

## Statutes of the University (to July 2010)

Following consultation within the University, proposed changes to the Charter and Statutes were approved by University Council and submitted to the Privy Council. The Privy Council approved the changes in July 2010 with an implementation date of 22 July 2010. A number of key rules about how the University conducts its business have now been reallocated from the Statutes to Ordinances. The streamlined Statutes provide a more concise description of roles, duties and responsibilities in a more accessible way.

The Statutes applying prior to July 2010 are provided here for reference only.

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## **Section 1**

### ***Definitions***

(1) In these Statutes:-

"University" means the University of Nottingham.

"Charter" means the Charter of the University.

"Council" means the Council of the University.

"Senate" means the Senate of the University.

"Faculty" means a Faculty of the University.

"Statutes" means 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.

<sup>1</sup>"University Year" means the period of 12 calendar months ending on the last day of July in each year or on such other day in each year as the Council shall from time to time determine.

"Undergraduate" means a student registered for a course in the University leading to a First Degree as defined by Ordinance.

<sup>2</sup>"Postgraduate" means a student registered for a course in the University leading to a Higher Degree Postgraduate Diploma or Postgraduate Certificate as defined by Ordinance.

"Registered student" means a student registered for a course in the University.

"Lecturer" includes Senior Lecturer unless the context otherwise requires.

(2) Words importing the masculine shall include the feminine and, unless the context otherwise requires, words in the singular shall include the plural and words in the plural shall include the singular.

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<sup>1</sup> Additions allowed by the Privy Council, 21 July 1999

<sup>2</sup> Additions allowed by the Privy Council, 18 August 1975

### **<sup>3</sup>Section 2**

#### ***The Members of the University***

<sup>4</sup>1. The following persons shall be Members of the University:-

The Officers of the University, viz.:- The Chancellor, the Pro-Chancellors the Vice-Chancellor the President and Vice-President of the Council the Treasurer the Pro-Vice-Chancellors, the Deans of the Faculties and the <sup>5</sup>Dean of the Graduate School.

The Members of the Court.

The Members of the Council.

The Members of the Senate.

The Members of the Academic Staff.

The Emeritus Professors.

<sup>6</sup>The Registrar the Chief Financial Officer and the Chief Information Officer.

<sup>7</sup>The Full Members of The University Association.

Such other Teachers as shall under Ordinances or Regulations made by the Council be granted the status of Members.

The Wardens or other Chief Officers of Halls of Residence licensed by the University.

The Graduates.

The Registered 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 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 Court on the nomination of the Council.

2. The Chancellor shall hold office for a period not exceeding five years and shall be eligible for re-election.

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

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<sup>3</sup> Amendment allowed by the Privy Council, 14 November 1974

<sup>4</sup> Amendment allowed by the Privy Council, 21 July 1998

<sup>5</sup> Amendment allowed by the Privy Council, 24 April 1996

<sup>6</sup> Amendment allowed by the Privy Council, 23 October 2006

<sup>7</sup> Amendment allowed by the Privy Council, 14 November 2001

## **Section 4**

### ***The Pro-Chancellors***

- <sup>8</sup>1. The Pro-Chancellors shall be elected by the Council.
- <sup>9</sup>2. The Pro-Chancellors shall hold office for four years and shall be eligible for re-election for one further consecutive four-year period of office. Following the cessation of two consecutive periods of office, a retiring Pro-Chancellor may not be re-elected for at least one year following the second period of office unless the Council shall determine otherwise by a vote of at least two-thirds of the number of members present.
- <sup>10</sup>3. One of the Pro-Chancellors shall act as the President of Council.
- <sup>11</sup>4. A Pro-Chancellor may resign by writing addressed to the Council.

## **Section 5**

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

1. The Vice-Chancellor shall be appointed by the Council after consideration of a Report from a joint Committee of the Council and Senate.
2. The Vice-Chancellor shall hold office for such period and (subject to Section 35) 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.
- <sup>12</sup>4. The Vice-Chancellor or a Pro-Vice-Chancellor acting on the Vice-Chancellor's behalf may suspend any Student from any class or classes and may exclude any Student from any part of the University or its precincts. He shall report every such suspension or exclusion to the Council and the Senate at their next meeting.
5. The Vice-Chancellor may resign by writing addressed to the Council.

## **Section 6**

### ***The President of the Council and the Vice-President of the Council***

1. The President of the Council and the Vice-President of the Council shall be elected by the Council from among the members of the Council.
- <sup>13</sup>2. Each of the said Officers shall hold office for four years and shall be eligible for re-election for one further consecutive four-year period of office. Following the cessation of two consecutive periods of office, the President of the Council and the Vice-President of the Council may not be re-elected for at least one year following the cessation of the second period of office unless the Council shall determine otherwise by a vote of at least two-thirds of the number of members present.
3. The said Officers may resign by writing addressed to the Council.

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<sup>8</sup> Amendment allowed by the Privy Council, 21 July 1999  
<sup>9</sup> Amendment allowed by the Privy Council, 21 July 1998 and 21 July 1999  
<sup>10</sup> Amendment allowed by the Privy Council, 21 July 1998  
<sup>11</sup> Amendment allowed by the Privy Council, 24 April 1996  
<sup>12</sup> Amendment allowed by the Privy Council, 21 July 1999  
<sup>13</sup> Amendment allowed by the Privy Council, 21 July 1998

## <sup>14</sup>**Section 7**

### ***The Treasurer***

1. The Treasurer shall be elected by the Council.
- <sup>15</sup>2. The Treasurer shall hold office for four years from election and shall be eligible for re-election for one further consecutive four-year period of office. Following the cessation of two consecutive periods of office, a retiring Treasurer may not be re-elected for at least one year following the cessation of the second period of office unless the Council shall determine otherwise by a vote of at least two-thirds of the number of members present.
3. If the office of Treasurer become vacant by his death or resignation or any other cause before the expiration of his period of office the Council shall forthwith elect a Treasurer in his place for the remainder of such period.
4. The Treasurer shall perform such duties as may be determined by the Council.
5. The Treasurer may resign by writing addressed to the Council.

## **Section 8**

<sup>16</sup>Deleted.

## <sup>17</sup>**Section 9**

### ***The Pro-Vice-Chancellors***

1. The Pro-Vice-Chancellors shall from time to time be appointed by the Council from among the members of the Senate after consideration of a Report from the Senate.
2. The Pro-Vice-Chancellors shall hold office for such periods and (subject to Section 35) upon such conditions as shall from time to time be prescribed by Ordinance.

## <sup>18</sup>**Section 10**

### ***The Deans of the Faculties***

1. The Dean of each Faculty shall be appointed by the Senate on the nomination of the Board of that Faculty from among the Professors who are members of the Faculty.<sup>19</sup>
2. The Dean of each Faculty shall hold office for such period and (subject to Section 35) upon such conditions as to re-appointment or otherwise as shall from time to time be prescribed by Ordinance.

## <sup>20</sup>**Section 10A**

### ***The Dean of the Graduate School***

1. The Dean of the Graduate School shall be appointed by the Senate on the nomination of the Vice-Chancellor from among the Professors of the University.
2. The Dean of the Graduate School shall hold office for such period and, subject to Section 35, upon such conditions as to re-appointment or otherwise as shall from time to time be prescribed by Ordinance.

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<sup>14</sup> Amendment allowed by the Privy Council, 21 July 1999

<sup>15</sup> Amendment allowed by the Privy Council, 21 July 1998

<sup>16</sup> Amendment allowed by the Privy Council, 21 July 1998

<sup>17</sup> Amendment allowed by the Privy Council, 14 November 1974

<sup>18</sup> Amendment allowed by the Privy Council, 21 July 1999 and 9 April 2008

<sup>19</sup> Amendment allowed by the Privy Council, 23 October 2006

<sup>20</sup> Amendment allowed by the Privy Council, 24 April 1996

## **Section 11**

### ***The Registrar***

The Council shall from time to time after consideration of a Report from a Joint Committee of the Council and Senate appoint a Registrar of the University with such duties at such remuneration and (subject to Section 35) upon such terms and conditions as it shall deem fit.

## **<sup>21</sup>Section 12**

### ***The Chief Financial Officer***

The Council shall, from time to time, after consideration of a Report from a Joint Committee of the Council and Senate, appoint a Chief Financial Officer of the University with such duties, at such remuneration and (subject to Section 35) upon such terms and conditions as it shall deem fit.

## **Section 13**

### ***<sup>22</sup>The Chief Information Officer***

The Council shall from time to time after consideration of a Report from a Joint Committee of the Council and Senate appoint a Chief Information Officer of the University with such duties at such remuneration and (subject to Section 35) upon such terms and conditions as it shall deem fit.

## **Section 14**

### ***Other Officers***

The Council shall from time to time appoint such other Officers as may be deemed necessary with such duties at such remuneration and (subject to Section 35 in the case of any officer to whom the Section applies) upon such terms and conditions as the Council shall deem fit provided that no academic Officer shall be appointed except after consideration of a Report from a Joint Committee of the Council and the Senate.

## **<sup>23</sup>Section 15**

### ***The Auditor or Auditors***

- <sup>24</sup>1. The Council shall from time to time appoint Auditors. Such Auditors shall be firms of Chartered Accountants in the active practice of their profession but no firm shall be appointed Auditors any one of whose partners is a Member of the Court, Council or Staff of the University. They shall hold office for twelve months shall be eligible for re-appointment and shall receive such remuneration as may be determined by the Council.
2. The Auditors shall have a right of access at all reasonable times to the books and accounts and vouchers 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.
3. If the office of Auditors shall become vacant by their resignation or any other cause before the expiration of their period of office the Council shall forthwith appoint Auditors in their place for the remainder of such period.
4. Auditors may resign by writing addressed to the Council.

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<sup>21</sup> Amendment allowed by the Privy Council, 20 May 1987

<sup>22</sup> Amendment allowed by the Privy Council, 23 October 2006

<sup>23</sup> Amendment allowed by the Privy Council, 6 March 1991

<sup>24</sup> Amendment allowed by the Privy Council, 21 July 1999

## <sup>25</sup>Section 16

### **The Court**

<sup>26</sup>1. The Court shall consist of the following persons namely:-

#### **Class 1. Officers**

- (a) The Chancellor.
- (b) The Pro-Chancellors.
- (c) The Vice-Chancellor.
- (d) The President and the Vice-President of the Council.
- (e) The Treasurer.
- (f) The Pro-Vice-Chancellors.
- (g) The Deans of the Faculties.
- (h) The Dean of the Graduate School.<sup>27</sup>

#### **<sup>28</sup>Class 2. Members of the College of Benefactors of the University of Nottingham to include former Life Members of the Court.**

Where a Corporation Local Authority Company Association or Partnership is a member of the College of Benefactors it may nominate a person to represent it on the Court.

#### **<sup>29</sup>Class 3. Representatives appointed by Local Authorities**

(a) Representatives of Local Authorities responsible for education as follows:

- Five by the Council of the County of Nottinghamshire.
- Two by the Council of the County of Derbyshire.
- Two by the Council of the County of Lincolnshire.
- Two by the Council of the County of Leicestershire.
- Two by the Council of the County of Northamptonshire.
- Two by the Council of the County of Rutland.

(b) Five representatives of the Council of the City of Nottingham.  
Two representatives of the Council of the City of Derby.  
Two representatives of the Council of the City of Leicester.

(c) Such representatives of such other Local Authorities as the Court may from time to time determine.

#### **<sup>30</sup>Class 4. Representatives of Religions and Religious Denominations**

Representatives of such religions and religious denominations as the Court may from time to time determine to a total not exceeding fifteen in number to be appointed in a manner to be approved by the Court.

#### **<sup>31</sup>Class 5. Members of Parliament**

- (a) The Members of the Commons House of Parliament elected for the several divisions of the City of Nottingham and of the County of Nottinghamshire.
- (b) The Members of the House of Commons elected for the constituencies of the East Midlands Region.
- (c) The Members of the European Parliament for the East Midlands Region.

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<sup>25</sup> Amendments allowed by the Privy Council, 14 November 1974 and 14 November 2001

<sup>26</sup> Amendment allowed by the Privy Council, 21 July 1998

<sup>27</sup> Amendment allowed by the Privy Council, 24 April 1996

<sup>28</sup> Amendment allowed by the Privy Council, 21 July 1999

<sup>29</sup> Amendments allowed by the Privy Council, 21 July 1999 and 14 November 2001

<sup>30</sup> Amendment allowed by the Privy Council, 21 July 1999

<sup>31</sup> Amendments allowed by the Privy Council, 18 August 1925, 21 July 1999 and 14 November 2001

### **<sup>32</sup>Class 6. Ex-Officio Members**

- (a) The Lord-Lieutenants of the Counties of Nottinghamshire Derbyshire Leicestershire Lincolnshire and Northamptonshire.
- (b) The Chairman of the Council of the County of Nottinghamshire.  
Leader of the Council of the County of Nottinghamshire.  
Leader of the Council of the City of Nottingham.  
The Lord Mayor of Nottingham.  
The Chief Executive Officer of the Council of the County of Nottinghamshire.  
The Chief Executive Officer of the Council of the City of Nottingham.
- (c) Two circuit judges nominated by the Court.
- (d) The Chairman of the Regional Health Authority in which the University from time to time finds itself and the Chairman of the Nottingham Health Authority.
- (e) The Chief Education Officers of the Counties of Nottinghamshire Derbyshire Leicestershire Lincolnshire and Northamptonshire.

### **<sup>33</sup>Class 7. Representatives of the University**

- (a) The members of the Council.
- (b) The members of the Senate.
- (c) The Registrar and the Chief Financial Officer.
- (d) The Wardens of the Halls of Residence of the University.
- (e) The Officers Commanding the East Midlands Universities Contingent of the Officers Training Corps and the East Midlands Universities Air Squadron.
- (f) Five representatives, not being students or members of staff of the University, elected by The University Association from its own full members.
- (g) Past Chancellors Pro-Chancellors Vice-Chancellors Presidents and Vice-Presidents of Council Treasurers and Deputy Treasurers.
- (h) Emeritus Professors.
- (i) Past Registrars Bursars, Chief Financial Officers, Librarians, Directors of Information Services and Chief Information Officers<sup>34</sup> who have retired from the University after not less than ten years service in the office.
- (j) Such other representatives of the University as the Court may from time to time determine.<sup>35</sup>

### **<sup>36</sup>Class 8. Representatives of other Educational Institutions**

- (a) One person to be appointed by each of the following: the University of Derby De Montfort University the University of Lincolnshire and Humberside the University of Leicester the University of Loughborough and Nottingham Trent University.
- (b) The Principals of those institutions of Higher or Further Education having students working for degrees or other academic distinctions of the University.
- (c) The Principals of such other institutions of Higher or Further Education not exceeding twenty in number as the Court may from time to time determine.
- (d) Such Headmasters and Headmistresses of schools as the Court may from time to time determine not exceeding twenty in number.
- (e) Representatives of those institutions in membership of the *Universitas 21* Network.

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<sup>32</sup> Amendment allowed by the Privy Council, 21 July 1999

<sup>33</sup> Amendment allowed by the Privy Council, 21 July 1999 and 14 November 2001

<sup>34</sup> Amendment allowed by the Privy Council, 23 October 2006

<sup>35</sup> to include lay members of Council following their retirement from Council and to include Fellows of the University (agreed by Court 12 December 2000)

<sup>36</sup> Amendments allowed by the Privy Council, 21 July 1999 and 14 November 2001



**Class 9. Representatives of Societies and Other Bodies**

One representative of each of such societies and other bodies as the Court may from time to time determine.

<sup>37</sup>**Class 10. Other Persons.**

- (a) Three persons to be nominated by the Lord President of Her Majesty's Privy Council.
  - (b) Such other persons not exceeding fifty in number as may be elected by the Court.
2. Except as otherwise by the Charter provided and subject to the Statutes the Court may determine all matters relating to the nomination appointment and election of members of the Court and their respective periods of terms of office and all other matters relating to the constitution of the Court.
- <sup>38</sup>3. The periods during which members of the Court respectively shall hold office shall be as follows:
- (a) Officers (Class 1) Representatives of religions and religious denominations (Class 4) and Ex-Officio Members (Class 6) shall hold office until they cease to occupy the positions named respectively.
  - (b) Representatives of Local Authorities (Class 3) Representatives of other Educational Institutions (Class 8) Representatives of Societies and Other Bodies (Class 9) and Other Persons (Class 10) shall hold office for three years from the date of appointment and may be eligible for reappointment.
  - (c) Representatives of the University (Class 7) shall hold office as follows:  
The members of the Council (Class 7) (a) shall hold office while they continue to be members of the Council. The members of the Senate (Class 7) (b) shall hold office while they continue to be members of the Senate. Representatives of the University in Class 7 (c) (d) (e) (f) and (j) shall hold office so long as they continue in their appointments or for three years after the date of election as the case may be.
  - (d) Members of Parliament (Class 5) shall hold office as follows:  
In the case of Members of Parliament elected for the several divisions of the City of Nottingham and the County of Nottinghamshire; while they continue to hold that position; and in the case of other members referred to under Class 5(b); for a period of three years from the date of appointment by the Court provided that if a member ceases to be a Member of Parliament before the termination of such period of three years his membership of the Court shall cease.
  - (e) Members of the College of Benefactors (Class 2), Emeritus Professors (Class 7(h)), Former Officers (Class 7(g) and 7(i)) shall hold office until 31 December following the date on which they attain the age of 75 years.

This provision shall also apply as appropriate for members in classes 1, 3, 5, 6, 7(a)-(f), 7(j), 8, 9, 10.

The Council shall have power to determine whether, subject to the provisions of Ordinance XXV, an individual member of Court shall be invited to continue in membership of Court for a further period of 3 years following the 31 December of the year in which the member attains the age of 75 years. Such period to be renewable at the discretion of Council and subject to the provisions of Ordinance XXV.

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<sup>37</sup> Amendments allowed by the Privy Council, 21 July 1999 and 14 November 2001

<sup>38</sup> Amendments allowed by the Privy Council, 21 July 1999

4. Any casual vacancy occurring by resignation incapacity or death among the elected nominated or appointed members shall be filled as soon as convenient by the person who or Body which appointed the member whose place has become vacant, and the appointee to a casual vacancy shall hold office for the residue of the term for which the representative in whose place he is appointed was a member.
5. Members retiring by effluxion of time may be re-elected re-nominated or re-appointed.
6. Except where otherwise provided representatives need not be members of the Body by which they are elected nominated or appointed.
7. Any member of the Court may resign by writing addressed to the Court.
8. When any person or body or organisation entitled to membership or representation on the Court changes his or its style or title or ceases to exist the Court may vary the provisions of subsection 1 of this Statute so as to substitute the revised style or title or may substitute for such person body or organisation which has ceased to exist such other person body or organisation as may be recommended by the Council.

### **<sup>39</sup>Section 17**

#### ***Powers of the Court***

The powers and functions of the Court shall be to elect the Chancellor on the recommendation of the Council and annually to receive reports from the President of the Council and the Vice-Chancellor and the Treasurer and to consider such reports and to discuss and express an opinion on these or on any matter relating to the University. The Court may request such information at its meetings as it may deem necessary in pursuance of these functions.

### **<sup>40</sup>Section 18**

#### ***Meetings of the Court***

1. An Annual General Meeting of the Court shall be held during the month of November or December in each year unless some other month be fixed by Resolution at a previous Annual General Meeting at such day and hour as shall be appointed by the Council and at such yearly Meeting a Report of the proceedings of the Council and of the University together with the Financial Statements as audited shall be presented by the Council to such Meeting and any vacancies in the office of Chancellor or among the Members of the Court which ought to be filled up by the Court shall be filled up.
2. A copy of the Report and of the Financial Statements referred to in the last preceding Clause shall be sent to every Member of the Court at least seven days before the date of the yearly Meeting and shall be open to the inspection of all persons at the office of the University during the year following such yearly Meeting at such reasonable hours and under such conditions as the Council shall determine.
3. Twenty-five Members of the Court shall form a quorum.
4. Notices of the Annual General Meeting shall be circulated by the Secretary of the Court at least fourteen days before the date of the Annual General Meeting and an agenda paper shall be circulated at least seven days previous to any Annual General Meeting of the Court.
5. Members intending to propose any person as a Member of the Court shall give notice of the name of the person so proposed to the Secretary of the Court at least ten days before the day appointed for such Meeting<sup>41</sup>.

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<sup>39</sup> Amendments allowed by the Privy Council, 21 July 1998 and 21 July 1999

<sup>40</sup> Amendments allowed by the Privy Council, 21 July 1998 and 14 November 2001

<sup>41</sup> Amendment allowed by the Privy Council, 21 July 1998

## <sup>42</sup>Section 19

### ***The Council***

1. The Council shall consist of the following members, namely:-
  - Class 1.* The Chancellor, the Pro-Chancellors, the Vice-Chancellor, the Treasurer, and the Pro-Vice Chancellors.
  - Class 2.* Eight members of the Senate of the University, appointed by the Senate, provided that
    - (a) at least two of these members shall be appointed from among the representatives of the Academic Staff of the University appointed to membership of the Senate under Section 21, subsection 1(i) of these Statutes, and
    - (b) at least one of these members shall be appointed from each of the Faculties of the University.
  - Class 3.* Such members, not exceeding twelve in number, not being students or members of the staff of the University, as may be appointed annually by the Council.
  - Class 4.* <sup>43</sup>Two members, being alumni of the University in membership of the University Association not being students or staff of the University, appointed by the Council following consultation with the appropriate officers of the University Association.
  - Class 5.* The President of the Union of Students of the University and one other registered student of the University appointed by the Union of Students of the University.
2. Members of the Council included in Class 1 shall hold office while they occupy the positions named respectively.
3. Members of the Council included in Classes 2, 3 and 4 shall hold office for four years or for such shorter periods as the appointing Bodies may determine.
4. Members of the Council included in Class 5 shall hold office for the University year for which they were appointed provided they remain registered students of the University.
5. All casual vacancies shall be filled by the Body which appointed the representative whose place has become vacant, provided that any person appointed to fill a casual vacancy shall be appointed only for the remainder of the period for which the person whose place has become vacant was appointed.
6. Except where otherwise provided representatives need not be members of the Body by which they are elected or appointed.
7. All retiring members shall be eligible for re-appointment save that the membership of members in Classes 1 and 5 shall cease upon the expiry of their holding office. Members in Classes 2, 3 and 4 shall not serve for more than two consecutive four-year periods without a gap of at least one year following the cessation of the second consecutive period of office unless the Council shall determine otherwise by a vote of at least two-thirds of the members present. Where members in Classes 3 or 4 are elected as a Pro-Chancellor, Treasurer, President or Vice-President of the Council their previous service shall be disregarded for the purpose of calculating their period of office.
8. Any member of the Council may resign at any time by writing addressed to the Secretary of the Council.

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<sup>42</sup> Amendments allowed by the Privy Council, 14 November 1974, 16 June 1981, 20 May 1987, 22 November 1996, 21 July 1998, and 14 November 2001

<sup>43</sup> Amendment agreed by Council on 20 March 2007 and subject to Privy Council approval

## <sup>44</sup>Section 20

### ***Powers of the Council***

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

1. To elect a President and a Vice President.
2. To nominate a Chancellor for appointment by the Court.
3. To elect the Pro-Chancellors and the Treasurer.
4. To appoint the members of the Council as required under Section 19, subsection 1, Class 3.
5. To appoint the Vice-Chancellor, Pro-Vice-Chancellors, Professors, Readers, Lecturers, Registrar, Chief Information Officer<sup>45</sup> and such other Officers of the University as may be found desirable. The Council however shall not appoint any Professor, Registrar, Chief Information Officer or other Officer without considering the report of a Joint Committee of the Council and the Senate.
6. To appoint External Examiners on the recommendation of the Senate.
7. To confer after report from the Senate and subject to conditions prescribed by Ordinances the title of Emeritus Professor or Honorary Professor Reader or Lecturer.
8. To draft and enact Statutes as and when it sees fit provided that no Statutes shall be made without giving the Senate an opportunity of reporting thereon to the Council.
9. Subject to the Charter and the Statutes to make Ordinances for any matters in respect of which Ordinances are authorised to be made.
10. To make Regulations for any purpose for which Regulations are or may be authorised to be made.
11. 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.
12. 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.
13. To sell buy exchange lease and accept leases of real and personal property on behalf of the University.
14. To provide the buildings premises furniture and apparatus and other means needed for carrying on the work of the University.
15. To borrow money on behalf of the University and for that purpose if the Council think fit to mortgage 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 or give such other security whether upon real or personal property or otherwise as the Council think fit.

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<sup>44</sup> Amendments allowed by the Privy Council, 16 June 1981, 21 July 1998, 21 July 1999 and 29 June 2001

<sup>45</sup> Amendment allowed by the Privy Council, 23 October 2006

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.
18. To promote and to make provision for research within the University and to require reports from time to time on such research.
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.
20. To regulate the conferment of Honorary Degrees subject to procedures prescribed by Ordinance.
21. To entertain adjudicate upon and if thought fit redress any grievance of the Officers Staff Students Former Students and Graduates who may feel aggrieved. Council may prescribe by Ordinance the grounds on which and the procedures by which a grievance is to be presented.<sup>46</sup>
22. To expel any Student deemed to have been guilty of grave misconduct.
23. To select a Seal Arms and a Mace for the University and have the sole custody and use of the Seal.
24. 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.

#### **<sup>47</sup>Section 21**

##### ***The Senate***

1. The Senate shall consist of the following:-
  - a) The Vice-Chancellor who shall be Chairman of the Senate.
  - b) The Pro-Vice-Chancellors.
  - c) The Deans of the Faculties.
  - d) <sup>48</sup>The Dean of the Graduate School.
  - e) The Heads of the Academic Schools in the University.
  - f) Ten members of the Professorial Staff, not being Heads of Schools, to be elected in a manner prescribed by Ordinance.
  - g) The Chief Information Officer.<sup>49</sup>
  - h) The Convenor of Wardens.
  - i) Representatives of the non-professorial academic staff of the University to be elected from among their number by such staff in such manner upon such terms and conditions of tenure and in such numbers as shall be prescribed by Ordinance provided that the members elected in accordance with this paragraph together with the members referred to in paragraphs (g), (h), and (j) shall be three-quarters of the number of Professors who are members of Senate under paragraphs (e) and (f).
  - j) Representatives of research staff to be elected as prescribed by Ordinance.
  - k) The President of the Students' Union and seven registered students selected by the Students' Union.

<sup>46</sup> Amendment allowed by the Privy Council, 16 June 2004

<sup>47</sup> Amendment allowed by the Privy Council, 18 August 1975 (with effect from 1 September 1976), 16 June 1981, 6 March 1991, 21 July 1998 and 21 July 1999

<sup>48</sup> Amendment allowed by the Privy Council, 24 April 1996

<sup>49</sup> Amendment allowed by the Privy Council, 23 October 2006

- l) The Chair of the Taught Courses Committee and the Chair of the Research Degrees Committee (or appropriate committees).<sup>50</sup>
2. The members referred to in paragraphs (j) of subsection 1 shall be members of the Senate for the periods prescribed by Ordinance provided that they remain registered students of the University.

## <sup>51</sup>Section 22

### ***Powers of the Senate***

Subject to the Statutes and Ordinances the Senate shall have the following powers:-

1. To direct and regulate the instruction and teaching within the University and the examinations held by the University subject to the powers of the Council as previously defined.
2. To promote research within the University and to require reports from time to time on such research.
3. To appoint eight members of the Senate to be members of the Council.
4. To make after report from the Boards of the Faculties concerned all regulations for giving effect to the Statutes and Ordinances of the University relating to courses of study and examinations.
5. To appoint the Deans of the Faculties after receiving nominations from the Boards of the Faculties and to appoint the Dean of the Graduate School after receiving nominations from the Vice-Chancellor.
6. To appoint Internal Examiners after reports from the Boards of the Faculties concerned.
7. To recommend External Examiners for appointment by the Council.
8. To report to the Council on all Statutes or Ordinances or proposed changes of Statutes or Ordinances.
9. To report to the Council on any academic matter.
10. To report on any matter referred to or delegated to the Senate by the Court or the Council.
11. To discuss and to declare an opinion on any matter whatsoever relating to the University.
12. <sup>52</sup>To formulate and modify or revise schemes for the organisation of the Faculties Schools Institutes Delegacies Boards the Taught Courses Committee the Research Degrees Committee or Departments of the University and to assign to them from their respective subjects and also to report to the Council as to the expediency of the establishment at any time of other Faculties Schools Institutes Delegacies Boards the Taught Courses Committee the Research Degrees Committee or Departments.
13. <sup>53</sup>To review amend refer back control or disallow any act of any Faculty or of the Taught Courses Committee or of the Research Degrees Committee - other than an act done in the exercise of a power delegated by the Senate under the provisions of subsection 22 of this Section and to give directions to the Faculties or Boards.
14. To award Degrees (other than Honorary Degrees) Diplomas and Certificates.

<sup>50</sup> Amendment allowed by the Privy Council, 23 October 2006

<sup>51</sup> Amendments allowed by the Privy Council, 16 June 1981, 20 May 1987, 24 April 1996, 21 July 1998, 10 April 2000 and 14 November 2001

<sup>52</sup> Amendments allowed by the Privy Council, 23 October 2006

<sup>53</sup> Amendment allowed by the Privy Council, 23 October 2006

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 Studentships Scholarships Exhibitions and Prizes and to award the same.
16. To regulate subject to the Ordinances of the University the admission of persons to courses of study in the University and their continuance in such courses.
17. To make regulations subject to the approval of the Council for the discipline of the students of the University.
18. To suspend any student from any class or classes and to exclude any student from any part of the University or its precincts, subject to subsequent report to Council.
19. To suspend or remove Examiners for negligence or misconduct during their term of office and in the case of the death illness or resignation of an Examiner or in the case of his suspension or removal to appoint a substitute who shall have authority to act during the Examination then in progress or next ensuing. The Senate may make a Regulation delegating all or any of such powers of suspension removal and appointment of a substitute to the Vice-Chancellor.
20. To propose the names of recipients of Honorary Degrees subject to procedures prescribed by Ordinance.
21. To exercise all such powers as are or may be conferred on the Senate by the Charter Statutes Ordinances and Regulations and to do such other acts and things as the Council shall authorise.
22. To delegate subject to subsequent report to the Senate the powers described in the following subsections of this Section to the bodies stated.
  - (a) <sup>54</sup>Subsections 1, 2 and 4: to the Boards of the Faculties except insofar as an act of any Faculty would affect other Faculties in which case delegation shall be to the Taught Courses Committee or to the Research Degrees Committee as appropriate;
  - (b) Subsections 6 and 7: to the Boards of the Faculties;
  - (c) <sup>55</sup>Subsections 14, 15 and 16: to the Taught Courses Committee or to the Research Degrees Committee as appropriate.
  - (d) Subsection 18: to a Senate Disciplinary Committee
23. <sup>56</sup>To require any individual student to withdraw either temporarily or permanently, from the University, or from some part of it, on the grounds of health and safety following a recommendation by the Registrar and consideration of the case of a special committee of Senate.

## <sup>57</sup>Section 23

### ***The Boards of the Faculties***

1. The Board of each Faculty other than Medicine and Health Sciences shall consist of the following:
  - (a) The Vice-Chancellor.
  - (b) One Pro-Vice-Chancellor to be designated by Senate unless a Pro-Vice-Chancellor is already a member of the Board under paragraph (d) of this subsection.
  - (c) The Dean and the Vice-Dean of the Faculty.

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<sup>54</sup> Amendment allowed by the Privy Council, 23 October 2006

<sup>55</sup> Amendment allowed by the Privy Council, 23 October 2006

<sup>56</sup> Amendment allowed by the Privy Council, 14 November 2001

<sup>57</sup> Amendment allowed by the Privy Council, 18 August 1975 (with effect from 1 September 1976), 16 June 1981, 22 November 1996, 6 March 1991 and 23 October 2006

- (d) The Professors, Readers, Senior Lecturers and Lecturers in the departments in the Faculty as defined by Ordinance; provided that membership by virtue of this subsection shall be restricted to one Faculty Board only.
  - (e) Persons co-opted by the Faculty Board, not exceeding ten.
  - (f) (i) One undergraduate member of each departmental Staff-Student Committee (or, where there are no departmental committees, one undergraduate member from each department on the Faculty Staff-Student Committee) to be elected by the undergraduates in the department (or Faculty) concerned; and
    - (ii) one full-time postgraduate student from every 50 of their number in the Faculty, up to a maximum of four, to be elected by the students concerned.
2. The Board of the Faculty of Medicine and Health Sciences shall consist of the following, all of whom, other than those named in (a) and (b), shall have the duty of attending all meetings:
- (a) The Vice-Chancellor.
  - (b) One Pro-Vice-Chancellor to be designated by the Senate unless a Pro-Vice-Chancellor is a member of the Board under paragraphs (d), (e) or (f) of this subsection.
  - (c) The Dean and the Vice-Dean of the Faculty.
  - (d) The Professors and Heads of Schools in the Faculty as defined by Ordinance.
  - (e) Full-time teachers of the University not exceeding 20 appointed by the Senate on the recommendation of the Board of Faculty.
  - (f) Clinical Teachers not exceeding 20 appointed on the recommendation of the Board of the Faculty following nomination by the Chair of the Medical Executive Committee at each of the principal NHS Trusts involved in undergraduate teaching.
  - (g) Persons co-opted by the Faculty Board not exceeding ten of whom one shall be the Postgraduate Dean and one shall be the Clinical Sub-Dean.
  - (h) Not more than ten undergraduate representatives elected by the undergraduates of the Faculty from the members of the Faculty Staff/Student Consultative Committee and one full-time postgraduate student for every 50 of their number up to a maximum of four.
3. Ordinances shall, subject as aforesaid and to the Charter and Statutes of the University, prescribe what shall be the subjects of each Faculty.

## <sup>58</sup>Section 24

### ***Powers of the Boards of Faculties***

Subject to the Statutes and Ordinances the Board of each Faculty shall have the following powers:-

1. To regulate subject to review by the Senate or by the Taught Courses Committee and Research Degrees Committee the teaching and study of the subjects assigned to the Faculty.
2. To nominate examiners for appointment.
3. To report to the Senate or to the Taught Courses Committee or Research Degrees Committee on Ordinances and Regulations dealing with the courses of study for Degrees Diplomas Certificates and other distinctions and on any questions relating to the work of the Faculty.

<sup>58</sup> Amendments allowed by the Privy Council, 18 August 1975, 16 June 1981, 24 April 1996 and 23 October 2006



4. Where allowed by Regulations to grant exemptions from examinations and to approve changes of syllabus courses and examinations without reference to the Taught Courses Committee or Research Degrees Committee unless such approval would also affect another Faculty.
5. To make recommendations for the Award of Degrees (other than Honorary Degrees) Diplomas Certificates Fellowships Studentships Scholarships and Prizes or other distinctions within the Faculty.
6. To discuss any matters relating to the Faculty and express its opinion to the Senate or to the Taught Courses Committee or Research Degrees Committee thereon.
7. To deal with any matters referred or delegated to it by the Senate or by the Taught Courses Committee or Research Degrees Committee on behalf of the Senate.
8. To set up a Business Committee consisting of the Dean (with or without the Vice-Dean) the Secretary to the Faculty and not more than two other members of the Board to deal with administrative matters particularly in relation to individual students in consultation with their departments.

## <sup>59</sup>Section 25

### ***The University Association***

1. The role of The University Association shall be:
  - (a) to act as the representative body for its members to the University;
  - (b) to foster good relations between its members and the University.
2. (i) The University Association shall consist (subject to the provisions of paragraph 3 below) of the following full members:
 

The Officers of the University.

The Graduates of the University.

Other alumni (i.e. former students who have successfully completed non-degree courses at the University including Diplomates, Certificands, JYA students, Occasional Studies students) and Honorary Graduates of the University.

Such other persons as The University Association may, from time to time, decide to admit to membership.
- (ii) The academic staff of the University shall (subject to the provisions of paragraph 3 below) be associate members of the University Association provided that any such person who also qualifies under sub-paragraph (i) above shall be treated as a full member in accordance with sub-paragraph (i) and not as an associate member.
- (iii) Full members are able to vote at meetings of The University Association. Associate members are not full members of The University Association and are therefore not entitled to vote.
- (iv) A register shall be kept by the Registrar containing the names and addresses of all persons who are full members of The University Association according to the provision made by the Statutes.

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<sup>59</sup> Amendments allowed by the Privy Council, 14 November 2001

3. The Register shall be conclusive evidence that any person whose name appears therein is a full member of The University Association and entitled to vote as such and to the other privileges of membership. The records of members of the academic staff of the University kept by the Registrar shall be conclusive evidence that any person whose name appears therein as a member of the academic staff of the University is an associate member of The University Association and entitled to the privileges of membership of associate members, and any person whose name does not appear in the register or such records (as the case may be) is not entitled to membership of The University Association or any right to vote as a full member or to any other privileges of membership.
4. The Chancellor, if present shall preside at meetings of The University Association. In the absence of the Chancellor, the Honorary President of The University Association shall preside at meetings of The University Association, and in his/her absence, a member of the Standing Committee shall be nominated by the Standing Committee to preside.
5. A Meeting of The University Association shall be summoned at least once in every year and at such other times as The University Association may determine.
6. A Meeting of The University Association may be called by the direction of the Chair of The University Association and shall also be called on the requisition in writing of at least one hundred full members.
7. Notice of all meetings of The University Association shall be given as the Ordinances of the University prescribe.
8. No question shall be decided at a meeting of The University Association unless at least thirty full members are present and then only by votes of those present and voting.
9. The minutes of the proceedings of the Court shall be communicated to the Chairman and Clerk for the time being of The University Association.

## **<sup>60</sup>Section 26**

### ***Powers of The University Association***

The University Association shall have the following powers:-

1. To elect as its representatives five full members of The University Association as Members of the Court.
2. To elect a full member of The University Association as Chair.
3. To elect an Honorary President of The University Association.
4. To make, through Standing Orders, regulations relating to the mode and conduct of the proceedings, meetings, business and elections of The University Association and the registration and reporting of the same to the Court, Council and Senate.
5. To discuss and give an opinion on any matter whatsoever relating to the University including any matters referred to it by the Court or the Council.
6. To enter into communication directly with the Court Council or Senate on any matter affecting the University.

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<sup>60</sup> Amendment allowed by the Privy Council, 18 August 1975 and 14 November 2001; amendment approved by Council, 20 March 2007 and subject to Privy Council approval

## **Section 27**

### ***Congregations***

Congregations of the whole University for the conferring of Degrees or other purposes shall be held in a manner to be prescribed by Ordinances and shall be presided over by the Chancellor or in his absence by the Vice-Chancellor or in the absence of both by a <sup>61</sup>Pro-Chancellor or a <sup>62</sup>Pro-Vice-Chancellor.

## **Section 28**

### ***The Union of Students***

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

## **Section 29**

### ***University Examinations***

1. The Examinations for the Degrees Diplomas and Certificates of the University shall be conducted by such of the members of the Teaching Staff of the University as may in that behalf be appointed under the powers herein before mentioned and by external and independent Examiners.
2. All matters respecting the subjects time and mode of the Examinations and respecting the Degrees and distinctions to be conferred by the University shall be provided for by Ordinances or Regulations made thereunder. Provided always that all examinations in the Degree Diploma and Certificate Courses of the University shall be conducted jointly by External Examiners and by Internal Examiners being Professors Readers Lecturers or Teachers of the University.

## **Section 30**

### ***Matriculation and Admission***

The conditions for matriculation and admission shall be prescribed by Ordinance or Regulations made thereunder.

## **Section 31**

### ***Periods of Study before Graduation***

1. Except as provided in subsection 2 of this Section the period of study necessary to qualify any Undergraduates of the University for Graduation shall not be less than three years all of which shall be subsequent to the date at which the student matriculates in the University.
2. The University may under conditions prescribed by Ordinances accept attendance at courses of study or other prior learning in other Universities or places of learning in place of the whole or part of the attendance at courses of study in the University necessary to qualify a student for graduation.
3. Ordinances shall prescribe the period of study necessary to qualify a graduate who has been admitted as a candidate for a degree higher than that of bachelor.

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<sup>61</sup> Amendment allowed by the Privy Council, 21 July 1999

<sup>62</sup> Amendment allowed by the Privy Council, 18 August 1975

## Section 32

### Committees

1. The Court Council Senate and Boards of Faculties may from time to time appoint such and so many standing special advisory and joint Committees 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 may deal with any matters delegated to them subject to subsequent<sup>63</sup> report to the appointing body, provided that nothing in this paragraph shall enable the Council to delegate its power to reach a decision under paragraph 10(2) of Section 35.
2. Except as provided in subsection 3 of this Section the Council shall make Regulations for the proceedings of all Committees but subject thereto every Committee may regulate its own procedure times and places of meeting.
3. The constitution and procedure of the Joint Committees of the Council and the Senate referred to in the Charter and Statutes shall be prescribed by Ordinance.
- <sup>64</sup>4. The President of the Council and the Vice-Chancellor shall be *ex-officio* members of every Committee of the Council and of every Advisory Committee and other Committee of the University.
5. The Vice-Chancellor and a <sup>65</sup>Pro-Vice Chancellor shall be *ex-officio* members of all Committees of the Senate and Faculties.
6. The Deans of the Faculties shall be *ex-officio* members of all Committees of their respective Faculties.

## Section 33

### Ordinances

1. Ordinances may subject to the Charter and Statutes deal with the following matters:-
  - (a) The finances investments and accounts of the University.
  - (b) The payment and amount of fees to be exacted within the University or in relation to the enjoyment of privileges therefrom.
  - (c) The duties and powers of the Senate and the Boards of the Faculties.
  - (d) The duties and powers of Advisory and other Boards.
  - (e) The admission of students.
  - (f) The Degrees (honorary *ad eundem* and substantive) Diplomas Associateships Certificates and Distinctions to be awarded by the University the qualifications for the same inclusive of examinations and the means and steps to be taken relative to the granting and obtaining of the same.
  - (g) The withdrawal of Degrees Diplomas Associateships Certificates and Distinctions.
  - <sup>66</sup> (h) The terms and mode of appointment tenure of and removal from office duties emoluments allowances salaries and superannuation allowances of the Officers of the University its Professors Teachers Registrar and any other Officers or permanent servants.
  - (i) Extra-mural studies in the East Midlands.
  - (j) The tenure of office and terms and manner of appointment and the duties of the Examiners and Examining Boards.

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<sup>63</sup> Amendment allowed by the Privy Council, 14 November 1974

<sup>64</sup> Amendment allowed by the Privy Council, 21 July 1999

<sup>65</sup> Amendment allowed by the Privy Council, 18 August 1975

<sup>66</sup> Amendment allowed by the Privy Council, 21 July 1999

- (k) The provisions and tenure of Fellowships Scholarships Exhibitions Prizes Rewards and pecuniary and other aids.
  - (l) Discipline in regard to the Graduates Undergraduates and other Students of the University.
  - (m) Halls, Hostels or other premises for the residence of students.
  - (n) The removal from Membership of the University of Graduates and Undergraduates.
  - (o) The inspection and examination of Colleges Schools and other Institutions and the Scholars and Students therein and the grant of Certificates.
  - (p) The conditions of affiliation and recognition of Colleges and Institutions and of their admission to any of the privileges of the University the recognition of Teachers of or for the University and the termination or the modification of the terms of such affiliation or recognition.
  - (q) The University Library.
  - (r) The Museums of the University.
  - (s) All such other subjects as are required or authorised by the Charter or Statutes to be prescribed by means of Ordinances.
  - (t) Any other subjects which are not required by the Charter or Statutes to be dealt with by Statutes.
2. Ordinances may subject to the Charter and Statutes provide that any of the matters referred to in this Section may be dealt with by Regulations.
  - <sup>67</sup> 3. Ordinances shall be effective and binding when sanctioned by the Council.

#### **<sup>68</sup>Section 34**

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

1. The Chancellor, Pro-Chancellors, the Treasurer, the President, and Vice-President of the Council any Members of the Court or of the Council (other than ex officio Members or Members of the academic staff to whom Section 35 applies) may be removed for good cause by the Council.
2. "Good cause" in this Section means:-
  - (a) conviction for 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.

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<sup>67</sup> Amendment allowed by the Privy Council, 21 July 1999

<sup>68</sup> Amendments allowed by the Privy Council, 29 October 1992, 21 July 1998 and 21 July 1999

## <sup>69</sup>Section 35

### **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 his dismissal may in the circumstances (including the size and administrative resources of the University) reasonably be treated as a sufficient reason for dismissing him.

##### **Application**

3. (1) This Section shall apply
  - (a) to the persons who are Professors, Readers, Lecturers and such other Teachers as shall be granted membership of the University by the Council under Section 2, subsection 1;
  - (b) to the staff of the University who are paid on academic related salary scales and who are members of the University under Section 2, subsection 3;
  - (c) to the Registrar, the Chief Financial Officer and the Librarian; and
  - (d) to the Vice-Chancellor to the extent and in the manner set out in the Annex to this Section.
- (2) In this Section any reference to "academic staff" is a reference to persons to whom this Section applies.

##### **Interpretation**

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

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.

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<sup>69</sup> Amendment allowed by the Privy Council, 29 October 1992

### **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;
  - (d) or physical or mental incapacity established under Part IV.
- (2) In this paragraph:-
- (a) "capability", in relation to such a member, means capability assessed by reference to skill, aptitude, health or any other physical or mental quality; and
  - (b) "qualifications", in relation to such a member, means any degree, diploma or other academic, technical or professional qualification relevant to the office or position held by that member.

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

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 III of and the Annex to this Section shall not apply in relation to anything done or omitted to be done before the date on which the instrument making these modifications was approved under subsection (9) of section 204 of the Education Reform Act 1988.
- (2) Nothing in any appointment made, or contract entered into, shall be construed as over-riding or excluding any provision made by this Section concerning the dismissal of a member of the academic staff by reason of redundancy or for good cause:

Provided that nothing in this sub-paragraph shall prevent waivers made under section 142 of the Employment Protection (Consolidation) Act 1978 from having effect.

- (3) Nothing in any other Section or in any Ordinance or Regulation made thereunder shall authorise or require any officer of the University to sit as a member of any Committee, Tribunal or body appointed under this Section or to be present when any such Committee, Tribunal or body is meeting to arrive at its decision or for the purpose of discussing any point of procedure.
- (4) References to numbered Parts, paragraphs and sub-paragraphs are references to Parts, paragraphs and sub-paragraphs so numbered in this Section.

## **Part II Redundancy**

### **Purpose of Part II**

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<sup>th</sup> 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) his appointment is made, or his contract of employment is entered into, on or after 20<sup>th</sup> November 1987; or
  - (b) he is promoted on or after that date.
- (2) For the purposes of this paragraph in relation to a person, a reference to an appointment made or a contract entered into on or after 20<sup>th</sup> 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 paragraph applies where the appropriate body has decided that it is desirable that there should be a reduction in the academic staff:-
    - (a) of the University as a whole; or
    - (b) of any faculty, school, department or other similar area of the University by way of redundancy.
11. (1) where the appropriate body has reached a decision under paragraph 10(2) it shall appoint a Redundancy Committee to be constituted in accordance with sub-paragraph (3) of this paragraph to give effect to its decision by such date as it may specify and for that purpose
  - (a) to select and recommend the requisite members of the academic staff for dismissal by reason of redundancy; and
  - (b) to report their recommendations to the appropriate body.
- (2) The appropriate body shall either approve any selection recommendation made under sub-paragraph (1), or shall remit it to the Redundancy Committee for further consideration in accordance with its further directions.
- (3) A Redundancy Committee appointed by the appropriate body shall comprise:-
  - (a) a Chairman; 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 paragraph 11(1) it may authorise an officer of the University as its delegate to dismiss any member of the academic staff so selected.
- (2) Each member of the academic staff selected shall be given separate notice of the selection approved by the appropriate body.
- (3) Each separate notice shall sufficiently identify the circumstances which have satisfied the appropriate body that the intended dismissal is reasonable and in particular shall include:-
  - (a) a summary of the action taken by the appropriate body under this Part;
  - (b) an account of the selection processes used by the Redundancy Committee;
  - (c) a reference to the rights of the person notified to appeal against the notice and to the time within which any such appeal is to be lodged under Part V (Appeals); and
  - (d) a statement as to when the intended dismissal is to take effect.

## ***Part III: Discipline, Dismissal and Removal from Office***

### **Disciplinary Procedures**

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

#### Stage 1: Oral Warning

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

#### Stage 2: Written Warning

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

#### Stage 3: Appeals

A member of the academic staff who wishes to appeal against a disciplinary warning shall inform the Registrar within two weeks. The Pro-Vice-Chancellor nominated by the Vice-Chancellor for this purpose shall hear all such appeals and his 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 paragraph 13, or in any other case where it is alleged that conduct or performance may constitute good cause for dismissal or removal from office, a complaint seeking the institution of charges to be heard by a Tribunal appointed under paragraph 16 may be made to the Registrar who shall bring it to the attention of the Vice-Chancellor.
- (2) To enable the Vice-Chancellor to deal fairly with any complaint brought to his attention under sub-paragraph (1) he shall institute such investigations or enquiries (if any) as appear to him to be necessary.
- (3) If it appears to the Vice-Chancellor that a complaint brought to his attention under sub-paragraph (1) relates to conduct or performance which does not meet acceptable standards but for which no written warning has been given under paragraph 13 or which relates to a particular alleged infringement of rules, regulations or byelaws for which a standard penalty is normally imposed in the University or within the faculty, school, department or other relevant area, or is trivial or invalid he may dismiss it summarily, or decide not to proceed further under this Part.
- (4) If the Vice-Chancellor does not dispose of a complaint under sub-paragraph (3) he shall treat the complaint as disclosing a sufficient reason for proceeding further under this Part and, if he sees fit, he may suspend the member on full pay pending a final decision.
- (5) Where the Vice-Chancellor proceeds further under this Part he shall write to the member of the academic staff concerned inviting comment in writing.
- (6) As soon as may be following receipt of the comments (if any) the Vice-Chancellor shall consider the matter in the light of all the material then available and may:-
- (a) dismiss it himself; or
  - (b) refer it for consideration under paragraph 13; or
  - (c) deal with it informally himself 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 Registrar to prefer a charge or charges to be considered by a Tribunal to be appointed under paragraph 16.
- (7) If no comment is received within 28 days the Vice-Chancellor may proceed as aforesaid as if the member concerned had denied the substance and validity of the alleged case in its entirety.

### **Institution of Charges**

15. (1) In any case where the Vice-Chancellor has directed that a charge or charges be preferred under paragraph 14(6)(d), he shall request the Council to appoint a Tribunal under paragraph 16 to hear the charge or charges and to determine whether the conduct or performance of the member of the academic staff concerned constitutes good cause for dismissal or otherwise constitutes a serious complaint relating to the member's appointment or employment.
- (2) Where the Council has been requested to appoint a Tribunal under paragraph 16 the Registrar or, if he is 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 Chairman; 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 paragraph.
- (2) Without prejudice to the generality of the foregoing such Ordinances shall ensure:-
- (a) that the member of the academic staff concerned is entitled to be represented by another person, whether such person be legally qualified or not, in connection with and at any hearing of charges by a Tribunal;
  - (b) that a charge shall not be determined without an oral hearing at which the member of the academic staff concerned and any person appointed by him to represent him 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 him 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 paragraph.

### **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 sub-paragraph (1) to dismiss the member of the academic staff concerned, the action available to the appropriate officer (not comprising a greater penalty than that recommended by the Tribunal) may be:-
- (a) to discuss the issues raised with the member concerned; or
  - (b) to advise the member concerned about his 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 paragraph 19 and any reference to the appropriate officer includes a reference to a delegate of that officer.
- (2) Any action taken by the appropriate officer shall be confirmed in writing.

### ***Part IV: Removal for Incapacity on Medical Grounds***

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 his 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 chairman 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 Registrar or his 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 paragraph 13 (Appeals against disciplinary warnings);
  - (c) to appeals against dismissal otherwise than in pursuance of Part II or Part III;
  - (d) to appeals against discipline otherwise than in pursuance of Part III; and
  - (e) to appeals against decisions reached under Part IV and "appeal" and "appellant" shall be construed accordingly.
- (2) No appeal shall however lie against:-
  - (a) a decision of the appropriate body under paragraph 10(2);
  - (b) the findings of fact of a Tribunal under paragraph 18(1) save where, with the consent of the person or persons hearing the appeal, fresh evidence is called on behalf of the appellant at that hearing;
  - (c) any finding by a Board set up under paragraph 22(3).
- (3) In this Part references to "the person appointed" are references to the person appointed by the Council under paragraph 28 to hear and determine the relevant appeal.
- (4) The parties to an appeal shall be the appellant and the Registrar 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 Registrar, within the time allowed under paragraph 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-paragraph (3).
- (2) The Registrar 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 he has done so.
- (3) Where the notice of appeal was served on the Registrar outside the 28 day period the person appointed under paragraph 28 shall not permit the appeal to proceed unless he 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-paragraph (2) to hear and determine that appeal.
- (2) The persons described in this sub-paragraph are persons not employed by the University holding, or having held, judicial office or being barristers or solicitors of at least ten years' standing.
- (3) The person appointed shall sit alone unless he considers that justice and fairness will best be served by sitting with two other persons.
- (4) The other persons who may sit with the person appointed shall be:-
- (a) one member of the Council not being a person employed by the University; and
  - (b) one member of the academic staff nominated by the Senate.

### **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 paragraph.
- (2) Without prejudice to the generality of the foregoing such Ordinances shall ensure:-
- (a) that an appellant is entitled to be represented by another person, whether such person be legally qualified or not, in connection with and at any hearing of his appeal;
  - (b) that an appeal shall not be determined without an oral hearing at which the appellant, and any person appointed by him to represent him 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 his powers under paragraph 29(3)(a), (b) or (c), on any appeal together with any findings of fact different from those come to by the Council as the appropriate body under Part II or by the Tribunal under Part III, as the case may be, to the Vice-Chancellor and to the parties to the appeal.

### **Part VI: Grievance Procedures**

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

31. The aim of this Part is to settle or redress individual grievances promptly, fairly and so far as may be, within the faculty, 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;
  - (b) or 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 faculty, school, department or other relevant area have been exhausted the member of the academic staff may raise the matter with the Head of the faculty, school, department or other relevant area.
- (2) If the member of the academic staff is dissatisfied with the result of an approach under sub-paragraph (1) or if the grievance directly concerns the Head of the faculty, 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, he may dismiss it summarily, or take no action upon it. If it so appears to the Vice-Chancellor he shall inform the member and the Grievance Committee accordingly.

(4) If the Vice-Chancellor is satisfied that the subject matter of the grievance could properly be considered with (or form the whole or any part of):-

- (a) a complaint under Part III;
- (b) a determination under Part IV;
- (c) or an appeal under Part V

he 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 he shall notify the member and the Grievance Committee accordingly.

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

### **Grievance Committee Procedure**

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

35. The Grievance Committee to be appointed by the Council shall comprise:-

- (a) a Chairman; 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 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-founded and if it is well-founded the Committee shall make such proposals for the redress of the grievance as it sees fit.

*Annex (Paragraph 3(1)(d) above refers)*

### **Provisions as to the Vice-Chancellor**

1. The Council may request its Chairman 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 to the Chairman of the Council by not less than eight members of the Council, of whom not less than three shall be persons not employed by the University.
- (2) If it appears to the Chairman of the Council, on the material before him, that the complaint raises a prima facie case and that this could, if proved, constitute good cause for dismissal or removal from office he shall request the Council to appoint a Tribunal to hear and determine the matter.
- (3) If it appears to the Chairman of the Council that a complaint made to him under sub-paragraph (1) does not raise a prima facie case or is trivial or invalid, he may dismiss it summarily or take no action upon it.



- (4) When the Council has appointed a Tribunal under sub-paragraph (2) it shall instruct a solicitor or other suitable person to formulate a charge or charges and to present, or arrange for the presentation of, the charges before the Tribunal.
  - (5) A Tribunal appointed by the Council shall comprise:
    - (a) an independent Chairman; and
    - (b) one member of the Council, not being a person employed by the University; and
    - (c) one member of the academic staff.
  - (6) Subject to the principles of justice and fairness the Tribunal may determine its own procedure.
  - (7) The Tribunal shall send its reasoned decision on any charge referred to it together with its findings of fact regarding the charge and its recommendations, if any, as to the appropriate penalty to the Chairman of the Council and to the Vice-Chancellor drawing attention to the period of time within which any appeal should be made.
  - (8) Persons appointed to hear such an appeal shall be persons independent of the University holding, or having held, judicial office or being barristers or solicitors of at least 10 years' standing and the person so appointed shall, subject to the principles of justice and fairness, determine the procedure to be adopted in hearing the appeal.
  - (9) A person appointed shall send the reasoned decision on the appeal, together with any findings of fact different from those come to by the Tribunal and his recommendations, if any, as to the appropriate penalty, to the Vice-Chancellor and to the Chairman of the Council.
  - (10) Where a charge or charges have been upheld by the Tribunal and not dismissed on appeal, the Chairman 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 Chairman of the Council may suspend the Vice-Chancellor from his duties and may exclude the Vice-Chancellor from the precincts of the University or any part thereof without loss of salary.
  3. "Good cause" in this Annex has the same meaning as in paragraph 5 of this Section.
  4. For the purpose of the removal of the Vice-Chancellor for incapacity on medical grounds, Part IV 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 Chairman of the Council;
    - (c) for paragraph 23 there shall be substituted: -
      - "23. If the Board determines that the Vice-Chancellor should be required to retire on medical grounds, it shall ask the Chairman as the appropriate officer, to decide whether or not to terminate the appointment of the Vice-Chancellor on those medical grounds."

## **<sup>70</sup>Section 36**

### ***Retirement of Certain Officers and Members***

1. The Chancellor, the Pro-Chancellors and the Treasurer shall retire from office on the 31<sup>st</sup> day of August following the date on which they attain the age of 70 years.
2. The Vice-President of the Council and all members of the Council appointed under Class 3 of subsection 1 of Section 19 of the Statutes shall retire from membership of the Council on the 31<sup>st</sup> day of August following the date on which they attain the age of 70 years.
3. On the recommendation of the Council the Court by a vote of at least two-thirds of the number of members present may request the Chancellor to continue in office for such period as it shall from time to time determine beyond the date of retirement referred to in subsection 1 or subsection 2 of this Section.
4. The Council by a vote of at least two-thirds of the number of members present may request the Pro-Chancellors or the Treasurer or the Vice-President of the Council or any member of the Council appointed under Class 3 of subsection 1 of Section 19 of the Statutes to continue in office and/or in membership of the Council for such period as it shall from time to time determine beyond the date of retirement referred to in subsection 2 of this Section.

## **<sup>71</sup>Section 37**

### ***Retirement of Members of the Academic and Administrative Staff of the University***

The Vice-Chancellor, Professors, Readers, Lecturers and other salaried Officers of the University shall normally retire from their posts on the 31<sup>st</sup> day of August following the date on which they attain the age of 65 years.

The Vice-Chancellor or his nominee may request a Professor, Reader, Lecturer or other salaried Office of the University to continue in office or employment after that date. Any such continuance will be by mutual agreement for such period and on such terms as the Vice-Chancellor or his nominee may determine and as agreed with the member of staff. The Vice-Chancellor shall report to the Council on each instance of such an agreement.

In the case of the Vice-Chancellor the Council may make such a request.

## **<sup>72</sup>Section 38**

### ***Acts during Vacancies***

No act or resolution of the Council or the Senate 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 39**

### ***Contracts***

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

Any contract which if made between private persons would be by law required to be in writing and if made according to English Law to be under Seal may be made on behalf of the University in writing under its Common Seal and such contract may be in the same manner varied or discharged.

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<sup>70</sup> Amendments allowed by the Privy Council, 21 July 1998 and 21 July 1999

<sup>71</sup> Amendment allowed by the Privy Council, 23 October 2006

<sup>72</sup> Amendment allowed by the Privy Council, 21 July 1999

Any contract which if made between private persons would be by law required to be in writing and signed by the parties to be charged therewith may be made on behalf of the University in writing signed by any person acting under the express or implied authority of the Council and such Contract may in the same manner be varied or discharged.

Any contract which if made between private persons would by law be valid although made orally only and not reduced into writing may be made either in writing or orally on behalf of the University by any person acting under the express or implied authority of the Council and such contract may be in the same way varied or discharged.

## **Section 40**

### ***<sup>73</sup>Interpretation of Statutes***

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

## **Section 41**

### ***<sup>74</sup>Reserved Areas of Business***

1. Registered students who are members of the Council the Senate a Board of Faculty or any University Committee<sup>75</sup> shall not receive papers or be concerned with discussions on reserved areas of business. They shall withdraw from the meeting when it is declared by the Chairman of the meeting that the meeting is about to discuss a reserved area of business and shall not return to the meeting until the discussion on the reserved area of business is concluded.
2. Reserved areas of business include: (i) the appointment remuneration conditions of service prospects promotion and conduct of members of staff of the University whether in general or in any particular case; (ii) the admission progress examination assessment and personal affairs of individual students. Subject to the above the Chairman of the meeting may declare in any case of doubt whether a matter is a reserved area of business or not and his decision shall be final.

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<sup>73</sup> Amendment allowed by the Privy Council, 18 August 1975

<sup>74</sup> Addition allowed by the Privy Council, 16 June 1981 and 22 June 1988

<sup>75</sup> Amendments allowed by the Privy Council, 24 April 1996