

Proposed Statutes: University of Wales: Trinity Saint David

February 2010

SCHEDULE

**STATUTES OF THE UNIVERSITY OF WALES TRINITY: SAINT DAVID
("THE UNIVERSITY")**

I GENERAL

- 1.1 These Statutes are the Statutes of the University, as prescribed in Article 20 of the University's Supplemental Charter of 1971.
- 1.2 These Statutes supersede the Statutes in force prior to the Supplemental Charter of 200- (hereafter referred to as "the former Statutes").
- 1.3 Nothing contained in these Statutes shall affect anything done under the former Statutes until it is revoked, withdrawn, amended or altered.

II DEFINITIONS

1. In the Statutes:

"The Charter" means the unrevoked portion of the Charter of 1828 and the Supplemental Charter of 2010 under which these Statutes take effect as amended from time to time.

"The Council" means the Council of the University.

"The Court" means the Court of the University.

"The Senate" means the Senate of the University.

"Academic Staff" for the purpose of the Charter and Statutes means the Vice-Chancellor, Pro Vice-Chancellors, the Professors, the Readers, the Senior Lecturers, the Lecturers, and such other members of the staff of the University as the Council shall resolve should have academic status.

"Non-Academic Staff" means members of the staff of the University other than Academic Staff.

"The Students" means the persons who are for the time being recognised by the Senate as following such a course or courses of study or research provided or approved by the University as the Senate shall think fit.

"The Students' Union" means the Students' Union constituted in accordance with the Statutes.

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

Words defined in the Charter shall have the same meaning in these Statutes unless the context otherwise requires.

Where there is in these Statutes a reference to any statute, enactment, order, statutory instrument or similar instrument, it shall be construed as a reference to that statute, enactment, order, or instrument as amended or re-enacted from time to time.

III AUDIT

1. The Council shall at each Annual General meeting appoint an Auditor or Auditors to hold office until the conclusion of the next Annual General Meeting. 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 purpose of the legislation for the time being in force governing the qualification of auditors of public limited companies. Every such Auditor shall be in the active practice of the profession, and no person shall be appointed Auditor who is or any one of whose partners or employees is or whose employer is a member of the Council or the staff of the University.
2. The Auditor or Auditors shall be eligible for re-appointment and shall receive such remuneration as may be determined from time to time.
3. The Auditor or Auditors shall have 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 and staff of the University such information and explanation as may be necessary for the performance of their duties.
4. If the office of Auditor or Auditors shall become vacant for any reason before the expiration of the incumbent's period of office, the Council shall forthwith appoint an Auditor or Auditors in their place for the remainder of such period.
5. The Auditor or Auditors shall make a report to the Council at least once in each year.
6. An auditor may resign by written notice addressed to the Clerk to the Council.
7. The Council shall establish an Audit Committee which shall have the terms of reference and constitution as prescribed by Ordinance.

IV THE COUNCIL

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

- (a) The Vice-President who shall be Chair, and where there is more than one Vice-President, it shall be the one who has been appointed by Council to Chair the Council;
- (b) The Treasurer;
- (c) The Vice-Chancellor;
- (d) One of the Pro Vice-Chancellors, appointed to be a member of Council by the Council;
- (e) The President of the Students' Union;
- (f) Not more than three members of Academic Staff elected from their own number in such manner as may be prescribed by Ordinance;
- (g) Not more than two members of Non-Academic Staff elected from their own number in such manner as may be prescribed by Ordinance;
- (h) Not fewer than eight members, not being employees or Students of the University, appointed by the Council from among persons recommended by the Nominations Committee.

In relation to categories (f), (g) and (h) above, the first such members of Council shall be those persons elected or appointed (as the case may be) under arrangements made by the Council as it was constituted before these Statutes came into force, to be members of the Council as now constituted.

- 2. (a) Ex-officio Members shall continue in membership so long as they occupy the positions by virtue of which they became members, save that the Council may at any time replace the Pro Vice-Chancellor who is a member of Council by another Pro Vice-Chancellor.
 - (b) In respect of members of Council other than ex-officio Members, the Council shall determine at its first meeting after the date on which this Charter comes into force their term of the appointment, in order to establish a system whereby a proportion of the members retire annually. Subject to such determination, such Members shall hold office for four years and shall normally be eligible for re-appointment for one further term only, but may be so eligible for further terms in accordance with provisions set out in Ordinances.
 - (c) In the case of members elected by the Staff, membership of the Council shall be subject to their remaining members of Staff and not being recalled.
3. No member of Staff or a Student shall be eligible for membership of the Council otherwise than the Vice-Chancellor, Pro Vice-Chancellors or as a Member under Clause 1 (e) (f) or (g) of this Statute.

4. Any member of the Council may resign such membership at any time by letter addressed to the Clerk to the Council.

V THE NOMINATIONS COMMITTEE

There shall be a Nominations Committee whose composition and functions shall be determined by Council by Ordinance.

VI MEETINGS OF THE COUNCIL

1. Subject to the provisions of the Charter and the Statutes, all questions concerning the conduct of and convening of meetings of the Council (including but not limited to the frequency of meetings, the period and form of notice to be given, the inclusion of business upon the agenda, rules for the conduct of the meeting, adjournment and the person who shall preside in the absence of the Vice-President), shall be prescribed by the Ordinances.
2. One of the meetings of the Council in each year shall be an Annual General Meeting which shall take place at a date and time not being more than fifteen months from the date of the previous Annual General Meeting.
3. At the Annual General Meeting in each year the audited statement of the Accounts shall be presented to the Council together with a report by the Vice-Chancellor on the work of the University during the preceding academic year.
4. At meetings of the Council ten members personally present shall form a quorum provided that there shall always be present and entitled to vote a majority of members, who are neither employees nor students of the University. In the absence of a quorum, no business shall be transacted, other than the adjournment thereof to a date and time to be determined by the Vice-President. At the adjourned meeting, whether or not there be a quorum (but provided that there are present and entitled to vote a majority of members who are neither employees nor students of the University), there may be transacted all the business which could have been transacted at the original meeting if sufficient members of the Council had been present.

VII POWERS OF COUNCIL

1. Save as otherwise expressly delegated in the Charter and the Statutes, the Council shall have the authority to exercise all powers which are conferred upon the University by the Charter, Statutes and Ordinances, and to carry these into effect.
2. The following powers and duties shall be discharged direct by the Council and may not be delegated:
 - (i) To act as the governing body of the University.
 - (ii) In accordance with Article XVII of the Charter, to add to or amend the Charter of the University.

- (iii) In accordance with Article XVIII of the Charter, to make, add to, amend or repeal the Statutes of the University.
- (iv) To make, add to, amend or repeal the Ordinances of the University, provided such Ordinances shall not be repugnant to the provisions of the Charter or the Statutes.
- (v) To appoint the President, the Vice-President(s) and the Treasurer.
- (vi) To govern and regulate the finances, accounts, investments, property, business and affairs of the University, and for that purpose to appoint Bankers and any other administrative officers or agents whom it may seem expedient to appoint.
- (vii) To approve the borrowing of money on behalf of the University and for that purpose, if the Council thinks fit, to mortgage or exchange or charge all or any part of the property of the University whether real or personal, and to give such other security, whether upon real or personal property or otherwise, as the Council may think fit.
- (viii) To act as trustees for any property, legacy, endowment, bequest or gift in support of the objects of the University.
- (ix) To approve the sale, purchase, exchange, lease and acceptance of leases of real and personal property on behalf of the University.
- (x) To approve the annual financial statements.
- (xi) To appoint the auditor or auditors to audit the financial statements and other accounts of the University.
- (xii) To ensure the estate is adequate for the discharge of the objects of the University and to approve any estates strategy.
- (xiii) To approve the strategic plans of the University.
- (xiv) To monitor the performance and progress of the University and to require issues raised by such monitoring to be addressed.
- (xv) To make final decisions on strategic policy matters relating to staffing and employment.
- (xvi) To establish a Committee of Selection for the office of Vice-Chancellor, to appoint the Vice-Chancellor and to appoint the Pro Vice-Chancellors.
- (xvii) To supervise, review, refer back, control, amend or disallow any act of the Senate and to give directions to the Senate.
- (xviii) To select a Seal and Arms for the University, and to oversee the custody and use of the Seal.

- (xix) To determine the overall organisational structure of the University, including determining the name, nature, composition and governance of schools, departments, faculties or other academic or non-academic units or divisions of the University, and to re-organise, combine, merge and dissolve the same.
 - (xx) To approve the constitution of the Students' Union and, so far as is reasonably practicable, to ensure that the Students' Union operates in a fair and democratic manner and is accountable for its finances.
 - (xxi) To confer the power to make Regulations concerning administrative or academic matters, upon Senate, committees of Council or other organs of the University, to remove or amend such power, and to amend, revoke and repeal any such Regulations.
3. Subject to Statute VII.2, the Council shall have the authority to delegate powers and duties:
- (i) to the Vice-Chancellor, as chief executive;
 - (ii) to the Senate, as prescribed by Ordinance;
 - (iii) to the committees established by the Council, as prescribed by Ordinance and the terms of reference of those committees;
 - (iv) to other officers of the University, as prescribed by Ordinance.

VIII ASSOCIATIONS OF FORMER STUDENTS

1. The power of the University to recognise an association or associations of former students of the University and of other institutions shall be exercised by Ordinance and the Ordinances may prescribe conditions subject to which such recognition is afforded and such recognition may by Ordinance be withdrawn at any time.
2. If at any time or times there shall be no such association of former students constituted independently of the University which is recognised by Ordinance then the University may constitute such an Association (or more than one) by Ordinance with such membership and organisation and rules as the Ordinance may prescribe.

IX THE REMOVAL OF CERTAIN OFFICERS

1. The President or the Vice-President may be removed from office by Special Resolution of the Council for good cause.
2. No person shall be removed from office under this Statute by reason of good cause unless that person shall have been given a reasonable opportunity to be heard by the Council.

3. "Good cause" shall for the purpose of this Statute mean:
 - (a) conviction of an offence which may be deemed by the Council 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.

X ACADEMIC STAFF

PRELIMINARY – COMPLIANCE WITH THE LAW AND POWER TO MAKE ORDINANCES

The provisions of this Statute X shall be without prejudice to legislation relating to the protection of employees. Council shall by Ordinance make provision which ensures that the University's procedures comply with such legislation and may also make further ancillary provision in relation to the subject matter of this Statute X.

PART I: CONSTRUCTION APPLICATION AND INTERPRETATION

1. This Statute and any Ordinances and Regulations made under this Statute shall be construed in every case to give effect to the following guiding principles, that is to say:
 - (a) to ensure that members of the Academic Staff of the University 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, to promote learning, and to engage in research efficiently and economically;and
 - (c) to apply the principles of justice and fairness.
2. No provision in Part II or Part III shall empower the body or person whose duty it is to reach a decision to dismiss a member of the Academic Staff unless the reason for the dismissal may in the circumstances (including the size and administrative resources of the University) reasonably be treated as a sufficient reason for dismissal.

Application

- 3.(1) This Statute shall apply:
- (a) to members of the Academic Staff described in Statute I (1); and
 - (b) to staff paid on academic related scales, being staff designated by the Council for the purposes of this Statute; and
 - (c) to the Vice-Chancellor, to the extent and in the manner set out in Ordinances.
- (2) In this Statute any reference to "Academic Staff" is a reference to persons to whom this Statute applies.

Interpretation

Meaning of "dismissal"

4. In this Statute "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 95 of the Employment Rights Act 1996.

Meaning of "good cause"

5. (1) For the purpose of this Statute "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 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 Statute 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) Subject to the requirements of the law, in any case of conflict, the provisions of this Statute shall prevail over those of any other Statute and over those of any Ordinances and Regulations and the provisions of any Ordinance or Regulation made under this Statute shall prevail over those of any other Ordinance or Regulation.
- (2) Nothing in any appointment made, or contract entered into, shall be construed as over-riding or excluding any provision made by this Statute concerning the dismissal of an member of the Academic Staff by reason of redundancy or for good cause: -

Provided that nothing in this paragraph or elsewhere shall affect the validity of any compromise agreement under section 203 of the Employment Act 1996 or any similar agreement or method permitted by law under which a binding settlement of employment disputes or claims may be made, nor preclude any member of Academic Staff deciding by agreement to terminate employment with the University whether by voluntary severance, early retirement or otherwise on whatever terms have been agreed.

- (3) Nothing in any other Statute or in any Ordinances or Regulations made thereunder shall authorise or require any person to sit as a member of any Committee, Tribunal or body appointed under this Statute 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 Statute references to numbered Parts, clauses, and paragraphs are references to Parts, clauses and paragraphs so numbered in this Statute.

PART II: REDUNDANCY

Purpose of Part II

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 20 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 contract of employment is entered into, on or after 20 November 1987; or
 - (b) they are promoted on or after that date.
- (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 20 November 1987 or to promotion 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.
- (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 school, 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 paragraph (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.

- (2) The appropriate body shall either approve any selection recommendation made under paragraph, 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) 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.
- (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

- 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 members of the Academic Staff will normally be given a formal ORAL WARNING following a fair and appropriate procedure. 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 following a fair and appropriate procedure. This will give details of the complaint, the improvement required and the timescale. It will warn that a complaint may be made to the Clerk to the Council 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 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 Clerk to the Council within two weeks. The Pro Vice-Chancellor or another person appointed for this purpose by the Vice-Chancellor shall hear all such appeals and the 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 Clerk to the 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 under paragraph (1) such investigations or enquiries (if any) shall be instituted as appear to be necessary.
- (3) If it appears to the Vice-Chancellor that a complaint brought under paragraph (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 byelaws for which a standard penalty is normally imposed in the University or within the school or other relevant area, or is trivial or invalid it may be dismissed summarily, or not progressed further under this Part.
- (4) If the Vice-Chancellor does not dispose of a complaint under paragraph (3) the complaint shall be treated as disclosing a sufficient reason for proceeding further under this Part and, if seen fit, the member may be suspended on full pay pending a final decision.

- (5) Where the Vice-Chancellor proceeds further under this Part the member of the Academic Staff concerned shall be written to, 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 clause 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 Clerk to the Council to prefer a charge or charges to be considered by a Tribunal to be appointed under clause 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

- 15.(1) In any case where the Vice-Chancellor has directed that a charge or charges be preferred under clause 14(6)(d), the Council shall be requested 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 member's appointment or employment.
- (2) Where the Council has been requested to appoint a Tribunal under clause 16 the Clerk to the Council or, if unable to act, another 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

16. A Tribunal appointed by the Council shall comprise:
- (a) a Chair; and
 - (b) a 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.
- (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 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.
- (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.
- (2) In any case where the charge or charges are upheld, other than where the appropriate officer has decided under 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 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.
- (2) Any action taken by the appropriate officer shall be confirmed in writing.

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.
- (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 a 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.

- 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 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.
- (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 Clerk to the Council (or delegate) to terminate the employment of the member concerned on those medical grounds.

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.
- (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).
- (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.
- (4) The parties to an appeal shall be the appellant and the Clerk to the Council 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 Clerk to the Council, 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 paragraph (3).
- (2) The Clerk to the 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 on the Clerk to the Council outside the 28 day period the person appointed under clause 28 shall not permit the appeal to proceed unless it is considered 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 paragraph (2) to hear and determine that appeal.

- (2) The persons described in this paragraph are:
 - (a) the person who is the Visitor or is the Sub-Visitor;
 - (b) persons not employed by the University holding, or having held, judicial office or being barristers or solicitors of at least ten years' standing.
- (3) The person appointed shall sit alone unless they consider 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) a 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.
- (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 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.
- (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

- 30. The person appointed shall send the reasoned decision, including any decision reached in exercise of 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 PROCEDURE

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 school, 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 Statute.

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 school, department or other relevant area.
- (2) If the member of the Academic Staff is dissatisfied with the result of an approach under 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, it may be summarily dismissed, or take no action upon it. If it so appears to the Vice-Chancellor, the member and the Grievance Committee shall be informed 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 V;he/she 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 member and the Grievance Committee notified accordingly.
- (5) If the Vice-Chancellor does not reject the complaint under paragraph (3) or does not defer action upon it under paragraph (4) he/she shall decide whether it would be appropriate, having regard to the interests of justice and fairness, to seek to dispose of it informally. If so decided the member shall be notified 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 (who may be the person who is the Visitor or who is the Sub-Visitor); and
 - (b) a 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.

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.
 - (1) A complaint seeking the removal from office of the Vice-Chancellor for good cause may be made by not less than six 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 Council shall be requested 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 paragraph (1) does not raise a prima facie case or is trivial or invalid, it may be recommended to the Council that no further action be taken upon it.
 - (4) When the Council has appointed a Tribunal under 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) a 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:
 - (a) the person who is the Visitor or who is the Sub-Visitor; and
 - (b) persons independent of the University holding, or having held, judicial office or being barristers or solicitors of at least ten 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 recommendations as to appropriate penalty (if any) and findings of fact different from those come to by the Tribunal to the Vice-Chancellor and to the Chair of the 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 Statute, the Chair of the Council may suspend the Vice-Chancellor from 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 Statute.
4. For the purpose of the removal of the Vice-Chancellor for incapacity on medical grounds, Part IV shall have effect subject to the following modification:-
 - (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 should be required to retire on medical grounds, it shall ask the Chair of the Council as the appropriate officer, to decide whether or not to terminate the appointment of the Vice-Chancellor on those medical grounds."

XI RETIREMENT OF OFFICERS AND ACADEMIC STAFF

The members of the Academic Staff and the holders of any other posts specified for this purpose by the Council shall retire from office at such time and upon such conditions as may be prescribed by Ordinance.

XII ORDINANCES

Subject to the Charter and the Statutes, Ordinances may be made with regard to all such matters as are directed or authorised by the Charter and the Statutes and all other matters which are not otherwise regulated by the Charter and Statutes.

XIII INTERPRETATION OF THE STATUTES

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

XIV TEMPORARY PROVISIONS

1. All acts, matters and things done or transacted by or on behalf of the University under any Charter, Statute or other enabling provision then in force shall continue in full force and effect as if done or transacted under the provisions of the Statutes.
2. All Ordinances, Regulations, Standing Orders and Resolutions passed or made under any Charter, Statute or other enabling provision then in force shall continue in full force and effect unless the same shall be inconsistent with any provision of the Charter or these Statutes and unless or until repealed, varied or replaced by Council or (save in relation to Ordinances) by any body upon which Council shall for the time being confer power to do the same pursuant to Statute VII(xxi).
3. The Students' Union as constituted on the day on which the Supplemental Charter of 2010 was granted shall continue and shall be the Students' Union until the Constitution thereof be amended or revised in the manner prescribed by Ordinances.
4. The Visitor and all members of staff of the University, who were in office or had been appointed on the day on which the Supplemental Charter of 2010 was granted, shall continue in their office or appointment and shall be deemed to have been appointed under the provisions of the Statutes and no successor or successors shall be appointed under the Statutes until such period of office or appointment shall have ceased or until (for whatever other cause) the office shall have become vacant.
5. All persons appointed as at the day on which the Supplemental Charter of 2010 was granted to represent the University upon any other authority shall, unless the Ordinances otherwise provide, continue for the full unexpired term of their original appointment.
6. There shall be power by Ordinance to provide for the resolution of any doubt which may arise on any question involving the transition from the previous Charters and Statutes of the University to the provisions of the Charter and the Statutes.

.....
Dr R Brinley Jones, President

.....
Mrs T Carter, Vice President

Date

Date