

All Statutes text as at March 2022

Note: this document is provided for convenience only and will be updated regularly with Statute updates. In the case of any discrepancy, the online Statute is the Master version.

Section 1 - Definitions

1. In these Statutes:-

"University" means the University of Keele.

"Charter" means the Charter of the University.

"Council" means the Council of the University.

"Senate" means the Senate of the University.

"Boards of Studies" means Boards of Studies of the University.

"Faculties" means Faculties of the University.

"Graduates" means Graduates of the University.

"Undergraduates" means Undergraduates of the University.

"Student" means any Student of the University following an undergraduate or postgraduate course.

"Statutes" means all the Statutes of the University.

"Ordinances" means Ordinances made pursuant to the Charter or Statutes.

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

"Electoral roll" means all Professors, Readers, Senior Lecturers (other than such Professors, Readers and Senior Lecturers as shall be ex officio members of the Senate), Lecturers; and University Senior Research Fellows and University Research Fellows either having been in the employment of the University for three years or more or having a duration of appointment of three years or more.

"Academic year" means a period of 12 months between dates to be determined by Ordinance. The academic year shall be divided into terms or semesters or such other periods as shall be determined by Ordinance.

"Academic staff" means the Professors, Readers, Senior Lecturers, Lecturers and such other staff as may be prescribed by Ordinance.

"Suspension" means that a Student who has been suspended under the provisions of Regulation B8 may not, for the period of suspension, attend any examination, lecture, tutorial, seminar, class or other course, nor receive any formal academic instruction except as specified by the Deputy Vice-Chancellor. In all other respects the Student shall remain subject to the Charter, Statutes, Ordinances and Regulations of the University."

2. Words defined in the Charter or the Statutes shall have the same meaning in the Ordinances and the Regulations unless the context otherwise requires.

Section 2 - The Members of the University

1. The following persons shall be Members of the University:-

The Emeritus Professors.

All other employees of the University.

The Graduates.

The Students.

2. Membership of the University shall continue so long only as one at least of the qualifications above enumerated shall continue to be possessed by the individual Member.

3. The Council on the recommendation of the Senate shall have the power to declare such other persons Members of the University as it shall deem fit.

Section 3 - The Chancellor

1. The Successors to the first Chancellor shall be elected by the Council.

2. The Chancellor shall hold office for a period of five years or until resignation, whichever is the earlier, and shall be eligible for re-election.

3. The Chancellor may resign by writing addressed to the Council.

Section 4 - The Pro-Chancellor

1. The Pro-Chancellor shall hold office for five years or until resignation, whichever shall be the earlier, and shall be eligible for re-election.

2. The successors of the first Pro-Chancellor shall be elected by the Council.

3. The Pro-Chancellor may resign by writing addressed to the Council.

4. The Pro-Chancellor shall be neither a member of staff nor a student of the University

Section 5 - The Deputy Pro-Chancellors

1. The first Deputy Pro-Chancellors shall hold office for three years and shall be eligible for re-election.
2. The successors to the first Deputy Pro-Chancellors shall be elected by the Council.
3. The successors to the first Deputy Pro-Chancellors shall respectively hold office for four years or until their respective resignations, whichever shall be the earlier, and shall be eligible for re-election.
4. A Deputy Pro-Chancellor may resign by writing to the Council.
5. The Deputy Pro-Chancellors shall be neither a member of staff nor a student of the University

Section 6 - The Vice-Chancellor

1. The successors to the first Vice-Chancellor shall be appointed by the Council. The Council, however, shall not make such an appointment except on the recommendation of the Senate and after considering a report from a Joint Committee of the Council and the Senate.
2. Subject to Section 31 the Vice-Chancellor shall hold office for such period and under such conditions as shall from time to time be determined by Statute or Ordinance.
3. The Vice-Chancellor shall have a general responsibility to the Council for maintaining and promoting the efficiency and good order of the University.
4. The Vice-Chancellor may resign by writing addressed to the Council.

Section 7 - The Treasurer

1. The successors to the first Treasurer shall be elected by the Council.
2. The Treasurer shall hold office for four years and shall be eligible for re-election.
3. The Treasurer shall perform such duties as may be determined by the Council.
4. The Treasurer may resign by writing addressed to the Council.
5. The Treasurer shall be neither a member of staff nor a student of the University.

Section 8 - The Deputy Vice-Chancellor and Provost

1. The Deputy Vice-Chancellor and Provost shall be appointed by the Council. The Council, however, shall not make such an appointment except on the recommendation of the Senate and after considering a report from a Joint Committee of the Council and the Senate.
2. The Deputy Vice-Chancellor and Provost shall hold office for such periods and upon such conditions as shall from time to time be prescribed by Ordinance.
3. The Deputy Vice-Chancellor and Provost shall be the direct deputy of the Vice-Chancellor and be responsible to the Vice-Chancellor for the leadership of the academic progress of the University. The Deputy Vice-Chancellor and Provost shall act for the Vice-Chancellor in their absence or during a

vacancy in that office and in such matters as may be from time to time entrusted in the Deputy Vice-Chancellor and Provost by the Vice-Chancellor

4. The Deputy Vice-Chancellor and Provost may resign in writing addressed to the Council.

Section 9 - The Deans, Chairs of Boards of Studies and Faculties

1. Each Board of Studies and Faculty shall have a Dean who shall act as Chair.
2. The Dean of each Board of Studies and Faculty shall be appointed by the Council, on the nomination of a joint appointing committee of Council and Senate.
3. The Dean of each Board and Faculty shall hold office for such period and upon such conditions as to re-appointment or otherwise as shall from time to time be prescribed by Ordinance.
4. The Dean of each Board and Faculty shall be an ex officio member of all committees of the Board or Faculty and shall present candidates for degrees (except Honorary Degrees) in the subjects of the Board or Faculty.
5. The Dean of each Faculty may be instructed by the Vice-Chancellor or the Deputy Vice-Chancellor and Provost to take a specific institutional leadership role outside their role in the Board of Studies and Faculty. Where this is the case the formal title of Dean will change to Pro Vice-Chancellor and Dean.
6. A Dean may resign office by writing addressed to the Council.

Section 10 - The Secretary to Council

1. The Council shall from time to time appoint a Secretary to Council with such duties at such remuneration and (subject to Section 31) upon such terms and conditions as it shall deem fit. The Council, however, shall not make such an appointment except on the recommendation of the Senate and after considering a report from a Joint Committee of the Council and the Senate.
2. The Secretary to Council shall be responsible for providing secretarial services for the Council.

Section 11 - The Librarian

1. The Council shall from time to time on the recommendation of the Senate appoint a Librarian of the University with such duties at such remuneration and (subject to Section 31) upon such terms and conditions as it shall deem fit.

Section 12 - The Academic Registrar and Director of Student and Academic Services

1. The Council shall from time to time on the recommendation of the Senate appoint an Academic Registrar of the University with such duties at such remuneration and upon such terms and conditions as it shall deem fit.

2. The Academic Registrar shall be the Secretary to the Senate.

Section 13 - Other Officers

1. The Council shall from time to time appoint such other Officers as may be deemed necessary with such duties at such remuneration and upon such terms and conditions as the Council shall deem fit provided that no Academic Officer shall be appointed except on the recommendation of the Senate.

Section 14 - The External Auditor

1. The Council shall from time to time appoint an external Auditor (auditors). 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 (l) of section 161 of the Companies Act 1948 by the Secretary of State for Trade. No person shall be appointed Auditor who is or connected persons are, a member of the Council or staff of the University.

2. Auditors appointed by the University shall hold office for three years and shall be eligible for re-appointment and shall receive such remuneration as may be determined by the Council.

3. Auditors appointed by the University shall have a right of access at all reasonable times to the files, books, records and accounts of the University and shall be entitled to require from the Officers of the University such information and explanations as may be necessary for the performance of their duties.

4. Auditors appointed by the University may resign by writing addressed to the Council.

5. Auditors appointed by the University shall make a report to the Council at least once in each year.

Section 15 - Honorary Legal Consultant

1. The Council may appoint an Honorary Legal Consultant to the University who shall hold office for three years and shall be eligible for re-appointment.

Section 16 - The Council

1. The Council shall consist of the following members, namely:-

(a) Class1 - Ex Officio

The Chancellor (if they so choose), the Pro-Chancellor, the Deputy Pro-Chancellors, the Vice-Chancellor, the Treasurer and the Deputy Vice-Chancellor and Provost.

(b) Class 2 - Members of University Staff

(i) One academic member of staff of the Senate being from each Faculty to be elected by the electoral roll in a manner prescribed by Ordinance.

(ii) One representative of the non-academic employees of the University to be appointed by the non-academic University employees in a manner prescribed by Ordinance.

(c) Class 3 – Lay Members - Members of the Council who are neither a member of staff nor a student of the University

Such additional number of Lay Members to be appointed by the Council who, when counted with the Ex Officio members of Council who are also Lay Members shall ensure that there shall at all times (save where a casual vacancy occurs) be at least 12 and not more than 15 Lay Members and a majority on Council of Lay Members

(d) Class 4 - Students

The Union Development and Democracy Officer of the Students' Union and the President of the Association of Postgraduate Students.

2. Members of the Council included in Class 1 and 4 shall hold office while they occupy the positions named respectively.

3. Members of the Council included in Class 3 shall hold office for four years or for such shorter period as may be determined by Ordinance, subject to a maximum of two or, exceptionally, three full terms of office.

4. The Pro-Chancellor, Deputy Pro-Chancellors and the Treasurer shall hold office for four years or for such shorter period as may be determined by Ordinance, subject to a maximum of two full terms of office. Where a Lay Member is appointed to an Ex Officio position, the total time served on the Council must not exceed 12 years.

5. All casual vacancies in Class 3 may be filled by the Council. All other casual vacancies shall be filled by the body or electoral roll which appointed the member

6. Except as otherwise provided in the Statutes, any member of the Council may resign at any time by writing addressed to the Secretary to Council.

7. In order for there to be a quorum at any meeting of Council or any of its committees, a majority of the members present shall be lay members.

[Section 17 - Powers of the Council](#)

Subject to the Charter and the Statutes the Council shall in addition to all other powers vested in it have the following powers:-

1. To elect a Vice-Chair who shall hold office for three years and shall be eligible for re-election.
2. To appoint the Pro-Chancellor, Deputy Pro-Chancellor, the Treasurer, members of the Council as provided for under Section 16, Clause 1, Class 3 and the Auditors and the Honorary Legal Consultant.
3. To appoint the Chancellor, Vice-Chancellor, Deputy Vice-Chancellor and Provost, Professors, Heads of Departments/ Schools, Readers, Senior Lecturers, Lecturers, Secretary to Council, Librarian and such other Officers of the University as may be found desirable provided that the Council shall not appoint any Vice-Chancellor or Secretary to Council except on the recommendation of the Senate and after considering a report from a Joint Committee of the Council and the Senate. Appointment of a Deputy Vice-Chancellor and Provost, Professor, Head of

Department/School, Reader, Senior Lecturer, Lecturer, Librarian, Academic Registrar or other Academic Officer shall be on the recommendation of the Senate.

- 4.** To appoint External Examiners on the recommendation of the Senate.
- 5.** To confer after report from the Senate and subject to conditions prescribed by Ordinance the title of Emeritus Professor or Honorary Professor, Reader or Lecturer or other such title.
- 6.** To make Statutes provided that no Statute shall be submitted to the Council until the Senate has had an opportunity of reporting thereon to the Council.
- 7.** To make Ordinances provided that no Ordinances shall be submitted to the Council until the Senate has had an opportunity of reporting thereon to the Council.
- 8.** To make Regulations and to confirm Regulations submitted by the Senate for any matters in respect of which Regulations are or may be authorised to be made.
- 9.** To govern, manage and regulate the finances, accounts, investments, property, business and all affairs whatsoever of the University and for that purpose to appoint bankers and any other officers or agents whom it may deem expedient 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.
- 10.** To invest any moneys belonging to the University including any unapplied income in such stocks, funds, fully paid shares or securities as the Council shall from time to time think fit whether authorised by the general law for the investment of trust moneys or not and whether within the United Kingdom of Great Britain and Northern Ireland or not or in the purchase of freehold or leasehold hereditaments in the United Kingdom including rents with the like power of varying such investments from time to time provided that the Council may in its discretion retain as long as it shall think fit any investment given or bequeathed to the University although not coming within the description of investments authorised as aforesaid.
- 11.** To sell, buy, exchange, lease and accept leases of real and personal property on behalf of the University.
- 12.** To provide the buildings, premises, furniture and equipment and other means required for carrying on the work of the University.
- 13.** 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 upon real or personal property or otherwise as the Council thinks fit.
- 14.** To act as guarantor for the payment of any sum or sums of money or the performance of any contract or obligation by any company, body, society or person if it is in the interest of the University so to do.
- 15.** To provide for the welfare of all persons in the employment of the University or formerly in the employment of the University or of the University College of North Staffordshire and the wives, widows 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 persons.

- 16.** To enter into, vary, carry out and cancel contracts on behalf of the University.
- 17.** To review the instruction and teaching of the University both internal and extra-mural.
- 18.** To promote and to make provision for research within the University.
- 19.** To review, amend, refer back, control or disallow any act of the Senate required under these Statutes to be reported to the Council and to give directions thereon to the Senate provided that any act of the Senate which is amended by the Council shall be referred again to the Senate for consideration and report before being carried into effect.
- 20.** To refer to the Senate the names of persons proposed as recipients of Honorary Degrees and to approve or disapprove the names of persons proposed by the Senate as recipients of such Degrees provided that no person shall be admitted by the University to an Honorary Degree whose name has not been approved for that purpose both by the Council and by the Senate.
- 21.** To expel after a report from the Vice-Chancellor any Student deemed to have been guilty of grave misconduct.
- 22.** To consider, adjudicate upon and if thought fit redress any grievance of any employee, graduate or Student of the University who may for any reason feel aggrieved.
- 23.** To provide for the welfare the Students.
- 24.** To select a Seal, Arms and a Mace for the University and to have the sole custody of the Seal.
- 25.** To exercise all such powers as are or may be conferred on the Council by the Charter, Statutes, Ordinances and Regulations and to carry the Charter, Statutes, Ordinances and Regulations into effect and for this purpose to delegate such powers to officers or constituent bodies of the University as may be necessary or desirable for this purpose.
- 26.** To determine the fees to be payable in respect of courses of study and to regulate their collection.

Section 18 - The Senate

- 1.** The Senate shall consist of the following persons, namely:-
 - (a)** The Vice-Chancellor who if present shall preside at all meetings of the Senate.
 - (b)** The Deputy Vice-Chancellor and Provost and the Pro Vice-Chancellors and the Executive Deans.
 - (c)** The Academic Registrar.
 - (d)** The Librarian.
 - (e)** Heads of Schools and a senior representative from each Faculty for education and one for research.
 - (f)** Such members of the electoral roll not exceeding two as may be appointed by the Senate.
 - (g)** Such additional number of members of the electoral roll elected by the electoral roll as necessary to constitute as nearly as possible (but not exceeding) 40% of the total membership of the Senate. Ordinances shall prescribe the constitution of the electoral roll and the method of election.

(h) The Union Development and Democracy Officer.

The President of the Association of Postgraduate Students.

(i) Five full-time Students to be elected by the Students.

Full-time Students shall be defined by Ordinance. Ordinances shall prescribe the method of election.

Section 19 - Powers of the Senate

The powers of the Senate shall be:

- 1.** To direct and regulate all instruction and teaching of the University both internal and extra-mural and the examinations held by the University, subject to the powers of the Council as previously defined.
- 2.** To promote learning and research within the University and to require reports from time to time on such learning and research.
- 3.** To appoint two members of the Senate from Categories (e) to (i) inclusive to be members of the Council.
- 4.** To appoint Internal Examiners and to suspend or remove them. In the case of death, illness or resignation of an Examiner or in the case of the Examiner's suspension or removal to appoint a substitute who shall have authority to act during the examination then in progress or next ensuing.
- 5.** To recommend External Examiners for appointment by the Council.
- 6.** To make recommendations to the Council for the appointment of the Vice-Chancellor, Deputy Vice-Chancellor and Provost, Professors, Heads of Departments/Schools, Readers, Senior Lecturers, Lecturers, Secretary to Council, Librarian, Academic Registrar and such other Academic Officers of the University as may be found desirable.
- 7.** To award Degrees (other than Honorary Degrees), Diplomas, Certificates and other Distinctions.
- 8.** To propose to the Council the names of persons to receive Honorary Degrees and to approve or to disapprove the names of persons proposed by the Council to receive such Degrees.
- 9.** To make recommendations to the Council as may from time to time be required on all Statutes, Ordinances and Regulations or proposed changes thereof concerning welfare, discipline and the imposition of fines and penalties for the breach thereof or concerning other non-academic matters.
- 10.** To make recommendations to the Council on any matter referred to the Senate by the Council.
- 11.** To make recommendations to the Council on any academic matters.
- 12.** To discuss and declare an opinion on any matter whatsoever relating to the University.
- 13.** To formulate, modify or revise schemes for the organisation of Boards or Faculties of the University and to report to the Council on the expediency of the establishment at any time of Boards, Faculties, Schools, Institutes, Delegacies or Departments.
- 14.** To review, amend, refer back or disallow any act of any Board, Faculty, School, Institute, Delegacy or Department or to give directions to the Boards, Faculties, Schools, Institutes, Delegacies or Departments.

15. To fix subject to any conditions made by the Founders which are accepted by the Council the times and mode and conditions of competition for Fellowships, Scholarships, Exhibitions and Prizes and to regulate examinations for and award the same.

16. To regulate subject to the Ordinances of the University the admission of persons to courses of study in the University.

17. Subject to the power of the Council contained in Section 17(21) to terminate or suspend the membership of the University of any Student failing to fulfil the requirements prescribed in the Regulations in respect of the Student's course of study.

18. To delegate such powers to officers or bodies of the University as may be necessary to carry the Charter, Statutes, Ordinances and Regulations into effect.

19. To do such other acts and things as the Council shall authorise.

Section 20 - Boards of Studies, Faculties and Schools

1. There shall be two or more Boards of Studies and Faculties. The constitution and membership of the Boards and Faculties shall be prescribed by Ordinance.

2. There shall be Schools of the University the number, titles and membership of which shall be prescribed by Ordinance.

Section 21 - Powers of the Boards, Faculties and Schools

1. The Boards of Studies and Faculties shall have power to make representations to the Senate on any academic matter and to make recommendations to the Senate on any matter referred to the Boards or Faculties by the Senate.

2. The Schools shall have the powers prescribed by Ordinance.

Section 22 - Departments

1. There shall be such departments of the University as shall be prescribed by Ordinance. In each department there shall be meetings as prescribed by Ordinance.

Section 23 - The Vice-Chancellor's Address

1. All members of staff shall be invited to the Vice-Chancellor's Address. The Address shall take place at least once in each year normally to be addressed by the Vice-Chancellor.

Section 24 - The Students' Union

1. There shall be a Students' Union of the University and Ordinances shall prescribe the constitution, functions, privileges and other matters relating to such Union.

Section 25 - Association of Postgraduate Students

1. There shall be an Association of Postgraduate Students and Ordinances shall prescribe the constitution, functions, privileges and other matters relating to such Association.

Section 26 - Matriculation

1. The requirements for Matriculation and for entrance to the University together with the exemptions there from and the variations thereof shall be prescribed by the Ordinances and Regulations.

Section 27 - University Examinations

1. The examinations for the degrees, diplomas and certificates of the University shall be conducted jointly by members of the academic staff of the University and external examiners appointed in accordance with the Statutes, Ordinances and Regulations.

2. The Ordinances and Regulations shall prescribe the subjects, time, mode and all matters respecting the Examinations of and the Degrees and other distinctions conferred by the University.

Section 28 - Committees

1. The Council, the Senate and the Boards of Studies and Faculties may from time to time appoint subject to the provision of clauses 3, 4 and 5 of this Section such and so many standing, special and advisory Committees, Sub-Committees or Boards as may seem to them fit and may if they think fit place on them persons who are not members of the appointing Bodies. Such Committees, Sub-Committees or Boards may deal with any matters delegated to them and shall subsequently report any action taken to the appointing body. Provided that nothing in this clause shall enable the Council to delegate its power to reach a decision under clause 10 (2) of Section 31.

2. The Council may except as provided in clause 3 of this Section make Regulations for the proceedings of all Committees or Boards, but subject thereto every Committee or Board may regulate its own procedure, times and places of meeting.

3. The constitution and procedure of any Joint Committee of the Council and the Senate shall be prescribed by Ordinance.

4. The Chair of the Council shall be an ex officio member of every committee or Board of the Council except the Audit and Risk Committee. The Audit and Risk Committee may invite the Chair of Council to attend the Audit and Risk Committee from time to time.

5. The Vice-Chancellor and the Deputy Vice-Chancellor and Provost shall be ex officio members of every committee or Board of the Senate and the Boards of Studies and Faculties.

Section 29 - Ordinances

1. The Council shall make Ordinances with regard to all such matters as are directed by the Charter and Statutes and such other matters as may be deemed expedient and such Ordinances shall be effective and binding when sanctioned by the Council.

Section 31 - Academic Staff

PART I - CONSTRUCTION, APPLICATION AND INTERPRETATION

Construction

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

2. No provision in Part II or Part III 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 their dismissal may in the circumstances (including the size and administrative resources of the University) reasonably be treated as a sufficient reason for dismissing them.

Application

3.1 This Section shall apply

(a) to the persons who are described as "academic staff" in clause 1 of Section 1;

(b) to the Secretary to Council and the Librarian;

(c) to the administrative staff of the University holding posts designated by the Council as academic related posts to which this Section applies; and

(d) to the Vice-Chancellor to the extent and in the manner set out in the Annex to this Section.

3.2 In this Section any reference to academic staff is a reference to persons to whom this Section applies.

Meaning of "dismissal"

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.

Meaning of "good cause"

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.

5.2 In this clause –

(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"

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

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 II 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.

7.2 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-clause shall prevent waivers made under section 142 of the Employment Protection (Consolidation) Act 1978 from having effect.

7.3 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.

7.4 In this Section references to numbered Parts, clauses, and sub-clauses are references to Parts, clauses, and sub-clauses so numbered in this Section.

PART II - REDUNDANCY

8. This Part 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

9.1 Nothing in this Part shall prejudice, alter or affect any rights, powers or duties of the University, or apply in relation to a person unless –

(a) their appointment is made, or their contract of employment is entered into, on or after 20th November, 1987; or

(b) they are promoted on or after that date.

9.2 For the purposes of this clause in relation to a person, a reference to an appointment made or a contract entered into on or after that date shall be construed in accordance with subsections (3) to (6) of section 204 of the Education Reform Act 1988.

The Appropriate Body

10.1 The Council shall be the appropriate body for the purposes of this part.

10.2 This clause 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 Board, Faculty, School, Institute, Delegacy, Department or other similar area of the University by way of redundancy.

11.1 Where the appropriate body has reached a decision under clause 10 (2) it shall appoint a Redundancy Committee to be constituted in accordance with sub-clause (3) of this clause 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.

11.2 The appropriate body shall either approve any selection recommendation made under sub-clause (1), or shall remit it to the Redundancy Committee for further consideration in accordance with its further directions.

11.3 A Redundancy Committee appointed by the appropriate body shall comprise -

(a) a Chair; and

(b) two members of the Council, not being persons employed by the University; and

(c) two members of the academic staff nominated by the Senate.

Notices of intended dismissal

12.1 Where the appropriate body has approved a selection recommendation made under clause 11(1) it may authorise an officer of the University as its delegate to dismiss any member of the academic staff so selected.

12.2 Each member of the academic staff selected shall be given separate notice of the selection approved by the appropriate body.

12.3 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

13.1 Minor faults shall be dealt with informally.

13.2 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 clause. 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/School or equivalent. This will give details of the complaint, the improvement required and the timescale. It will warn that a complaint may be made to the Director of Human Resources seeking the institution of charges to be heard by a Tribunal appointed under clause 16 if there is no satisfactory improvement and will advise of the right of appeal under this clause. A copy of this written warning will be kept by the Head of Department/School 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 Director of Human Resources within two weeks. The Deputy Vice-Chancellor and Provost shall hear all such appeals and their decision shall be final.

Preliminary examination of serious disciplinary matters

14.1 If there has been no satisfactory improvement following a written warning given under Stage 2 of the procedure in clause 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 clause 16 may be made to the Director of Human Resources who shall bring it to the attention of the Vice-Chancellor.

14.2 To enable the Vice-Chancellor to deal fairly with any complaint brought to their attention under sub-clause (1) he/she shall institute such investigations or enquiries (if any) as appear to them to be necessary.

14.3 If it appears to the Vice-Chancellor that a complaint brought to their attention under sub-clause (1) relates to conduct or performance which does not meet acceptable standards but for which no written warning has been given under clause 13 or which relates to a particular alleged infringement of rules, regulations or by-laws for which a standard penalty is normally imposed in the University or within the Board, Faculty, School, Institute, Delegacy, 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.

14.4 If the Vice-Chancellor does not dispose of a complaint under sub-clause (3) the Vice-Chancellor shall treat the complaint as disclosing a sufficient reason for proceeding further under this Part and, if the Vice-Chancellor sees fit, the Vice-Chancellor may suspend the member on full pay pending a final decision.

14.5 Where the Vice-Chancellor proceeds further under this Part they shall write to the member of the academic staff concerned inviting comment in writing.

14.6 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 themselves; or

(b) refer it for consideration under clause 13; or

(c) deal with it informally themselves 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 Director of Human Resources to prefer a charge or charges to be considered by a Tribunal to be appointed under clause 16.

14.7 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

15.1 In any case where the Vice-Chancellor has directed that a charge or charges be preferred under clause 14(6) (d), the Vice-Chancellor shall request the Council to appoint a Tribunal under clause 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 members appointment or employment.

15.2 Where the Council has been requested to appoint a Tribunal under clause 16 the Director of Human Resources or, if the Director of Human Resources is unable to act, another officer appointed by the Vice-Chancellor shall take charge of the proceedings.

15.3 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.

15.4 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

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

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 clause.

17.2 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 them to represent them 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 them 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

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.

18.2 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 clause.

Powers of the appropriate officer where charges are upheld by Tribunal.

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.

19.2 In any case where the charge or charges are upheld, other than where the appropriate officer has decided under sub-clause (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 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

20.1 The Vice-Chancellor shall be the appropriate officer to exercise the powers conferred by clause 19 and any reference to the appropriate officer includes a reference to a delegate of that officer.

20.2 Any action taken by the appropriate officer shall be confirmed in writing.

PART IV - REMOVAL FOR INCAPACITY ON MEDICAL GROUNDS

PART IV - REMOVAL FOR INCAPACITY ON MEDICAL GROUNDS

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.

21.2 In this Part references to medical grounds are references to capability assessed by reference to health or any other physical or mental quality.

21.3 In this Part references to the appropriate officer are references to the Vice-Chancellor or an officer acting as his delegate to perform the relevant act.

21.4 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.

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.

22.2 If the member shares that view the University shall meet the reasonable costs of any medical opinion required.

22.3 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 person 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.

22.4 The Board may require the member concerned to undergo medical examination at the University's expense.

Termination of Employment

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 his delegate to terminate the employment of the member concerned on those medical grounds.

PART V - APPEALS

PART V - APPEALS

Purpose of Part V

24. This Part 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

25.1 This Part 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 clause 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.

25.2 No appeal shall however lie against -

(a) a decision of the appropriate body under clause 10(2);

(b) the findings of fact of a Tribunal under clause 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 clause 22(3).

25.3 In this Part references to "the person appointed" are references to the person appointed by the Council under clause 28 to hear and determine the relevant appeal.

25.4 The parties to an appeal shall be the appellant and the Director of Human Resources and any other person added as a party at the direction of the person appointed.

Institution of Appeals

26. A member of the academic staff shall institute an appeal by serving on the Director of Human Resources, within the time allowed under clause 27, notice in writing setting out the grounds of the appeal.

Time for appealing and notices of appeal

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-clause (3).

27.2 The Director of Human Resources 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 they have done so.

27.3 Where the notice of appeal was served on the Director of Human Resources outside the 28 day period the person appointed under clause 28 shall not permit the appeal to proceed unless the Director of Human Resources considers that justice and fairness so require in the circumstances of the case.

Persons appointed to hear and determine appeals

28.1 Where an appeal is instituted under this part the Council shall appoint a person described in sub-clause (2) to hear and determine that appeal.

28.2 The persons described in this sub-clause are persons not employed by the University holding, or having held, judicial office or being barristers or solicitors of at least ten years standing.

28.3 The person appointed shall sit alone unless they consider that justice and fairness will best be served by sitting with two other persons.

28.4 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.

Provisions concerning appeal procedures and powers

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 clause.

29.2 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 his appeal;

(b) that an appeal shall not be determined without an oral hearing at which the appellant, and any person appointed by them to represent them 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.

29.3 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 rehearing 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

30. The person appointed shall send the reasoned decision, including any decision reached in exercise of his powers under clause 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

PART VI - GRIEVANCE PROCEDURES

Purpose of Part VI

31. The aim of this part is to settle or redress individual grievances promptly, fairly and so far as may be, within the Board, Faculty, School, Institute, Delegacy, Department or other relevant area by methods acceptable to all parties.

Application

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

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 Board, Faculty, School, Institute, Delegacy, Department or other relevant area.

33.2 If the member of the academic staff is dissatisfied with the result of an approach under sub-clause (1) or if the grievance directly concerns the Head of the Board, Faculty, School, Institute, Delegacy, Department or other relevant area, the member may apply in writing to the Vice-Chancellor for redress of the grievance.

33.3 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, they may dismiss it summarily, or take no action upon it. If it so appears to the Vice-Chancellor they shall inform the member and the Grievance Committee accordingly.

33.4 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 V

the 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 the Vice-Chancellor shall notify the member and the Grievance Committee accordingly.

33.5 If the Vice-Chancellor does not reject the complaint under sub-clause (3) or if they do not defer action upon it under sub-clause (4) they shall decide whether it would be appropriate, having regard to the interests of justice and fairness, for them to seek to dispose of it informally. If the Vice-Chancellor so decides they shall notify the member and proceed accordingly.

Grievance Committee procedure

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

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

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

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

Clause 3(1) (d) ANNEX

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.

(i) 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.

(ii) If it appears to the Chair of the Council, on the material before them, 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 of Council shall request the Council to appoint a Tribunal to hear and determine the matter.

(iii) If it appears to the Chair of the Council that a complaint made to them under sub-clause (1) does not raise a prima facie case or is trivial or invalid, they may recommend to the Council that no further action be taken upon it.

(iv) When the Council has appointed a Tribunal under sub-clause (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.

(v) 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.

(vi) Subject to the principles of justice and fairness the Tribunal may determine its own procedure.

(vii) 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.

(viii) 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.

(ix) 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 recommendations, if any, as to the appropriate penalty, to the Vice-Chancellor and to the Chair of the Council.

(x) 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 their 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 clause 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 clause 23 there shall be substituted -

"23. If the Board determines that the Vice-Chancellor shall 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 on those medical grounds."

Section 32 - Retirement of Members of the Staff

1. The Vice-Chancellor, the Professors and all other salaried members of the Staff of the University shall vacate their office on the thirtieth day of September following the date on which they attain the age of sixty-five years unless the Council by a vote of at least two-thirds of the number present and voting shall request any such member to continue in office for such period as it shall from time to time determine but not exceeding five years in all, after which retirement shall be compulsory.

Section 33 - Acts During Vacancies

1. No act or resolution of the Council, the Senate or any Committee or Board constituted in accordance with these Statutes shall be invalid by reason only of any vacancy in the body doing or passing it or by reason of any want of qualification by or invalidity in the election or appointment of any de facto Member of the body whether present or absent.

Section 34 - Reserved Areas

1. The following matters should be in the reserved area of business on University Committee agendas:

(a) Matters affecting the appointment, dismissal, promotion and personal affairs of individual members of the staff of the University.

(b) Matters affecting the admission, academic assessment and personal affairs of individual students.

2. Any papers, including minutes, relating to reserved areas shall be confidential to members of the Committee

3. The decision of the Chair of the relevant meeting as to whether a particular item constitutes a reserved item of business shall be final.

Section 35 - Interpretation of Statutes

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