditions as it may determine, and to revoke the delegation of, any of its functions to committees of the Council, joint committees of the Council and the Senate, the Vice-Chancellor or other Officers of the University. Such delegation may include delegation of powers of appointment and powers of investment. Any delegation of function shall be explicit and a matter of record.

**17.32** To delegate the management of investments to one or more fund managers who are authorised and exempted persons under the Financial Services and Markets Act 2000.

**17.33** Under the provisions of section 22 of the Education Act 1994, to take such steps as are reasonably practicable to secure that the Students' Union operates in a fair and democratic manner and is accountable for its finances.

## **SECTION 18**

### **The Senate**

**18.1** The Senate shall consist of the persons as specified by the Ordinances.:

**18.2** The Vice-Chancellor shall be ex-officio Chair of the Senate.

## **SECTION 19**

### **Functions of the Senate**

**19.1** The Senate shall be responsible for the academic work of the University, consistent with Article 13 of the Charter, and in particular for the strategic development of the academic activities of the University and for the approval of policies to promote and ensure the qualities and standards of the academic work of the University, including teaching, research and knowledge exchange.

**19.2** The Senate shall report to the Council on any matters referred to the Senate by Council, and may discuss, declare an opinion and make recommendations to the Council on any matter of interest to the University, including on matters relating to the Ordinances, in accordance with Article 23 of the Charter.

**19.3** In accordance with Article 21 of the Charter, the Senate may recommend to the Council that it makes Statutes amending, adding to or repealing the Statutes then in force.

**19.4** In accordance with Article 29 of the charter, the Senate may jointly with Council recommend Special Resolutions to the Court.

**19.5** The Senate shall assure Council of the academic standards and quality of education leading to the University of Bath degree awards and qualifications, and other educational provision.

**19.6** The Senate has authority to make such Regulations, in accordance with Article 24 of the Charter, as are necessary to fulfil the powers, duties and functions of the Senate as set out in the Ordinances.

## **SECTION 20**

### **Boards of Studies**

**20.1** There shall be a Board of Studies of each School which shall have the following functions:

- (i) To advise and report to the Senate on all matters relating to the organisation of education, teaching, learning, and research in the subjects of the School, including curricula and

examinations.

- (ii) To consider the progress of Students in the School.
- (iii) To appoint internal and external examiners in the subjects of the School.
- (iv) To recommend to the Senate any appointment of an external examiner where the aggregate term of office exceeds four consecutive years.
- (v) To consider and where necessary take action on any matters which may be referred to it by the Senate.
- (vi) To advise and recommend to the Senate on the academic strategy of the School.
- (vii) To carry out any functions which may be given to or imposed on it by the Ordinances.

**20.2** There shall also be such Joint Boards of Studies of two or more Schools and such Boards or Joint Boards of Studies of such Institutes, Centres or other academic Sections, and having such function, as the Senate may from time to time determine.

**20.3** Subject to the provisions of paragraph 3 of Section 5 and paragraph 3 of Section 8 of these Statutes, the constitution of a Board of Studies shall be prescribed by the Ordinances.

## **SECTION 21**

### **Congregation**

**21.1** For the purpose of presenting Graduates of the University, there shall be held annually or at such other intervals as may be thought fit, a meeting which shall be called a Congregation.

**21.2** A Congregation shall be presided over by the Chancellor or in the Chancellor's absence, by the Vice-Chancellor.

**21.3** The procedure for summoning a Congregation for the presentation of Graduates, whether in person or in absentia, and all other matters relating to Congregations, shall be determined by the Senate.

## **SECTION 22**

### **The Academic Assembly**

**22.1** The Academic Assembly of the University shall consist of the Vice-Chancellor, the Deputy Vice-Chancellor, the Pro-Vice-Chancellors, members of the Academic Staff, the University Librarian, the holders of such other posts in the University and such other Members of the University as may be designated by the Senate.

**22.2** There shall be a Chair of the Academic Assembly who shall be elected by the Assembly in such manner and for such term of office as shall be prescribed in the Ordinances.

**22.3** There shall be at least one ordinary meeting of the Academic Assembly during each year, within fifteen months of the preceding meeting, which shall be addressed by the Vice-Chancellor.

**22.4** The Academic Assembly may discuss and declare an opinion on any matter whatsoever relating to the University, including any matters referred to it by the Senate, and, if it so decides, submit resolutions to the Senate.

**22.5** The Chair may at any time at his or her discretion, and shall, upon the request of the Vice-

Chancellor or upon the requisition in writing of not less than twenty members of the Academic Assembly stating the purpose for which the meeting is to be called, summon an extraordinary meeting of the Academic Assembly.

### **SECTION 23**

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### **SECTION 24**

#### **Removal of Officers and Members**

**24.1** The Chancellor, the Pro-Chancellors and any other member of the Court, other than a member of the academic staff to whom Section 25 of these Statutes applies, may be removed from their respective offices for good cause by the Court; and any member of the Council, other than a member of the academic staff to whom Section 25 of these Statutes applies, may be removed for good cause by the Council.

**24.2** No person shall be removed from office by the Court or the Council unless he or she has been given a reasonable opportunity of being heard by the Court or the Council (as the case may be) and of questioning the witnesses upon whose evidence the case against the person is based.

**24.3** "Good cause" in this Section shall mean -

- (a) conviction for an offence which may be deemed by the Court or the Council (as the case may be) to be such as to render the person convicted unfit for the execution of the duties of the office; or
- (b) conduct of an immoral, scandalous or disgraceful nature incompatible with the duties of the office; or
- (c) conduct constituting failure or persistent refusal or neglect or inability to perform the duties or comply with the conditions of office whether such failure results from physical or mental incapacity or otherwise.

### **SECTION 25**

#### **ACADEMIC STAFF**

##### **PART I**

#### **Construction, Application and Interpretation**

##### **Construction**

**25.1** This Section and any Ordinance or Regulation made under this Section shall be construed in every case to give effect to the following guiding principles, that is to say -

- (a) to ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges;
- (b) to enable the University to provide education, promote learning and engage in research efficiently and economically; and
- (c) to apply the principles of justice and fairness.

##### **Reasonableness of decisions**

**25.2** No provision in Part II or Part III of this Section shall enable the body or person having the duty to reach a decision under the relevant Part to dismiss any member of the academic staff

unless the reason for such dismissal may in the circumstances (including the size and administrative resources of the University) reasonably be treated as a sufficient reason for such dismissal.

## **Application**

### **25.3**

(1) This Section shall apply -

- (a) to the persons who are described as "academic staff" in Section 1 of these Statutes;
- (b) to the Senior Administrative Officers as defined in Section 9 of these Statutes; and
- (c) to the Vice-Chancellor to the extent and in the manner set out in the Annex to this Section.

(2) In this Section any reference to "academic staff" is a reference to persons to whom this Section applies.

## **Interpretation**

### **Meaning of "dismissal"**

**25.4** In this Section "dismiss" and "dismissal" mean dismissal of a member of the academic staff and -

- (a) include remove or, as the case may be, removal from office; and
- (b) in relation to employment under a contract, shall be construed in accordance with section 55 of the Employment Protection (Consolidation) Act 1978. (*Note: Section 55 concerns fixed-term contracts.*)

### **Meaning of "good cause"**

#### **25.5**

(1) For the purposes of this Section "good cause" in relation to the dismissal or removal from office or place of a member of the academic staff, being in any case a reason which is related to conduct or to capability or qualifications for performing work of the kind which the member of the academic staff concerned was appointed or employed to do, means -

- (a) conviction for an offence which may be deemed by a Tribunal appointed under Part III to be such as to render the person convicted unfit for the execution of the duties of the office or employment as a member of the academic staff; or
- (b) conduct of an immoral, scandalous or disgraceful nature incompatible with the duties of the office or employment; or
- (c) conduct constituting failure or persistent refusal or neglect or inability to perform the duties or comply with the conditions of office; or
- (d) physical or mental incapacity established under Part IV.

(2) In this paragraph -

- (a) "capability", in relation to such a member, means capability assessed by reference to skill, aptitude, health or any other physical or mental quality; and
- (b) "qualifications", in relation to such a member, means any degree, diploma or other academic, technical or professional qualification relevant to the office or position held by that member.

### **Meaning of "redundancy"**

**25.6** For the purposes of this Section dismissal shall be taken to be a dismissal by reason of

redundancy if it is attributable wholly or mainly to -

- (a) the fact that the University has ceased, or intends to cease, to carry on the activity for the purposes of which the member of the academic staff concerned was appointed or employed by the University, or has ceased, or intends to cease, to carry on that activity in the place in which the member concerned worked; or
- (b) the fact that the requirements of that activity for members of the academic staff to carry out work of a particular kind, or for members of the academic staff to carry out work of a particular kind in that place, have ceased or diminished or are expected to cease or diminish.

### **Incidental, supplementary and transitional matters**

#### **25.7**

- (1) In any case of conflict, the provisions of this Section shall prevail over those of any other Section and over those of the Ordinances and Regulations and the provisions of any Ordinance made under this Section shall prevail over those of any other Ordinance:  
Provided that Part III of and the Annex to this Section shall not apply in relation to anything done or omitted to be done before the date on which the instrument making these modifications was approved under subsection (9) of section 204 of the Education Reform Act 1988.
- (2) Nothing in any appointment made, or contract entered into, shall be construed as overriding or excluding any provision made by this Section concerning the dismissal of a member of the academic staff by reason of redundancy or for good cause:  
Provided that nothing in this sub-paragraph shall prevent waivers made under section 142 of the Employment Protection (Consolidation) Act 1978 from having effect.
- (3) Nothing in any other Section or in any Ordinance or Regulation made thereunder shall authorise or require any officer of the University to sit as a member of any Committee, Tribunal or body appointed under this Section or to be present when any such Committee, Tribunal or body is meeting to arrive at its decision or for the purpose of discussing any point of procedure.
- (4) In this Section references to numbered Parts, paragraphs, and sub-paragraphs are references to Parts, paragraphs, and sub-paragraphs so numbered in this Section.

## **PART II**

### **Redundancy**

#### **Purpose of Part II**

**25.8** This Part of this Section enables the Council, as the appropriate body, to dismiss any member of the academic staff by reason of redundancy.

#### **Exclusion from Part II of persons appointed or promoted before 20th November 1987**

#### **25.9**

- (1) Nothing in this Part of this Section shall prejudice, alter or affect any rights, powers or duties of the University or apply in relation to a person unless -
  - (a) that person's appointment is made, or that person's contract of employment is entered into, on or after 20th November 1987; or

- (b) that person is promoted on or after that date.
- (2) For the purposes of this paragraph in relation to a person, a reference to an appointment made or a contract entered into on or after 20th November 1987 or to promotion on or after that date shall be construed in accordance with sub-sections (3) to (6) of section 204 of the Education Reform Act 1988.

### **The Appropriate Body**

#### **25.10**

- (1) The Council shall be the appropriate body for the purposes of this Part.
- (2) This paragraph applies where the appropriate body has decided that it is desirable that there should be a reduction in the academic staff -
  - (a) of the University as a whole; or
  - (b) of any school, department or other similar area of the University by way of redundancy.

#### **25.11**

- (1) Where the appropriate body has reached a decision under paragraph 10(2) it shall appoint a Redundancy Committee to be constituted in accordance with sub-paragraph (3) of this paragraph. to give effect to its decision by such date as it may specify and for that purpose –
  - (a) to select and recommend the requisite members of the academic staff for dismissal by reason of redundancy; and
  - (b) to report their recommendations to the appropriate body.
- (2) The appropriate body shall either approve any selection recommendation made under sub-paragraph (1), or shall remit it to the Redundancy Committee for further consideration in accordance with its further directions.
- (3) A Redundancy Committee appointed by the appropriate body shall comprise -
  - (a) three lay members of Council, one of whom shall take the Chair; and
  - (b) two members of the academic staff nominated by the Senate.

### **Notices of intended dismissal**

#### **25.12**

- (1) Where the appropriate body has approved a selection recommendation made under paragraph 11(1) it may authorise an officer of the University as its delegate to dismiss any member of the academic staff so selected.
- (2) Each member of the academic staff selected shall be given separate notice of the selection approved by the appropriate body.
- (3) Each separate notice shall sufficiently identify the circumstances which have satisfied the appropriate body that the intended dismissal is reasonable and in particular shall include -
  - (a) a summary of the action taken by the appropriate body under this Part;
  - (b) an account of the selection processes used by the Redundancy Committee;
  - (c) a reference to the rights of the person notified to appeal against the notice and to the time within which any such appeal is to be lodged under Part V (Appeals); and
  - (d) a statement as to when the intended dismissal is to take effect.



**PART III**  
**Discipline, Dismissal and Removal from Office**

**Disciplinary Procedures**

**25.13**

- (1) Minor faults shall be dealt with informally.
- (2) Where the matter is more serious but falls short of constituting possible good cause for dismissal the following procedure shall be used.

**Stage 1 - Oral Warning**

If conduct or performance does not meet acceptable standards the member of the academic staff will normally be given a formal ORAL WARNING. The member will be advised of the reason for the warning, that it is the first stage of the disciplinary procedure and of the right of appeal under this paragraph. A brief note of the oral warning will be kept but it will be spent after 12 months, subject to satisfactory conduct and performance.

**Stage 2 - Written Warning**

If the offence is a serious one, or if a further offence occurs, a WRITTEN WARNING will be given to the member of the academic staff by the Head of Department. This will give details of the complaint, the improvement required and the time scale. It will warn that a complaint may be made to the Council seeking the institution of charges to be heard by a Tribunal appointed under paragraph 16 if there is no satisfactory improvement and will advise of the right of appeal under this paragraph. A copy of this written warning will be kept by the Head of Department but it will be disregarded for disciplinary purposes after 2 years subject to satisfactory conduct and performance.

**Stage 3 - Appeals**

A member of the academic staff who wishes to appeal against a disciplinary warning shall inform the Council within two weeks. The appropriate Pro-Vice-Chancellor shall hear all such appeals and the Pro-Vice-Chancellor's decision shall be final.

**Preliminary examination of serious disciplinary matters**

**25.14**

- (1) If there has been no satisfactory improvement following a written warning given under Stage 2 of the procedure in paragraph 13, or in any other case where it is alleged that conduct or performance may constitute good cause for dismissal or removal from office, a complaint seeking the institution of charges to be heard by a Tribunal appointed under paragraph 16 may be made to the Secretary to Council who shall bring it to the attention of the Vice-Chancellor.
- (2) To enable the Vice-Chancellor to deal fairly with any complaint brought to his or her attention under sub-paragraph (1) he or she shall institute such investigations or enquiries (if any) as appear to be necessary.
- (3) If it appears to the Vice-Chancellor that a complaint brought to his or her attention under sub-paragraph (1) relates to conduct or performance which does not meet acceptable

standards but for which no written warning has been given under paragraph 13 or which relates to a particular alleged infringement of rules, regulations or byelaws for which a standard penalty is normally imposed in the University or within the school, department or other relevant area, or is trivial or invalid the Vice-Chancellor may dismiss it summarily, or decide not to proceed further under this Part.

- (4) If the Vice-Chancellor does not dispose of a complaint under sub-paragraph (3) he or she shall treat the complaint as disclosing a sufficient reason for proceeding further under this Part and, if the Vice-Chancellor sees fit, he or she may suspend the member on full pay pending a final decision.
- (5) Where the Vice-Chancellor proceeds further under this Part he or she shall write to the member of the academic staff concerned inviting comment in writing.
- (6) As soon as may be following receipt of the comments (if any) the Vice-Chancellor shall consider the matter in the light of all the material then available and may -
  - (a) dismiss it; or
  - (b) refer it for consideration under paragraph 13; or
  - (c) deal with it informally if it appears to the Vice-Chancellor appropriate to do so and if the member of the academic staff agrees in writing that the matter should be dealt with in that way; or
  - (d) direct the Secretary to Council to prefer a charge or charges to be considered by a Tribunal to be appointed under paragraph 16.
- (7) If no comment is received within 28 days the Vice-Chancellor may proceed as aforesaid as if the member concerned had denied the substance and validity of the alleged case in its entirety.

### **Institution of Charges**

#### **25.15**

- (1) In any case where the Vice-Chancellor has directed that a charge or charges be preferred under paragraph 14(6)(d), the Vice-Chancellor shall request the Council to appoint a Tribunal under paragraph 16 to hear the charge or charges and to determine whether the conduct or performance of the member of the academic staff concerned constitutes good cause for dismissal or otherwise constitutes a serious complaint relating to the member's appointment or employment.
- (2) Where the Council has been requested to appoint a Tribunal under paragraph 16, an officer appointed by the Vice-Chancellor shall take charge of the proceedings.
- (3) The officer in charge of the proceedings shall formulate, or arrange for the formulation of, the charge or charges and shall present, or arrange for the presentation of, the charge or charges before the Tribunal.
- (4) It shall be the duty of the officer in charge of the proceedings
  - (a) to forward the charge or charges to the Tribunal and to the member of the academic staff concerned together with the other documents therein specified, and

- (b) to make any necessary administrative arrangements for the summoning of witnesses, the production of documents and generally for the proper presentation of the case before the Tribunal.

### **The Tribunal**

**25.16** A Tribunal appointed by the Council shall comprise:

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

### **Provisions concerning Tribunal procedure**

**25.17**

- (1) The procedure to be followed in respect of the preparation, hearing and determination of charges by a Tribunal shall be that set out in Ordinances made under this paragraph.
- (2) Without prejudice to the generality of the foregoing such Ordinances shall ensure -
  - (a) that the member of the academic staff concerned is entitled to be represented by another person, whether such person be legally qualified or not, in connection with and at any hearing of charges by a Tribunal;
  - (b) that a charge shall not be determined without an oral hearing at which the member of the academic staff concerned and any person appointed by the staff member to represent him or her are entitled to be present;
  - (c) that the member of the academic staff and any person representing the staff member may call witnesses and may question witnesses upon the evidence on which the case against the staff member is based; and
  - (d) that full and sufficient provision is made -
    - (i) for postponements, adjournments, dismissal of the charge or charges for want of prosecution, remission of the charge or charges to the Vice-Chancellor for further consideration and for the correction of accidental errors; and
    - (ii) for appropriate time limits for each stage (including the hearing) to the intent that any charge thereunder shall be heard and determined by a Tribunal as expeditiously as reasonably practicable.

### **Notification of Tribunal decisions**

**25.18**

- (1) A Tribunal shall send its decision on any charge referred to it (together with its findings of fact and the reasons for its decision regarding that charge and its recommendations, if any, as to the appropriate penalty) to the Vice-Chancellor and to each party to the proceedings.
- (2) A Tribunal shall draw attention to the period of time within which any appeal should be made by ensuring that a copy of Part V (Appeals) accompanies each copy of its decision sent to a party to the proceedings under this paragraph.

### **Powers of the appropriate officer where charges are upheld by Tribunal**

**25.19**

- (1) Where the charge or charges are upheld and the Tribunal finds good cause and recommends dismissal or removal from office, but in no other case, the appropriate officer

shall decide whether or not to dismiss the member of the academic staff concerned.

- (2) In any case where the charge or charges are upheld, other than where the appropriate officer has decided under sub-paragraph (1) to dismiss the member of the academic staff concerned, the action available to the appropriate officer (not comprising a greater penalty than that recommended by the Tribunal) may be -
  - (a) to discuss the issues raised with the member concerned; or
  - (b) to advise the member concerned about his or her future conduct; or
  - (c) to warn the member concerned; or
  - (d) to suspend the member concerned for such period as the appropriate officer shall think fair and reasonable, not to exceed 3 months after the Tribunal's decision; or
  - (e) any combination of any of the above or such further or other action under the member's contract of employment or terms of appointment as appears fair and reasonable in all the circumstances of the case.

### **Appropriate Officers**

#### **25.20**

- (1) The Vice-Chancellor shall be the appropriate officer to exercise the powers conferred by paragraph 19 and any reference to the appropriate officer includes a reference to a delegate of that officer.
- (2) Any action taken by the appropriate officer shall be confirmed in writing.

## **PART IV**

### **Removal for Incapacity on Medical Grounds**

#### **25.21**

- (1) This Part makes separate provision for the assessment of incapacity on medical grounds as a good cause for dismissal or removal from office.
- (2) In this Part references to medical grounds are references to capability assessed by reference to health or any other physical or mental quality.
- (3) In this Part references to the appropriate officer are references to the Vice-Chancellor or an officer acting as the Vice-Chancellor's delegate to perform the relevant act.
- (4) References to the member of the academic staff include, in cases where the nature of the alleged disability so requires, a responsible relative or friend in addition to (or instead of) that member.

#### **25.22**

- (1) Where it appears that the removal of a member of the academic staff on medical grounds would be justified, the appropriate officer -
  - (a) shall inform the member accordingly; and
  - (b) shall notify the member in writing that it is proposed to make an application to the member's doctor for a medical report and shall seek the member's consent in writing in accordance with the requirements of the Access to Medical Reports Act 1988.
- (2) If the member shares that view the University shall meet the reasonable costs of any medical opinion required.
- (3) If the member does not share that view the appropriate officer shall refer the case in

confidence, with any supporting medical and other evidence (including any medical evidence submitted by the member), to a Board comprising one member nominated by the Council; one person nominated by the member concerned or, in default of the latter nomination, by the Senate; and a medically qualified Chair jointly agreed by the Council and the member or, in default of agreement, to be nominated by the President of the Royal College of Physicians.

- (4) The Board may require the member concerned to undergo medical examination at the University's expense.

### **Termination of Employment**

**25.23** If the Board determines that the member shall be required to retire on medical grounds, the appropriate officer shall direct the Director of Human Resources or delegate to terminate the employment of the member concerned on those medical grounds.

## **PART V Appeals**

### **Purpose of Part V**

**25.24** This Part of this Section establishes procedures for hearing and determining appeals by members of the academic staff who are dismissed or under notice of dismissal or who are otherwise disciplined.

### **Application and Interpretation of Part V**

#### **25.25**

- (1) This Part of this Section applies -
  - (a) to appeals against the decisions of the Council as the appropriate body (or of a delegate of that body) to dismiss in the exercise of its powers under Part II;
  - (b) to appeals arising in any proceedings, or out of any decision reached, under Part III other than appeals under paragraph 13 (Appeals against disciplinary warnings);
  - (c) to appeals against dismissal otherwise than in pursuance of Part II or Part III;
  - (d) to appeals against discipline otherwise than in pursuance of Part III; and
  - (e) to appeals against decisions reached under Part IV and "appeal" and "appellant" shall be construed accordingly.
- (2) No appeal shall however lie against -
  - (a) a decision of the appropriate body under paragraph 10(2);
  - (b) the findings of fact of a Tribunal under paragraph 18(1) save where, with the consent of the person or persons hearing the appeal, fresh evidence is called on behalf of the appellant at that hearing;
  - (c) any finding by a Board set up under paragraph 22(3).
- (3) In this Part references to "the person appointed" are references to the person appointed by the Council under paragraph 28 to hear and determine the relevant appeal.
- (4) The parties to an appeal shall be the appellant and the Hearing Officer, who may be the Chair of the Tribunal, and any other person added as a party at the direction of the person

appointed.

### **Institution of Appeals**

**25.26** A member of the academic staff shall institute an appeal by serving on the Secretary to Council, within the time allowed under paragraph 27, notice in writing setting out the grounds of the appeal.

### **Time for appealing and notices of appeal**

#### **25.27**

- (1) A notice of appeal shall be served within 28 days of the date on which the document recording the decision appealed from was sent to the appellant or such longer period, if any, as the person appointed may determine under sub-paragraph (3).
- (2) The Secretary to Council shall bring any notice of appeal received (and the date when it was served) to the attention of the Council and shall inform the appellant that this has been done.
- (3) Where the notice of appeal was served outside the 28 day period the person appointed under paragraph 28 shall not permit the appeal to proceed unless he or she considers that justice and fairness so require in the circumstances of the case.

### **Persons appointed to hear and determine appeals**

#### **25.28**

- (1) Where an appeal is instituted under this Part the Council shall appoint a person described in sub-paragraph (2) to hear and determine that appeal.
- (2) The persons described in this sub-paragraph are persons not employed by the University holding, or having held, judicial office or being barristers or solicitors of at least 10 years' standing.
- (3) The person appointed shall sit alone unless he or she considers that justice and fairness will best be served by sitting with two other persons.
- (4) The other persons who may sit with the person appointed shall be -
  - (a) one member of the Council not being a person employed by the University; and
  - (b) one member of the academic staff nominated by the Senate.
- (5) No person who has previously been involved in the case shall be appointed to hear an appeal.

### **Provisions concerning appeal procedures and powers**

#### **25.29**

- (1) The procedure to be followed in respect of the preparation, consolidation, hearing and determination of appeals shall be that set out in Ordinances made under this paragraph.
- (2) Without prejudice to the generality of the foregoing such Ordinances shall ensure:
  - (a) that an appellant is entitled to be represented by another person, whether such person be

- legally qualified or not, in connection with and at any hearing of the appeal;
- (b) that an appeal shall not be determined without an oral hearing at which the appellant, and any person appointed by the appellant to represent him or her are entitled to be present and, with the consent of the person or persons hearing the appeal, to call witnesses;
  - (c) that full and sufficient provision is made for postponements, adjournments, dismissal of the appeal for want of prosecution and for the correction of accidental errors; and
  - (d) that the person appointed may set appropriate time limits for each stage (including the hearing itself) to the intent that any appeal shall be heard and determined as expeditiously as reasonably practicable.
- (3) The person or persons hearing the appeal may allow or dismiss an appeal in whole or in part and, without prejudice to the foregoing, may -
- (a) remit an appeal from a decision under Part II to the Council as the appropriate body (or any issue arising in the course of such an appeal) for further consideration as the person or persons hearing the appeal may direct; or
  - (b) remit an appeal arising under Part III for re-hearing by a differently constituted Tribunal to be appointed under that Part; or
  - (c) remit an appeal from a decision of the appropriate officer under Part IV for further consideration as the person or persons hearing the appeal may direct; or
  - (d) substitute any lesser alternative penalty that would have been open to the appropriate officer following the finding by the Tribunal which heard and pronounced upon the original charge or charges.

#### **Notification of decisions**

**25.30** The person appointed shall send the reasoned decision, including any decision reached in exercise of the powers under paragraph 29(3)(a), (b) or (c), on any appeal together with any findings of fact different from those come to by the Council as the appropriate body under Part II or by the Tribunal under Part III, as the case may be, to the Vice-Chancellor and to the parties to the appeal.

### **PART VI Grievance Procedures**

#### **Purpose of Part VI**

**25.31** The aim of this Part is to settle or redress individual grievances promptly, fairly and so far as may be, within the School, department or other relevant area by methods acceptable to all parties.

#### **Application**

**25.32** The grievances to which this Part applies are ones by members of the academic staff concerning their appointments or employment where those grievances relate -

- (a) to matters affecting themselves as individuals; or
- (b) to matters affecting their personal dealings or relationships with other staff of the University, not being matters for which express provision is made elsewhere in this Section.

#### **Exclusions and Informal Procedures**

##### **25.33**

- (1) If other remedies within the School, department or other relevant area have been exhausted the member of the academic staff may raise the matter with the Head of the

School, department or other relevant area.

- (2) If the member of the academic staff is dissatisfied with the result of an approach under sub-paragraph (1) or if the grievance directly concerns the Head of the School, department or other relevant area, the member may apply in writing to the Vice-Chancellor for redress of the grievance.
- (3) If it appears to the Vice-Chancellor that the matter has been finally determined under Part III, IV or V or that the grievance is trivial or invalid, the Vice-Chancellor may dismiss it summarily, or take no action upon it. If it so appears the Vice-Chancellor shall inform the member and the Grievance Committee accordingly.
- (4) If the Vice-Chancellor is satisfied that the subject matter of the grievance could properly be considered with (or form the whole or any part of) -
  - (a) a complaint under Part III;
  - (b) a determination under Part IV; or
  - (c) an appeal under Part Vthe Vice-Chancellor shall defer action upon it under this Part until the relevant complaint, determination or appeal has been heard or the time for instituting it has passed and shall notify the member and the Grievance Committee accordingly.
- (5) If the Vice-Chancellor does not reject the complaint under sub-paragraph (3) or does not defer action upon it under sub-paragraph (4) the Vice-Chancellor shall decide whether it would be appropriate, having regard to the interests of justice and fairness, to seek to dispose of it informally. If the Vice-Chancellor so decides he or she shall notify the member and proceed accordingly.

#### **Grievance Committee Procedure**

**25.34** If the grievance has not been disposed of informally under paragraph 33(5), the Vice-Chancellor shall refer the matter to the Grievance Committee for consideration.

**25.35** The Grievance Committee to be appointed by the Council shall comprise

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

#### **Procedure in connection with determinations; and right to representation**

**25.36** The procedure in connection with the consideration and determination of grievances shall be determined in Ordinances in such a way as to ensure that the aggrieved person and any person against whom the grievance lies shall have the right to be heard at a hearing and to be accompanied by a friend or representative.

#### **Notification of decisions**

**25.37** The Committee shall inform the Council whether the grievance is or is not well-founded and if it is well-founded the Committee shall make such proposals for the redress of the grievance as it sees fit.



**ANNEX**  
**(Paragraph 3(1)(c) refers)**

**Provisions as to the Vice-Chancellor**

**1.** The Council may request its Chair to remove the Vice-Chancellor from office for good cause in accordance with the procedure described in this Annex.

- (1) A complaint seeking the removal from office of the Vice-Chancellor for good cause may be made by not less than three members of the Council to the Chair of the Council.
- (2) If it appears to the Chair of the Council, on the material presented, that the complaint raises a prima facie case and that this could, if proved, constitute good cause for dismissal or removal from office the Chair shall request the Council to appoint a Tribunal to hear and determine the matter.
- (3) If it appears to the Chair of the Council that a complaint made under sub-paragraph (1) does not raise a prima facie case or is trivial or invalid, the Chair may recommend to the Council that no further action be taken upon it.
- (4) When the Council has appointed a Tribunal under sub-paragraph (2) it shall instruct a solicitor or other suitable person to formulate a charge or charges and to present, or arrange for the presentation of, the charges before the Tribunal.
- (5) A Tribunal appointed by the Council shall comprise:
  - (a) an independent Chair; and
  - (b) one member of the Council, not being a person employed by the University; and
  - (c) one member of the academic staff.
- (6) Subject to the principles of justice and fairness the Tribunal may determine its own procedure.
- (7) The Tribunal shall send its reasoned decision on any charge referred to it together with its findings of fact regarding the charge and its recommendations, if any, as to the appropriate penalty to the Chair of the Council and to the Vice-Chancellor drawing attention to the period of time within which any appeal should be made.
- (8) Persons appointed to hear such an appeal shall be persons independent of the University holding, or having held, judicial office or being barristers or solicitors of at least 10 years' standing and the person so appointed shall, subject to the principles of justice and fairness, determine the procedure to be adopted in hearing the appeal.
- (9) A person appointed shall send the reasoned decision on the appeal, together with any findings of fact different from those come to by the Tribunal and his or her recommendations, if any, as to the appropriate penalty, to the Vice-Chancellor and to the Chair of Council.
- (10) Where a charge or charges have been upheld by the Tribunal and not dismissed on appeal, the Chair of the Council shall decide whether or not to dismiss the Vice-Chancellor.

2. Where a complaint is to be referred to a Tribunal under this Section, the Chair of the Council may suspend the Vice-Chancellor from his or her duties and may exclude the Vice-Chancellor from the precincts of the University or any part thereof without loss of salary.

3. "Good cause" in this Annex has the same meaning as in paragraph 5 of this Section.

4. For the purpose of the removal of the Vice-Chancellor for incapacity on medical grounds, Part IV of this Section shall have effect subject to the following modifications:-

- (a) for references to a member of the academic staff there shall be substituted references to the Vice-Chancellor;
- (b) for any reference to the office of Vice-Chancellor there shall be substituted a reference to the office of Chair of the Council;
- (c) for paragraph 23 there shall be substituted -  
"23. If the Board determines that the Vice-Chancellor should be required to retire on medical grounds, it shall ask the Chair as the appropriate officer, to decide whether or not to terminate the appointment of the Vice-Chancellor upon those medical grounds."

## **SECTION 26**

### **Conditions of Service of Officers and Academic Staff**

Subject to the provisions of Section 25 of these Statutes the conditions of service and retirement of Officers, members of the Academic Staff and holders of any other posts specified for this purpose by the Council, shall be prescribed by the Ordinances.

## **SECTION 27**

### **Appeals by Students**

**27.1** A Student who, in accordance with paragraph 6 of Section 5 of these Statutes has been suspended or excluded, may appeal to the Senate Appeals Committee.

**27.2** A Student whom in accordance with sub-paragraph (32) of Section 19 of these Statutes, it is proposed should be expelled from the University may appeal to the Council Appeals Committee.

## **SECTION 28**

### **Procedure**

**28.1** The following provisions shall, except where other provision is expressly made in these Statutes, apply to the Court, the Council, the Senate, the Boards of Studies of the Schools and the Academic Assembly (which bodies are in this Section of these Statutes called 'Statutory Bodies'):

(i) Each of the Statutory Bodies may appoint such and so many Committees consisting wholly or partly of members of the body as it may think fit, and may as it wishes delegate functions to such Committees.

(ii) The proceedings of any of the Statutory Bodies and of any Committee thereof shall not be invalidated by any vacancy in its number or by any defect in the appointment or qualification of, or notice to, the members, whether present or absent.

(iii) Subject to the Charter and these Statutes and the Ordinances, each Statutory Body shall establish standing orders for regulating its own procedure.

(iv) There shall be a quorum at meetings of the Council when nine members are present, including at least five who are not members of the Staff of the University. There shall be a quorum at any

meeting of any of the Statutory Bodies other than the Council either when twenty-five members are present, or when one-third of the total membership of that Statutory Body (whichever is the less) is present.

Provided that nothing in this paragraph shall enable the Council to delegate its power to reach a decision under paragraph 10(2) of Section 25 of these Statutes.

## **28.2**

- (i) In any case where a Student is a member of, or is admitted to any meeting of, any of the Statutory Bodies or of any other body established under or in accordance with the Charter, these Statutes, the Ordinances and the Regulations (other than the Students' Union) or of any committee of any such body, save those of Council and its committees and joint committees with Senate, the Student shall withdraw from the meeting when it is declared by the Chair of the meeting that the meeting is about to discuss a reserved area of business and shall not return to the meeting until the discussion on the reserved area of business is concluded.
- (ii) Papers for consideration at any such meeting and minutes and other records, any of which relate to reserved areas of business, shall not at any time be made available to a Student.
- (iii) Reserved areas of business are those concerning decisions upon:
  - (a) the appointment, promotion and other matters affecting the personal affairs of individual members of the Staff of the University; and
  - (b) on the admission, academic assessment and other matters affecting the personal affairs of individual students of the University.

In any case of doubt the Chair of the meeting shall decide whether a matter is a reserved area of business or not, and the Chair's decision shall be final.

**28.3** Tribunals and Committees required for the purpose of Section 25 of these Statutes shall be formed according to and thereafter governed by the express provisions of Section 25 of these Statutes and not by this Section save that for the avoidance of any doubt it is expressly allowed that it is not necessary for a Chair appointed for the purpose of Section 25 paragraphs 16, 35 and Annex, paragraph 1(5) to be a member of the University.

## **SECTION 29**

### **Service of Notices and Documents**

**29.1** Any notice or document required by or for the purpose of the Charter or these Statutes to be given or sent to a member, may be given or sent either personally or by sending it by post to the member at his or her last address registered by the University.

**29.2** Where a notice or other document is sent by post, service thereof shall be deemed to have been properly effected by correctly addressing and posting a letter containing the notice or other document, and shall be deemed to have been effected at the time at which the letter would in the current course of the postal service be delivered.

## **SECTION 30**

### **Contracts**

Contracts made by or on behalf of the University shall be validly made and binding on the University if made as follows:

- (i) Any contract which if made between private persons would be by law required to be in

writing and, if made according to English law to be under Seal may be made on behalf of the University in writing under its Common Seal and such contract may in the same manner be varied or discharged.

- (ii) Any contract which if made between private persons would be by law required to be in writing and signed by the parties to be charged therewith may be made on behalf of the University in writing signed by any person acting under the express or implied authority of the Council and such contract may in the same manner be varied or discharged.
- (iii) Any contract which if made between private persons would by law be valid although made orally only and not reduced into writing may be made either in writing or orally on behalf of the University by any person acting under the express or implied authority of the Council and such contract may in the same manner be varied or discharged.

### **SECTION 31**

#### **Interpretation of Statutes**

**31.1** These Statutes shall not be interpreted in such manner as to conflict with the Charter.

**31.2** No person who has been dismissed or removed under the provisions of Section 25 of these Statutes for reasons set out in paragraphs 5(1)(a) and 5(1)(b) of Section 25 of these Statutes shall continue to hold any office within the University, or be a member of the Council or the Senate or of any other of the Statutory Bodies or of any Committee constituted under Section 28 of these Statutes.

**31.3** No internal appeal or grievance procedure of the University shall have been completed until (a) the person entitled to appeal or who has a grievance has either not made or has made application to the Council of the University under the provisions of Section 17 paragraph 20 of these Statutes and that application has been determined or (b) if the provisions of Section 25 of these Statutes have application the procedure set out in Section 25 of these Statutes has been completed or (c) the student entitled to appeal has either not made or has made application to the Senate of the University under the provisions of Section 19 paragraph 43 of these Statutes and that application has been determined. The provisions of this subsection shall not be construed as if they were intended to prevent any person complying with any limit set out in any Act of Parliament.

Approved by the Privy Council  
19<sup>th</sup> July 2023