



UNIVERSITY OF DUNDEE STATUTES

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Statutes of the University

1 Definitions

In these Statutes:

'University' means the University of Dundee

'College' means Queen's College, Dundee, in the University of St Andrews

'Charter' means the Charter of the University

'Chancellor' means the Chancellor of the University

'Rector' means the Rector of the University

'Principal' means the Principal and Vice-Chancellor of the University

¹'Vice-Principal' means a Vice-Principal of the University

'Court' means the Court of the University

'Senatus' means the Senatus Academicus of the University

'Department' means a department of study in the University

'Graduate' means a person to whom a degree, other than an honorary degree, of the University has been granted or a person to whom a degree of the University of St Andrews has been granted and who pursued the whole or part of his studies at that University in the College or in the former University College, Dundee

'Honorary Graduate' means a person to whom an honorary degree of the University has been granted 'Professor', 'Reader', 'Senior Lecturer', 'Lecturer' and 'Assistant Lecturer' mean (except where the context otherwise requires in Statute 21) respectively a Professor, Reader, Senior Lecturer, Lecturer and Assistant Lecturer in the University

'Secretary' means the Secretary of the University

Librarian' means the Librarian of the University

'Student' means a person pursuing any course of study in the University

²Subject to Statute 16 'Academic Staff' means the Professors, Readers, Senior Lecturers, Lecturers and Assistant Lecturers and any other officers of the University with teaching or research duties therein, and the Librarian 'Officer' means a person holding any office in the University established pursuant to the Charter or these Statutes 'Ordinance' means an Ordinance made pursuant to the Charter or these Statutes 'Regulation' means a Regulation made pursuant to the Charter, these Statutes or the Ordinances. Except where the context otherwise requires, the singular includes the plural and the masculine gender includes the feminine gender.

2 Members of the University

(1) The following persons shall be members of the University:

The Chancellor

The Rector

The Principal

¹The Vice-Principals, if any

The Members of the Court

The Members of the Senatus

The Members of the Academic Staff

The Secretary

The Librarian

¹ As amended by the Privy Council on 22 October 2002

² As amended by the Privy Council on 28 October 1992

The Graduates

The Students

Such other officers or former officers and such other persons as shall by Ordinance, or by decision of the Court, be granted the status of members.

- (2) Membership of the University shall continue so long only as one at least of the qualifications above enumerated shall continue to be held by the individual member.

3 The Chancellor

- (1) The successors to the first Chancellor shall be appointed by the Court after consultation with the Senatus.
- (2) The first Chancellor shall hold office during Her life or Her resignation. Any subsequent Chancellor shall hold office for such period as may be prescribed in the Ordinances or until his resignation.
- (3) The Chancellor may resign by writing addressed to the Court.

4 The Rector

- (1) The Rector shall be elected by a general poll of the matriculated students and, in the case of an equality of votes for two or more candidates, then by the choice, between or among such candidates, of the Chancellor intimated by letter addressed to the Senatus within twenty-one days of the day of polling, and, failing such intimation, by the choice, between or among such candidates, of the Principal.
- (2) No member of the Academic Staff, officer or employee of the University and no matriculated student of any university shall be eligible to be elected to the office of Rector.
- (3) The Rector shall hold office from the date on which his election becomes effective until the date on which the election of the next Rector becomes effective and shall be eligible for re-election.
- (4) (a) Nominations for the office of Rector shall be lodged with the Senatus at least two weeks before the date of the election.
- (b) Each nomination shall be signed by fifty electors. No elector shall subscribe to more than one nomination.
- (c) Each nomination shall be accompanied by a signed statement by the person nominated that he consents to the nomination.
- (5) (a) An election of a Rector shall be held in the third year after each year in which any such election is held: Provided that, in the event of a Rector ceasing for any reason to hold office before the expiry of his full term of office an election shall be held on the next practicable date fixed in accordance with clause (b) of this paragraph.
- (b) Any such election shall take place on such day of the month of January or February as may be fixed by the Court after consultation with the Senatus and the Students' Association.
- (c) The Senatus shall appoint one or more of its members to preside at the election and take the votes of the matriculated students and shall make such other arrangements for the conduct of the election as may seem to it expedient.

5 The Principal

- (1) The successors to the first Principal shall be appointed by the Court, after consultation with the Senatus, at a meeting specially called for the purpose.
- (2)¹ Subject to Statute 16 the Principal shall hold office on such conditions as may be determined by the Court.
- (3) The Principal shall, subject to such rules as may be framed by the Court, exercise general supervision over the University and shall be generally responsible for maintaining and promoting the efficiency and good order of the University.

¹ As amended by the Privy Council on 28 October 1992

- (4)¹ The Principal may exclude any person from any part of the University or its precincts, and may suspend any student from any class or classes, provided that any such exclusion or suspension shall be reported by the Principal to the Senatus at its next meeting.

6 The Secretary

- (1)² The Court shall appoint a Secretary with such duties, at such remuneration and (subject to Statute 16) upon such terms and conditions as it shall think fit. The Court, however, shall make such an appointment only after considering a report from a Joint Committee of the Court and Senatus.
- (2) The Secretary shall be responsible for providing secretarial services for the Court, the Senatus, the Academic Council, and the Graduates' Council and, under the direction of the Principal, for the administration of the University.

7 The Librarian²

The Court shall, after consultation with the Senatus, appoint a Librarian who shall, on appointment, become a member of the Senatus, with such duties, at such remuneration, and (subject to Statute 16) upon such terms and conditions of service as it shall think fit.

8 The Auditors

- (1) The Court shall appoint an Auditor or Auditors who shall hold office for such period, and on such remuneration, as may be determined by the Court.
- (2) Every such Auditor shall be a member of a body of accountants established in the United Kingdom and for the time being recognised by the Board of Trade for the purposes of Section 161 of the Companies Act 1948, or any statutory re-enactment thereof for the time being in force, but no person shall be appointed as Auditor who is, or any member of whose firm is, a member of the Court or an officer or employee of the University.
- (3) The Auditor or Auditors shall audit the annual statement of income and expenditure, the balance sheet and other accounts of the University and shall make a report to the Court at least once in each year.
- (4) The Auditor or Auditors shall have a right of access at all reasonable times to the books, records, accounts and vouchers of the University and shall be entitled to require from the officers of the University such information and explanations as may be necessary for the performance of his or their duties.
- (5) If the office of Auditor or Auditors shall become vacant by his or their death or resignation or any other cause before the expiration of his or their period of office, the Court shall forthwith appoint an Auditor or Auditors in his or their place for the remainder of such period.

9 The Court

- (1)³ The Court shall consist of the following persons, namely:
- (a) A Chairperson (in terms of paragraph (3) below)
 - (b) The Principal or, in the absence of the Principal, a Vice-Principal
 - (c) The Rector or an Assessor nominated by him or her, after consultation with the Students' Association, to serve throughout the Rector's term of office
 - (d) An Assessor nominated by the Chancellor
 - (e) The Lord Provost of Dundee City Council or an Assessor nominated by him or her to serve throughout the Lord Provost's term of office.
 - (f) Two Assessors elected by the Graduates' Council.

¹ Students excluded from the University under this Statute are permitted a right of appeal to the Chairman of Court. Such students are also accorded the right to a monthly review, by the Authorised Officer, of the decision and of the circumstances in which it was taken

² As amended by the Privy Council on 28 October 1992

³ As amended by the Privy Council on 21 July 2010

- (g) Two Professors and two Readers, Senior Lecturers or Lecturers elected from among its members by the Senatus.
- (h) Two members of Academic Council elected by the Academic Council.
- (i) A member of non-academic staff elected by the non-academic staff.
- (j) The President of the Students' Association of the University.
- (k) A matriculated student of the University.
- (l) Seven other persons, not holding full-time appointments from Court, as may be co-opted by the Court.

Provided always that no matriculated full-time student of any university, other than the President of the Students' Association of the University of Dundee or the member appointed under sub-paragraph (k) of this paragraph, shall be a member of Court.

Provided also that no full-time member of the staff of the University may serve as a nominated or elected Assessor or representative save as provided for under sub-paragraphs (g), (h) and (i) of this paragraph.

Provided further that no former member of staff of the University or former student of the University may serve on Court either as an assessor in terms of sub-paragraphs (c), (d), (e) and (f) or as a co-opted member in terms of sub-paragraph (l) of this paragraph until four years have elapsed from the point at which that person ceased to be a member of staff or a student of the University. This provision, however, shall not apply to any members serving on Court at the point at which it comes into force.

- (2)¹ (a) The Chancellor of the University shall have the right to receive Court papers and to attend Court meetings, but shall not be a member of the Court and shall not be entitled to vote at Court meetings.
- (b) The Principal and the Rector shall hold office as long as they continue to occupy the positions named respectively.
- (c) The manner of election of the Assessors of the Graduates' Council, of the members of Court elected by the Senatus, by the Academic Council and by the non-academic staff and their respective periods of office shall be as prescribed in the Ordinances.
- (d) The manner of identification and respective period of office of the student member appointed under sub-paragraph (k) of paragraph (1) shall be as prescribed in the Ordinances.
- (e) The Assessor nominated by the Chancellor shall hold office for a period of four years from the date of nomination and shall be eligible for further nomination, but shall not hold office continuously for a longer period than eight years:

Provided always that in the event of the Chancellor ceasing to hold office the serving Assessor shall continue to be a member of the Court until an Assessor is nominated by the new Chancellor and no longer.
- (f) Where, under sub-paragraph (c) of paragraph (1) above, the Rector elects not to hold office as a member of Court, but to appoint an Assessor, the Rector shall nevertheless retain the right to receive Court papers and attend Court meetings, but shall not be a member of Court and shall not be entitled to vote at Court meetings. An Assessor so nominated by the Rector shall hold office until the expiry of the term of office of the Rector by whom he or she was nominated and shall be eligible for further nomination, but shall not hold office continuously for a longer period than six years:

Provided always that on the expiry of a Rector's term of office any serving Assessor shall continue to be a member of the Court until a new Rector is elected and joins the Court as a member or nominates a new Assessor to hold office as a member of the Court in his or her place.
- (g) A co-opted member shall hold office for a period of four years from the date of co-option and shall be eligible for further co-option, but shall not hold office continuously for a longer period than eight years.

¹ As amended by the Privy Council on 21 July 2010.

- (h) The maximum total continuous period of office of a person serving as an assessor or a co-opted member of Court who serves consecutive periods of office under a combination of any of the terms of clauses (c) to (f) and (l) of paragraph (1) above is eight years.
- (i) Where a particular skill or expertise might otherwise be lost, the Court may exceptionally agree to extend by a maximum of two years the period of office of members serving under the terms of sub-paragraph (l) or as an assessor in terms of sub-paragraphs (c) or (d) of paragraph (1) above. Members elected by the Graduates' Council who have reached their maximum term of office in that category may, for the same reason, be co-opted for an additional maximum period of two years under the terms of sub-paragraph (l) of paragraph (1) above, if such a vacancy exists.
- (j) On expiry of their maximum period of office on Court, members having served as an assessor or co-opted member in terms of sub-paragraphs (a), (c), (d), (f) or (l) of paragraph (1) above shall not be permitted to seek re-election, re-nomination or re-appointment in any category until a period of at least four years has elapsed from the date on which their membership ceases.
- (k) Casual vacancies among the members of the Court shall be filled as soon as conveniently possible by the body which or person who nominated or elected the person whose place has become vacant, and the person nominated or elected to fill the vacancy shall be a member for the unexpired portion of the period of office of his or her predecessor and shall be eligible for further nomination or re-election.
- (l) Any member of the Court, not being an ex officio member, may resign at any time by writing addressed to the Secretary.
- (m)
 - (i) The Court shall have the power after due investigation to remove the Chairperson or any other member of Court on the grounds of serious personal misconduct, abuse of the rights and privileges of membership of Court, bringing the University into disrepute, persistent absenteeism, medical incapacity or legal impediment.
 - (ii) When an investigation of the case for dismissal of a member of Court has been instigated the individual concerned shall be suspended from Court membership pending the outcome of the investigation and the Court's decision thereon.
 - (iii) In all proceedings under this paragraph the Court shall ensure that the requirements of human rights legislation are observed.
- (3)¹
 - (a) A Chairperson of Court shall be elected from among its members who are not students or salaried staff of the University.
 - (b) The Chairperson so elected shall begin a new term of office on the Court and shall hold office for a period of three years whereafter the Chairperson shall cease to be a member of the Court. Provided always that the Chairperson shall be eligible for re-election but shall not serve continuously for more than six years in that office.
 - (c) The vacancy created as a result of the election of a new Chairperson of Court shall be filled in accordance with either sub-paragraph (l) of paragraph (1) or sub-paragraph (k) of paragraph (2), as appropriate.
 - (d) The Chairperson shall preside over any meeting of the Court but in the absence of the Chairperson from a meeting of the Court or, in the event of the business of the Court making it inappropriate for the Chairperson to preside over any meeting or part thereof, another member shall be elected from among its members who are not students or salaried staff of the University to preside over the meeting.
 - (e) The person presiding over any meeting of the Court shall have a deliberative vote and also a casting vote in case of equality.
- (4) Seven members of the Court shall constitute a quorum. In the absence of a quorum, no business shall be transacted other than the adjournment of the meeting. At the adjourned meeting, the business for which the original meeting was called may be completed in the absence of a quorum. The manner of summoning the adjourned meeting and the period of notice to be given shall be prescribed in the Regulations.

¹ As amended by the Privy Council on 21 July 2010.

- (5) Subject to the provisions of the Charter and these Statutes, the powers and functions of the Court shall, in addition to all other powers vested in it by the Charter and these Statutes, include the following:
- (a) (i) To accept transfer of the property, rights, liabilities and functions referred to in Article 3(j) of the Charter;
- (ii) To administer and manage the whole finances, accounts, investments, property, business and all affairs of the University, including endowment funds;
- (iii) To invest any moneys belonging to the University, including any un-applied income, in such stocks, funds, shares or securities as it shall from time to time think fit, whether authorised by law for the investment of trust moneys or not, and whether within or outside the United Kingdom, or in the purchase of heritable property in the United Kingdom, including feu-duties or rents, with the like power of varying such investments from time to time;
- (iv) To sell, buy, take on feu, feu, exchange, lease and accept leases of lands and other property heritable and moveable on behalf of the University;
- (v) To provide and maintain the buildings, premises, libraries, laboratories, museums, furniture and apparatus and other means needed for carrying on the work of the University;
- (vi) To borrow money from time to time on behalf of the University and for that purpose, if the Court thinks fit, to grant securities over, to mortgage or charge all or any part of the property of the University, whether heritable or moveable, real or personal, and to give such other security as the Court shall think fit;
- (vii) To enter into, vary, carry out or cancel contracts on behalf of the University;
- (viii) To give guarantees for the payment of any sums of money on the performance of any contract or obligation by any company, body, society or person if the Court considers that it is in the interests of the University to do so;
- (ix) To undertake all negotiations for obtaining grants from public bodies in aid of the work of the University;
- (x) To make provision for schemes of superannuation, pensions or retirement benefits for all salaried officers or their dependants and, so far as the Court may think fit, for other employees of the University or their dependants;
- (xi) To employ, remunerate and accept the advice of any person qualified to advise regarding any matter within the jurisdiction of the Court.
- (b) To review any decision of the Senatus on representation made by a member of the Court, or a member of the Senatus, or other person having an interest in the decision, within such time as may be prescribed in the Ordinances:
- Provided always that the Court shall not review any decision of the Senatus in a matter of discipline except upon appeal taken either by a member of the Senatus or by a member of the University directly affected by the decision and that a person expelled from the University shall be deemed to be a member of the University for the purpose of this clause.
- (c) To appoint committees of its own number or others, to define the powers and to determine the membership and quorum of such committees, and to delegate to any such committee any powers or functions which the Court is itself competent to perform.
- (d) To establish joint committees of the Court and the Senatus to which the Court may appoint members of the Court and the Senatus may appoint members of the Senatus, to define the powers and to determine the membership and quorum of such joint committees and to delegate to any such joint committee any powers or functions which the Court is itself competent to perform.
- (e) To admit to membership of any joint committee of the Court and the Senatus representatives of the student body, to be appointed in such manner and subject to such conditions as may be prescribed in the Ordinances.
- (f) To establish a joint committee of the Court and representatives of the student body.
- (g) To elect the representatives of the University on the General Medical Council and the General Dental Council under the Medical Act, 1956, and the Dentists Act, 1957.

- (h) After consultation with the Senatus, to found new professorships and on the occasion of a vacancy in a professorship, and with the consent of the patrons, if any, to abolish, or alter the title of, such existing professorship, and with the consent of the incumbent and of the patrons, if any, to alter the title of an existing professorship.
 - (i)
 - (i) To authorise, after consultation with the Senatus, the establishment of Academic Staff in the University and to appoint to all posts so established: Provided that the Court may delegate the foregoing power to appoint Academic Staff to the Senatus under such terms and conditions as the Court may think fit, including, if thought fit, a provision that the Senatus may itself delegate the power so delegated to it to a Committee appointed by the Senatus in terms of paragraph (5)(n) of Statute 10;
 - (ii) With the approval of the Senatus, to suspend or abolish any academic post except a post created by the Charter or these Statutes.
 - (j)
 - (i) To authorise the establishment of staff in the University other than Academic Staff and to appoint to all posts so established;
 - (ii) To suspend or abolish any post other than an academic post or a post created by the Charter or these Statutes.
 - (k) On the recommendation of the Senatus, to institute new degrees, diplomas, certificates and other academic awards and to prescribe Regulations therefor, and to add to or amend the Regulations for existing degrees, diplomas, certificates and other academic awards.
 - (l) On the recommendation of the Senatus, to regulate the courses of study, the manner of teaching, the length of the academic session or sessions, and the manner of conducting examinations.
 - (m)¹ With the approval of the Senatus, to regulate and alter the organisation and management of the academic disciplines of the University.
 - (n) To appoint and determine the amount and manner of the remuneration of external examiners.
 - (o) To regulate the salaries of all persons who are remunerated by the University and to determine the terms and conditions of service of such persons:
 Provided that the Senatus shall first have had the opportunity to comment on the proposed terms and conditions of service for members of the Academic Staff.
 - (p) To determine the conditions and the scale on which pensions may be granted to persons who are remunerated by the University.
 - (q) To regulate the amount, manner of payment, and appropriation of fees and other payments made by students.
 - (r) To prescribe by Ordinance or to decide such matters, not otherwise dealt with in these Statutes and the Ordinances, as the Court may deem fit to prescribe by Ordinance or to decide.
- (6)² Nothing in this paragraph shall enable the Court to delegate its power to reach a decision under paragraph 10(2) of Statute 16.

10 The Senatus

- (1)³ The Senatus shall consist of the following persons, namely:
 - (a) The Principal
 - (b)⁴ The Vice-Principals, if any
 - (c) The Deputy Principals, if any

¹ As amended by the Privy Council on 7 June 2006.

² As amended by the Privy Council on 28 October 1992.

³ As amended by the Privy Council on 8 August 2000.

⁴ As amended by the Privy Council on 22 October 2002.

- (d)¹ Two members of Academic Council elected by the Council
- (e)¹ The President and two other officers of the Students Association nominated by the Students Association.
- (f)¹ Such other student representatives as the Court, on the recommendation of the Senatus, may from time to time determine.
- (g)¹ A minimum number of fifty-one Professors, Readers, Senior Lecturers and Lecturers who shall be elected in accordance with such procedures, and who shall hold office for such period and on such conditions, as may be prescribed by Ordinance.
Provided always that not less than two-thirds of the total number shall be Professors.
- (h)¹ Such other Professors, Readers, Senior Lecturers, Lecturers and officers of the University as the Court, on the recommendation of the Senatus, may from time to time determine and who shall hold office for such period and on such conditions as the Court shall decide.
- (2)²
 - (a) In the absence of the Principal, a Vice-Principal, if any, shall preside at any meeting of the Senatus, and in the absence of the Principal and Vice-Principals, if any, the Professor who is most senior in order of precedence among the Professors present shall preside.
 - (b) The person presiding at any meeting of the Senatus shall have a deliberative vote and also a casting vote in case of equality.
- (3)¹ Not less than one-third of the total actual membership of the Senatus shall constitute a quorum. In the absence of a quorum, no business shall be transacted other than the adjournment of the meeting. At the adjourned meeting, the business for which the original meeting was called may be completed in the absence of a quorum. The manner of summoning the adjourned meeting, and the period of notice to be given shall be as prescribed in the Regulations.
- (4)¹ Subject to the provisions of the Charter and these Statutes and to the powers reserved to the Court, the powers and functions of the Senatus shall, in addition to all other powers vested in it by the Charter and these Statutes, include the following:
 - (a) To regulate and superintend the instruction and teaching within the University and the examinations held by the University.
 - (b) To regulate the admission of persons to the University and to courses of study in the University.
 - (c) To regulate and control the conditions qualifying for matriculation and for admission to the various degrees and other awards offered by the University.
 - (d) To authorise the granting of degrees (including honorary degrees), diplomas, certificates and other awards to persons who shall satisfy the conditions for the award thereof as prescribed in these Statutes and the Ordinances.
 - (e) To promote research within the University and to require reports from time to time on such research.
 - (f) To prescribe, subject to any conditions made by the founders and to any directions of the Court, the times and conditions of competition for fellowships, scholarships, studentships, exhibitions, bursaries and prizes and to examine for and award the same.
 - (g) To be generally responsible for the administration of the University Library.
 - (h) To promote and administer the extra-mural work of the University.
 - (i) Subject to the provisions of Statute 18 to regulate and superintend the discipline of the students, in accordance with the Ordinances.
 - (j) To refuse, without assigning any reason, to admit any person as a student of the University.
 - (k) To take such steps as it thinks proper for supervising organisations of students.
 - (l) To make recommendations to the Court:
 - (i) For founding new professorships and for abolishing, or altering the title of existing professorships;

¹ As amended by the Privy Council on 7 June 2006.

² As amended by the Privy Council on 22 October 2002.

- (ii) For the establishment of academic and other staff in the University and for suspending or abolishing any such post other than a post created by the Charter and these Statutes;
 - (iii) Of persons for appointment to the Academic Staff when so requested by the Court;
 - (iv) On terms and conditions of service of members of the Academic Staff;
 - (v) For instituting new degrees, diplomas, certificates and other academic awards and prescribing the regulations therefor and for adding to, or amending, regulations for existing degrees, diplomas, certificates and other academic awards;
 - (vi) For regulating and altering courses of study, the manner of teaching, the length of the academic session or sessions, and the manner of conducting examinations;
 - (vii)¹ For regulating and altering the organisation and management of the academic disciplines of the University;
 - (viii) For regulating the appointment and numbers of external examiners;
 - (ix) On any other matter in regard to which the Senatus is required by the provisions of the Charter and these Statutes to submit recommendations to the Court; and
 - (x) On any academic matter whatsoever and on any matter referred to it by the Court.
- (m) To discuss and declare an opinion on any matter whatsoever relating to the University.
 - (n) To appoint committees of its own number or others, and, subject to the provisions of paragraph (2) of Statute 18, to delegate powers or business to such committees, and to determine the membership and quorum of such committees.
 - (o) To appoint members of the Senatus as its representatives on any joint committee of the Court and the Senatus, and, subject to the provisions of paragraph (2) of Statute 18, to delegate to any such joint committee any powers or functions which the Senatus is itself competent to perform.
 - (p) To establish a joint committee of the Senatus and representatives of the student body.
 - (q)¹ To delegate powers or business to other subordinate bodies.
 - (r)¹ To review, amend, refer back, control or disallow any act of any subordinate body or Board of Study and to give directions to any such body.
 - (s) To prescribe the academic dress to be worn by the various officers and members of the University and the occasions on which it shall be worn.
 - (t) To do such other acts and things as the Court may authorise.

13 Acts during Vacancies¹

No act or resolution of the Court, the Senatus or of any committee or other body constituted in accordance with these Statutes or Ordinances 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, nomination, co-option or appointment of any de facto member of the body.

14 Academic Ceremonies

- (1) For the purpose of conferring degrees of the University or for other academic purposes there shall be held under the auspices of the Senatus a meeting of the University, which shall be called an Academic Ceremony.
- (2) An Academic Ceremony for the conferment of degrees shall be held at least once every year at such time and place as shall be determined by the Senatus. The degrees shall be conferred by the person presiding.
- (3)² An Academic Ceremony shall be presided over by the Chancellor or, in his absence, by the Principal, or in the absence of both the Chancellor and the Principal, by a Vice-Principal, if any. In the absence of the Chancellor, the Principal and the Vice-Principals, if any, a Professor nominated by the Senatus shall preside.

¹ As amended by the Privy Council on 7 June 2006.

² As amended by the Privy Council on 22 October 2002.

- (4) The procedure for summoning an Academic Ceremony, for the presentation of graduands and for conferring degrees in absentia and all other matters relating to Academic Ceremonies shall be determined by the Senatus.

15 Academic Council

- (1) The Academic Council shall meet at least once in each year.
- (2) The Academic Council may at any of these meetings:
- (a) Discuss and declare an opinion on any matter whatsoever relating to the University including any matters referred to it by the Court or Senatus;
 - (b) Communicate directly with the Court or Senatus on any matter affecting the University.
- (3) A Special Meeting of the Academic Council may be convened at any time by the Principal or on the written request of not less than twenty-five members of the Academic Staff.

16 Academic Staff¹

Part I – Construction, Application and Interpretation

Construction

- 1 This Statute and any Ordinance or Regulation made under this Statute shall be construed in every case to give effect to the following guiding principles, that is to say –
- (a) to ensure that 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 Statute shall apply
- (a) to the members of the academic staff as defined in Statute 1;
 - (b) to the Secretary and such other persons whose remuneration is on academic-related scales and who have been granted the status of Members of the University under Statute 2; and
 - (c) to the Principal to the extent and in the manner set out in the Annex to this Statute.
- (2) In this Statute any reference to “academic staff” is a reference to persons to whom this Statute applies.

Interpretation

Meaning of “dismissal”

- 4 In this Statute “dismiss” and “dismissal” mean dismissal of a member of the academic staff and –
- (a) include remove or, as the case may be, removal from office, and
 - (b) in relation to employment under a contract, shall be construed in accordance with section 55 of the Employment Protection (Consolidation) Act 1978.

¹ As amended by the Privy Council on 28 October 1992.

Meaning of “good cause”

- 5 (1) For the purposes of this Statute “good cause” in relation to the dismissal or removal from office or place of a member of the academic staff, being in any case a reason which is related to conduct or to capability or qualifications for performing work of the kind which the member of the academic staff concerned was appointed or employed to do, means –
- (a) conviction for an offence which may be deemed by a Tribunal appointed under Part III to be such as to render the person convicted unfit for the execution of the duties of the office or employment as a member of the academic staff; or
 - (b) conduct of an immoral, scandalous or disgraceful nature incompatible with the duties of the office or employment; or
 - (c) conduct constituting failure or persistent refusal or neglect or inability to perform the duties or comply with the conditions of office; or
 - (d) physical or mental incapacity established under Part IV.
- (2) In this 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 Statute dismissal shall be taken to be a dismissal by reason of redundancy if it is attributable wholly or mainly to –
- (a) the fact that the University has ceased, or intends to cease, to carry on the activity for the purposes of which the member of the academic staff concerned was appointed or employed by the University, or has ceased, or intends to cease, to carry on that activity in the place in which the member concerned worked; or
 - (b) the fact that the requirements of that activity for members of the academic staff to carry out work of a particular kind, or for members of the academic staff to carry out work of a particular kind in that place, have ceased or diminished or are expected to cease or diminish.

Incidental, supplementary and transitional matters

- 7 (1) In any case of conflict, the provisions of this Statute shall prevail over those of any other Statute and over those of the Ordinances and Regulations and the provisions of any Ordinance made under this Statute shall prevail over those of any other Ordinance:
- Provided that Part III of and the Annex to this Statute 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 Statute 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 Statute or in any Ordinance or Regulation made thereunder shall authorise or require any person to sit as a member of any Committee, Tribunal or body appointed under this Statute or to be present when any such Committee, Tribunal or body is meeting to arrive at its decision or for the purpose of discussing any point of procedure.
- (4) In this Statute references to numbered Parts, paragraphs, and sub-paragraphs are references to Parts, paragraphs, and sub-paragraphs so numbered in this Statute.

Part II – Redundancy*Purpose of Part II*

- 8 This Part enables the Court, as the appropriate body, to dismiss any member of the academic staff by reason of redundancy.

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

- 9 (1) Nothing in this Part shall prejudice, alter or affect any rights, powers or duties of the University or apply in relation to a person unless
- (a) his appointment is made, or his contract of employment is entered into, on or after 20th 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 20th 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 Court 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 Court, not being persons employed by the University; and
 - (c) two members of the academic staff nominated by the Senatus.

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 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 Secretary 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 Secretary within two weeks. ¹A Vice-Principal shall hear all such appeals and his or her decision shall be final.

Preliminary examination of serious disciplinary matters

- 14
- (1) If there has been no satisfactory improvement following a written warning under Stage 2 of the procedure in paragraph 13, or in any other case where it is alleged that conduct or performance may constitute good cause for dismissal or removal from office, a complaint seeking the institution of charges to be heard by a Tribunal appointed under paragraph 16 may be made to the Secretary who shall bring it to the attention of the Principal.
 - (2) To enable the Principal 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 Principal 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 Principal 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 Principal 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 Principal 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 Principal appropriate to do so and if the member of the academic staff agrees in writing that the matter should be dealt with in that way; or
 - (d) direct the Secretary to prefer a charge or charges to be considered by a Tribunal to be appointed under paragraph 16.

¹ As amended by the Privy Council on 22 October 2002

- (7) If no comment is received within 28 days the Principal shall 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 Principal has directed that a charge or charges be preferred under paragraph 14(6)(d), he shall request the Court 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 Court has been requested to appoint a Tribunal under paragraph 16 the Secretary or, if he is unable to act, another officer appointed by the Principal 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 Court shall comprise:
- (a) a Chairman; and
 - (b) one member of the Court, not being a person employed by the University; and
 - (c) one member of the academic staff nominated by the Senatus.

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 Principal 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 Principal 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 Principal 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 Principal 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 Court; one person nominated by the member concerned or, in default of the latter nomination, by the Senatus; and a medically qualified chairman jointly agreed by the Court and the member or, in default of agreement, to be nominated by the President of the Royal College of Physicians of Edinburgh.
- (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 Secretary 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 Court 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 Court under paragraph 28 to hear and determine the relevant appeal.
- (4) The parties to an appeal shall be the appellant and the Secretary 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 Secretary, 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 Secretary shall bring any notice of appeal received (and the date when it was served) to the attention of the Court and shall inform the appellant that he has done so.
- (3) Where the notice of appeal was served on the Secretary 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 Court 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 advocates 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 Court not being a person employed by the University; and
 - (b) one member of the academic staff nominated by the Senatus.

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 Court 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 Court as the appropriate body under Part II or by the Tribunal under Part III, as the case may be, to the Principal 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; or
 - (b) to matters affecting their personal dealings or relationships with other staff of the University, not being matters for which express provision is made elsewhere in this Statute.

Exclusions and Informal Procedures

- 33 (1) If other remedies within the 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 Principal for redress of the grievance.
- (3) If it appears to the Principal 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 Principal he shall inform the member and the Grievance Committee accordingly.
- (4) If the Principal is satisfied that the subject matter of the grievance could properly be considered with (or form the whole or any part of) –
 - (a) a complaint under Part III;
 - (b) a determination under Part IV; or
 - (c) an appeal under Part V
 he 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 Principal 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 Principal shall refer the matter to the Grievance Committee for consideration.
- 35 The Grievance Committee to be appointed by the Court shall comprise
 - (a) a Chairman; and
 - (b) one member of the Court not being a person employed by the University; and
 - (c) one member of the academic staff nominated by the Senatus.

Procedure in connection with determinations; and right to representation

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

Notification of decisions

- 37 The Committee shall inform the Court 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 to Paragraph 3(1)(c) - Provisions as to the Principal

- 1 The Court may request its Chairman to remove the Principal from office for good cause in accordance with the procedure described in this Annex.
 - (1) A complaint seeking the removal from office of the Principal for good cause may be made by not less than three members of the Court to the Chairman of the Court.
 - (2) If it appears to the Chairman of the Court, 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 Court to appoint a Tribunal to hear and determine the matter.
 - (3) If it appears to the Chairman of the Court that a complaint made to him under sub-paragraph (1) does not raise a prima facie case or is trivial or invalid, he may recommend to the Court that no further action be taken upon it.
 - (4) When the Court 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 Court shall comprise:
 - (a) an independent Chairman; and

- (b) one member of the Court; 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 Court and to the Principal 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 advocates or solicitors of at least ten years' standing and the person so appointed shall, subject to the principles of justice and fairness, determine the procedure to be adopted in hearing the appeal.
- (9) A person appointed shall send the reasoned decision on the appeal, together with any findings of fact different from those come to by the Tribunal and his recommendations, if any, as to the appropriate penalty, to the Principal and to the Chairman of the Court.
- (10) Where a charge or charges have been upheld by the Tribunal and not dismissed on appeal, the Chairman of the Court shall decide whether or not to dismiss the Principal.
- 2 Where a complaint is to be referred to a Tribunal under this Statute, the Chairman of the Court may suspend the Principal from his duties and may exclude the Principal 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 Statute.
- 4 For the purpose of the removal of the Principal for incapacity on medical grounds, Part IV of this Statute 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 Principal;
 - (b) for any reference to the office of Principal there shall be substituted a reference to the office of Chairman of the Court;
 - (c) for paragraph 23 there shall be substituted –
 - "23 If the Board determines that the Principal 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 Principal on those medical grounds."

17 Retirement of Members of Staff ¹

Members of the Academic Staff and holders of any other posts specified by the Court for that purpose shall be required to retire from office on the thirtieth day of September following the date on which they attain an age which shall be specified in Ordinances.

18 Discipline

- (1) Without prejudice to the power of the Principal to exclude or suspend students as contained in paragraph (4) of Statute 5, the procedures governing the exclusion, suspension, expulsion or other punishment of students by the Senatus for infractions of discipline shall be prescribed by Ordinance. These punishments may include reprimands, monetary fines, and making good the cost of damage.
- (2)² The powers of the Senatus in regard to all prescribed punishments may be delegated to the Principal. As may be prescribed by Ordinance, limited powers of punishment may be delegated to other officers of the University.
- (3) The procedure for reporting any exclusion, suspension or expulsion of a student imposed in the exercise of delegated powers to the next meetings of the Senatus and the Court shall be prescribed by Ordinance. The procedure for reporting to the Principal any punishment imposed in the exercise of delegated powers of limited punishment shall be prescribed by Ordinance.

¹ As amended by the Privy Council on 28 October 1992

² As amended by the Privy Council on 20 November 1996

- (4) The procedures governing the right of students to be heard in person by the body or person exercising the disciplinary powers as provided for in paragraphs (1) and (2) of this Statute shall be prescribed by Ordinance and shall include the right of a student to be represented at a hearing, to call witnesses or to have reasons assigned (if asked for) for any decision taken by such body or person. These procedures shall also include provision for the exercise of such rights in regard to reviews carried out by the Court in terms of clause (b) of paragraph (5) of Statute 9 and shall ensure that no member of the Court with responsibility for the original sentence will participate in such a review.
- (5) The Students' Association shall be entitled to petition the Senatus with regard to any matter affecting the discipline of students in such manner as shall be prescribed by Ordinance. The Senatus shall dispose of the matter of the petition or shall, if so prayed, forward any such petition to the Court with such observations as it may think fit to make thereon.

19 Students' Association

- (1) (a) Subject to the provisions of this Senatus the functions of the Students' Association and the mode of election thereto shall be contained in Regulations which shall be subject to the approval of the Court and the Regulations as so approved or with such alterations as may from time to time be approved by the Court, shall form the constitution of the Students' Association.
- (b) The Students' Association may from time to time, but only with the approval of the Court, make alterations to its constitution.
- (2) (a) The Students' Association shall be entitled to petition the Senatus with regard to any matter affecting the teaching of the University, and the Senatus shall dispose of the matter of the petition, or shall, if so prayed, forward any such petition to the Court with such observations as it may think fit to make thereon.
- (b) The Students' Association shall be entitled to petition the Court with regard to any matter affecting the students other than those falling under clause (a) of this paragraph.
- (c) Nothing contained in this paragraph shall be held to prejudice any right of appeal which may be competent under clause (b) of paragraph (5) of Statute 9, or the powers and jurisdiction of the Senatus with regard to the teaching and discipline of the University.

20 Graduates' Council

- (1) The Graduates' Council shall consist of the following persons:
- (a) The Chancellor
- (b) The Principal
- (c)¹ The Vice-Principals, if any
- (d)² Graduates of the University of St Andrews who pursued the whole or part of their University studies in Queen's College or in the former University College, Dundee, and who have elected to become members of the Graduates' Council
- (e)² Graduates of the University as defined by Ordinance
- (f)² Graduates and diplomates of the former Duncan of Jordanstone College of Art, Fife College of Health Studies, Tayside College of Nursing and Midwifery, Dundee College of Education and Northern College of Education (Dundee)
- (g) Honorary Graduates
- (2)² All persons qualified and intending to graduate for the first time in the University shall, as a condition of graduation, pay to the University a registration fee of such amount as may be prescribed from time to time by the Court: Provided, however, that the obligation to pay the registration fee shall not apply to persons specified in clauses (d), (f) and (g) of paragraph (1) above.
- (3)² In the absence of the Chancellor from a meeting of the Graduates' Council, the Principal shall preside, and in the absence of both the Chancellor and the Principal, a Vice-Principal, if any, shall preside. In the absence of all the foregoing persons, a Chairperson for the time shall be elected by the meeting from among the members of the Graduates' Council present.

¹ As amended by the Privy Council on 22 October 2002

² As amended by the Privy Council on 25 November 2005

- (4) The Graduates' Council shall have power to make representations to the Court on all matters affecting the well-being and prosperity of the University.
- (5) There shall be an annual meeting of the Graduates' Council and such other meetings as may from time to time be convened as may be prescribed by Ordinance. There shall be presented to the annual meeting an audited financial statement of the University for the previous year and an annual report by the Principal on the working of the University during that year.
- (6) In any year in which an Assessor on the Court falls to be elected by the Graduates' Council, such Assessor shall be elected at the annual meeting of the Graduates' Council in such manner as may be prescribed by Ordinance.

21 Interpretation of Statutes

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