

Statutes

Statute 1 The Council

- 1.1 The Council shall from time to time determine its composition.
- 1.2 The Council shall comprise no more than 25 members appointed in accordance with the following provisions:
 - 1.2.1 the Council shall comprise independent members (being persons who are neither employed at the University nor fulltime students at the University) and internal members.
 - 1.2.2 the composition of Council shall include a majority of independent members.
 - 1.2.3 the Vice-Chancellor shall be a member.
 - 1.2.4 at least one member shall be a member of the staff of the University appointed by the Senate.
 - 1.2.5 at least one member shall be a student of the University.
- 1.3 For the purposes of this Statute 1, a person shall be treated as a student during any period of appointment as an elected officer of the Students Union at the University.
- 1.4 The Council is the appointing authority in relation to any member and may agree from time to time such procedures as it considers appropriate and necessary to bring forward and to agree recommendations or nominations for appointments.
- 1.5 Members of the Council (other than ex-officio members or student members) shall hold office from the date appointed for a period ending on the third anniversary of the 31st day of July in the year in which they are appointed or for such shorter period as the Council may determine.
- 1.6 Members of the Council who are students at the University shall hold office for a period of one year commencing from the 1st day of August in the year in which they are appointed.
- 1.7 The Council shall appoint from amongst the independent members a Chair and in addition such other officers, who may include a Deputy Chair and a Treasurer, as the Council determines.
- 1.8 Any appointed member of Council may resign at any time in writing addressed to the person performing the role of secretary to the Council.
- 1.9 Any appointed member of Council may be appointed for further terms of office, provided that members shall not normally be appointed for more than three terms.

- 1.10 Any appointed member of the Council may be removed from office by resolution of the Council in the event that the member:
 - 1.10.1 ceases to hold an office which was a material consideration in their appointments; or
 - 1.10.2 does not attend a meeting of Council in any twelve month period; or
 - 1.10.3 whose actions or behaviour are incompatible with holding public office or office as a trustee.
- 1.11 Quorum: The quorum shall be one-third (rounded up to the nearest whole number) of the current members provided always that there is at least one-third (rounded up to the nearest whole number) of the current independent members present. In the event that the independent members present at the meeting do not constitute a majority, then a majority of the independent members present shall be able to require, before or immediately after a decision is taken, that a decision is deferred until the next meeting or will not take effect until and unless it is ratified at that meeting.

Statute 2 The Functions of the Council

- 2.1 The Council's functions shall be to:
 - 2.1.1 be ultimately responsible for the affairs of the University;
 - 2.1.2 approve the mission and vision of the University, its long-term plans and annual budgets;
 - 2.1.3 ensure the establishment and monitoring of systems for the effective management of, and control of and accountability for the University's affairs, property and finances and to monitor institutional performance;
 - 2.1.4 subject to the provisions of the Charter, add to, amend or revoke the provisions of the Charter and Statutes;
 - 2.1.5 make, revoke or amend such Ordinances as are required by the Charter or Statutes or as may otherwise be necessary for the conduct of the affairs of the University and consistent with the Charter and Statutes.
 - 2.1.6 appoint the Vice-Chancellor and to determine the terms and conditions of that appointment.
 - 2.1.7 dismiss the Vice-Chancellor and to determine the process through which that may take place.
 - 2.1.8 appoint an auditor or auditors.
 - 2.1.9 adopt the annual financial statements.

Statute 3 Delegation by the Council

- 3.1 The Council may appoint such and as many committees and other bodies consisting either wholly or partly of members of the Council or otherwise as it may think fit.
- 3.2 Subject to Statute 3.3 the Council may delegate its powers and functions to:
 - 3.2.1 a committee or body appointed in accordance with Statute 3.1;
 - 3.2.2 a member of the Council; or
 - 3.2.3 a member of the University's staff.
- 3.3 The Council may not delegate its powers to:
 - 3.3.1 approve the annual business plan and budget of the University; or
 - 3.3.2 amend the Charter or to make or amend University Statutes; or
 - 3.3.3 appoint the Vice-Chancellor and to determine the terms and conditions at the time of appointment; or
 - 3.3.4 dismiss the Vice-Chancellor and determine the process through which that may take place; or
 - 3.3.5 appoint an Auditor or Auditors; or
 - 3.3.6 adopt the annual financial statements.

Statute 4 The University Secretary

- 4.1 The Council shall appoint a University Secretary who shall be Secretary to the Council and shall be responsible to Council for the proper conduct of the University's affairs.

Statute 5 The Auditors

- 5.1. The Council shall appoint an Auditor or Auditors. Every such Auditor shall be a member of a recognised supervisory body (as defined in Part II of the Companies Act 1989) or other relevant Enactment who is eligible for the appointment under the rules of that body. No person shall be appointed Auditor who is or any one of whose partners is a member of the Council or Staff of the University.
- 5.2. The Auditor or Auditors shall hold office for such period and shall receive such remuneration as may be determined by the Council.
- 5.3 The Auditor or Auditors shall have a right of access at all reasonable times to the books, records, accounts and vouchers of the University and shall be entitled to require from the University such information and explanations as may be necessary for the performance of his/her or their duties.

- 5.4 If the office of Auditor or Auditors shall become vacant by his/her or their death or resignation or any other cause before the expiration of his/her or their period of office the Council shall forthwith appoint an Auditor or Auditors in his/her or their place for the remainder of such period.
- 5.5 An Auditor may resign by writing addressed to the Council.
- 5.6 The Auditor or Auditors shall make a report to the Council as to the accuracy of the Annual Accounts and the financial management of the University at least once in each year.

Statute 6 Invalid Acts During Vacancies

- 6.1 Acts or resolutions of the Council, the Senate or any Committee or Board constituted in accordance with these Statutes shall not be invalid by reason only of any vacancy in the body doing or passing it; nor will such acts or resolutions be invalid by reason of any want of qualification by or invalidity in the election or appointment of any member of the body whether present or absent, or breach (other than a substantial breach) of the Ordinances or other rules governing the proceedings of those bodies.

Statute 7 Academic Staff

1. This Statute applies to the academic staff. For the purposes of this Statute the academic staff are:
 - 1.1 persons employed by the University under Academic Teaching and Research (ATR) or Academic Teaching and Scholarship (ATS) terms and conditions of employment;
 - 1.2 members of the management and senior administrative staff employed under Administrative, Library and Computer (ALC) terms and conditions of employment; and
 - 1.3 such other members of staff as may be determined by the Council from time to time.
2. Additionally, the guiding principle set out in sub-paragraph 4.1 will apply in the case of persons employed by the University under Research and Analogous staff terms and conditions of employment or Associate Tutor terms and conditions of employment in respect of any procedures of the nature of those referred to in paragraph 6 which apply to such persons.
3. The Council shall ensure that there are in place procedures governing the employment relationship with academic staff including:
 - 3.1 the appointment, development and reward of staff; and
 - 3.2 the ordinances described in paragraph 6 which shall apply to members of the academic staff other than the Vice-Chancellor; and

- 3.3 an ordinance for the dismissal and removal from office of the Vice-Chancellor.
4. The Council shall approve ordinances to be adopted under paragraph 6 and shall apply the following guiding principles:
 - 4.1 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 (Academic Freedom);
 - 4.2 enable the University to deliver its mission, vision and associated activities, efficiently and economically;
 - 4.3 apply the principles of justice and fairness; and
 - 4.4 seek to advance the principles of equality and diversity.
5. Any policy or procedure made under paragraph 3, or paragraph 6, shall be construed in its application to give effect to the guiding principles set out in paragraph 4 and for the avoidance of doubt any member of staff to whom this statute applies may raise the principle of Academic Freedom as an issue to be taken into account in any investigation, hearing or appeal in circumstances where these are relevant to the possibility of dismissal or a loss of privileges.
6. The ordinances referred to in sub-paragraph 3.2 are procedures for:
 - 6.1 the handling of disciplinary cases including the dismissal of academic staff for reasons of misconduct and for appeals against disciplinary action. Such procedures shall provide adequate opportunities for improvement including the use of warnings, with summary dismissal only in cases of gross misconduct. Where suspension is considered appropriate, it shall be for no longer than is necessary and will be subject to regular review;
 - 6.2 the dismissal of members of academic staff by reason of redundancy and appeals against such dismissals; any such procedure shall provide for measures which seek to mitigate the requirement for compulsory redundancies and make provision for collective consultation, where appropriate;
 - 6.3 the dismissal of members of academic staff (following confirmation in post after any applicable probationary period) by reason of incapability and appeals against such dismissals; such procedures shall provide adequate opportunities for improvement including the use of warnings;
 - 6.4 the dismissal of members of academic staff on the grounds of ill health or medical incapacity and appeals against such dismissals. In all cases where the dismissal of a member of staff is a possibility, the panel shall give due consideration to advice obtained from the University's occupational health advisers, medical evidence submitted by the staff member from a qualified medical practitioner involved in their treatment and any additional medical evidence (including independent medical evidence) that may be requested by the panel;

- 6.5 the review of performance and progress of academic staff during any probationary period to which their appointment or employment is subject, and for the dismissal of such staff during or at the end of their probationary period in the event of unacceptable progress or performance, and appeals against such dismissals. The primary purpose of the procedure shall be to enable the member of staff to become effective in the role and where necessary to bring about a sustained improvement in performance and ensure the member of staff has adequate opportunity to achieve this;
 - 6.6 the dismissal of members of academic staff for any reason other than the reasons specified in sub-paragraphs 6.1 to 6.5 and appeals against such dismissals;
 - 6.7 the handling of grievances raised by members of academic staff and appeals against grievance outcomes.
7. The following principles shall be incorporated in the ordinances referred to in paragraph 6:
- 7.1 procedures shall be applied to enable issues to be resolved informally where appropriate and within a reasonable timescale;
 - 7.2 procedures shall be based upon the principles of natural justice;
 - 7.3 in all cases where dismissal is a possibility, an internal panel shall be convened to determine the case which shall comprise:
 - 7.3.1 a Chair
 - 7.3.2 one senior manager; and
 - 7.3.3 one member of the Senate, or a member of the academic staff nominated by the Senate, each being a person whom the member of academic staff facing dismissal could not reasonably perceive to be biased or prejudiced;
 - 7.4 redundancy dismissals arising from departmental closure or significant organisational restructure shall only occur where Council or a committee appointed by Council has approved the proposal;
 - 7.5 appeals against dismissal shall be heard by a panel of three persons which shall include:
 - 7.5.1 one independent member of Council, or another independent person not being a person employed by the University; and
 - 7.5.2 a member of the Senate, or a member of academic staff nominated by the Senate, each being a person whom the member of academic staff facing dismissal could not reasonably perceive to be biased or prejudiced.
8. The provisions of this Statute will be applied only insofar as they are not in conflict with legislation which is current for the time being or with any regulations, codes or guidance issued in accordance with the provisions of such legislation.

Statute 8 Interpretation of Statutes These Statutes shall be interpreted so as not to conflict with the Charter.