

University of Ulster

STATUTES



STATUTE I – THE COUNCIL

1. The Council shall consist of the following persons, namely:
 - (A) Ex-officio members:
 - (1) The Pro-Chancellors
 - (2) The Vice-Chancellor
 - (3) The Honorary Treasurer
 - (4) The President of the Students' Union
 - (B) Twelve persons appointed as follows:
 - (i) Eight shall be external to the University, not being members of the academic or non-academic staff or students of the University, appointed by the Council on the recommendation of a Committee or Sub-Committee of the Council established under the provisions of paragraph 7 of this Statute.
 - (ii) Two shall be members of the academic staff of the University appointed by the Council on the recommendation of a Committee or Sub-Committee of the Council established under the provisions of paragraph 7 of this Statute.
 - (iii) One shall be a member of the academic-related staff of the University appointed by the Council on the recommendation of a Committee or Sub-Committee of the Council established under the provisions of paragraph 7 of this Statute.
 - (iv) One shall be a member of the non-academic-related staff of the University appointed by the Council on the recommendation of a Committee or Sub-Committee of the Council established under the provisions of paragraph 7 of this Statute.

The procedures for the appointments of members under the provisions for this sub-paragraph may be determined by Ordinance.

2. Elected members shall be elected in such a manner as shall be prescribed by the Ordinances.
3. The periods during which members of the Council shall hold office shall be as follows:
 - (A) ex-officio members shall remain members only for so long as they continue to occupy the positions by virtue of which they became members;
 - (B) appointed members shall hold office for a period of four years and are eligible for re-appointment for one further period of four years. An appointed member who has served for two periods of four years shall not be eligible for re-appointment except where a member assumes the statutory office of Pro-Chancellor or Honorary Treasurer in which event that member will begin a new term of membership on his or her assumption of that office and be limited. To a further period of four years in accordance with Ordinance III paragraph 2 or Ordinance V paragraph 2 as appropriate;
4. Appointed members of the Council shall automatically cease to be members of the Council if they fail to attend three successive ordinary meetings of the Council,

without providing an explanation for their non-attendance satisfactory to the Council.

5. A member of the Council, not being an ex-officio member, may resign by writing addressed to the Council.
6. A casual vacancy among the appointed members shall be filled as soon as conveniently possible by the Council on the recommendation of the Committee or Sub-Committee referred to in paragraph 3 (B). The person appointed to fill a casual vacancy shall be a member for the unexpired portion of office of his or her predecessor as defined in paragraph 3.
7. (A) The Council may establish, by Ordinance, whether from within its own membership or otherwise, such committees as it may think fit and, with the concurrence of the Senate, may establish joint committees of the Council and the Senate. Among those committees so established shall be an Audit Committee and a Governance, Nominations and Remunerations Committee. Subject to the Charter and to these Statutes, the Council may delegate, upon such conditions as it may determine, and may revoke the delegation of, any of its functions to committees of the Council, joint committees of the Council and the Senate, the Senior Leadership Team (or other similar committee of senior managers, the title and functions of which may, from time to time, be determined by ordinance) the Vice-Chancellor or other officers of the University. Such delegation may include delegation of powers of appointment. Any delegation of function shall be explicit and a matter of record within the context of a delegated authority framework.
- (B) The Council may suspend or dissolve any such committee at anytime, except the Audit Committee and the Governance, Remuneration and Nominations Committee.
- (C) Subject to these Statutes, the of the Council, and the Vice-Chancellor, shall be ex-officio members of all committees of the Council and of all joint committees of the Council and the Senate.
- (D) The Council shall determine by Ordinance, or otherwise, the constitution and procedure of any joint committee of the Council and the Senate. The constitution and procedure of any committee of the Council may be prescribed in such manner as the Council may think fit.
8. The Council shall appoint a Pro-Chancellor to be its Chairman and the Pro-Chancellor who is appointed Chairman of the Council shall, subject to Article 7 of the Charter, be Chairman of the Council for so long as he or she shall remain Pro-Chancellor. The other Pro-Chancellor shall be Vice-Chairman of the Council and subject to Article 7 of the Charter, shall preside over meetings of the Council in the absence of the Chairman.
9. Subject to and in accordance with the Charter and these Statutes, it shall be the duty of the Council to secure the furtherance of the objects of the University as defined in Article 4 of the Charter by making such arrangements as the Council considers to be necessary to facilitate the exercise of the powers conferred by Article 5 of the Charter whether by its own acts, by acts of the Senate or otherwise by those to whom the Council has delegated its powers and responsibilities in accordance with paragraph 7 of this statute and in addition to all other powers vested in it, the Council shall have the following functions:
 - (A) To provide leadership on strategy, stewardship and overall governance.

- (B) On the recommendation of the Senate, to institute or discontinue Faculties and other academic sections of the University and to establish and disestablish academic posts.
- (C) To authorise and control the establishment and dis-establishment of other posts and to determine the policies for the appointment, conditions of appointment and remuneration of all employees of the University.
- (D) On the recommendation of the Senate, to designate persons, not being members of the Academic Staff, as recognised teachers of the University whose functions shall be prescribed by Regulation.
- (E) To control the appointment of other persons working for or in, or providing a service, for the University and the payment of honoraria, fees and other remuneration to such persons.
- (F) To make provision, so far as the Council may think fit, for schemes of insurance, superannuation pensions or retirement benefits for all employees of the University and their dependents.
- (G) To determine all University fees and to impose and recover all such other charges and deposits as may seem to the Council to be necessary or appropriate.
- (H) To institute, on the recommendation of the Senate (and subject, where appropriate, to any conditions acceptable to the Council and to the Senate which might be made by the founders) Fellowships, Studentships, Exhibitions, Bursaries, Prizes and other aids to study and research.
- (I) On the recommendation of the Senate, to deprive persons of any Degrees, Diplomas, Certificates or other academic distinctions granted to or conferred on them by the University.
- (J) On the recommendation of the Senate, and subject to Statute II, to make Ordinances to regulate the discipline of students and other persons.
- (K) To receive and call for strategic reports from the Senate, to review the work of the University and, subject to the powers of the Senate, to take such steps as it thinks proper for the purpose of advancing the interests of the University, maintaining its efficiency and encouraging teaching, the pursuit of learning and the prosecution of research therein.
- (L) To accept, reject, review, amend or refer back any recommendation made by the Senate; provided that no such recommendation may be rejected or reviewed or amended before being referred again to the Senate for consideration and report.
- (M) In accordance with Articles 5 and 16 of the Charter to do all things deemed necessary by the Council for the efficient management and administration of the revenue and property of the University; and in particular:
 - (1) to govern, manage and regulate the finances, accounts, investments, property, business and all affairs including the risks associated with the business and affairs whatsoever of the University and for that purpose to appoint bankers and any other officers or agents whom it may deem expedient to appoint and to cause books of accounts to be kept in such

- manner as to give a true and fair view of the state of the University's affairs and to explain its transactions;
- (2) to invest any monies belonging to the University in such stocks, funds, fully paid shares or securities as the Council shall think fit whether within the United Kingdom or not, in the purchase of freehold or leasehold hereditaments, including rents; provided that, in the case of moneys held by the University as trustees, the power conferred by this paragraph shall be exercised subject to the provisions of the law relating to investments by trustees;
 - (3) to sell, buy, exchange, lease and accept leases of real and personal property on behalf of the University;
 - (4) to borrow money on behalf of the University and for that purpose to mortgage or charge all or any part of the property of the University whether real or personal unless the conditions of any will, deed, gift or other instrument are thereby contravened, and to give such other security whether upon real or personal property or otherwise as the Council may think fit;
 - (5) to provide the buildings, premises, furniture and equipment and other means required for carrying on the work of the University;
 - (6) to enter into, vary, carry out and cancel contracts on behalf of the University;
 - (7) to give on behalf of the University, guarantees, whether in pursuance of continuing arrangements or not.
 - (8) To receive and call for such reports and to make such arrangements as it thinks proper for the promotion and maintenance of efficiency and good order in the University.
10. The Council shall refer to the Senate any matter coming before the Council which has academic implications, unless that matter has been previously considered by the Senate; and before making any decision on any such matter the Council shall take account of the opinion, if any, of the Senate thereon.
 11. Except as may otherwise be provided by the Charter, and subject to these Statutes, the Council shall determine by Ordinance, or otherwise, all matters relating to its constitution and detailed arrangements.
 12. Nothing in this Statute shall enable the Council to delegate its power to reach a decision under Paragraph 10(2) of Statute IV.

STATUTE II – The Senate

1. In the context of the University's Corporate Plan, Senate is responsible for the oversight of the academic affairs of the University including, teaching and learning, research and academic enterprise. Subject to and in accordance with the Charter and these Statutes, the Senate shall have all such powers as are necessary for the discharge of its responsibilities, and in addition to all other powers vested in it, the Senate shall have the following functions:

- (A) To determine the degrees, diplomas, certificates and other academic qualifications to be offered and awarded by the University, or by the University in conjunction with another or other Institution(s) and the associated regulatory framework;
- (B) To maintain oversight of the development and implementation of the Academic Plan;
- (C) To maintain oversight of the approval, monitoring and reapproval of courses of study or research leading to an award of the University including curricular issues and the setting of academic standards;
- (D) To maintain oversight of the quality of education and the arrangements for its ongoing enhancement;
- (E) determine and monitor the admissions strategy and policies of the University; the general entry requirements to courses of study or research and the conditions under which and the extent, if any, to which periods and courses of study or research and examinations passed at other universities, places of learning and other institutions or elsewhere may be recognised for the purposes of the University;
- (F) To determine the conditions under which students shall be permitted to continue their studies, including the policies and procedures for the assessment of students and matters relating to student discipline subject to Statute I and the ordinances;
- (G) To determine and monitor the University's Teaching and Learning, Research and associated supporting strategies;
- (H) To regulate the conduct of examinations and assessments leading to Degrees, Diplomas, Certificates and other academic qualifications of the University and to other awards and to nominate external examiners;
- (I) To maintain oversight of the arrangements for assuring the ethical conduct of research;
- (J) With the exception of Honorary Degrees, to grant Degrees, Diplomas, Certificates and other academic distinctions including those offered and awarded by the University in conjunction with another institution or institutions and to determine the formalities attaching to the granting and conferment of such Degrees, Diplomas, Certificates and other distinctions including the use of academical dress in the University;
- (K) To grant and confer Honorary Degrees on the recommendation of a joint committee of the Council and the Senate consisting of such members of the Council (not being members of the Senate) as may be appointed by the Council and an equal number of members of the Senate appointed by the Senate together with the Chairman of the Council (who shall be Chairman) and the Vice-Chancellor;
- (L) To determine the roles of academic staff in relation to teaching and learning, research and academic enterprise within the terms and conditions of appointment applicable to each such member;

- (M) To nominate members of staff to serve as Senate representatives on other bodies;
- (N) To discuss, declare an opinion upon and make recommendations to the Council on any matter affecting the University.

In reaching decisions the Senate will have due regard to their impact on, and implications for, the University's commitment to ensuring equality of opportunity and good relations as outlined in its Equality Scheme, and associated policies, and where possible and practicable the Senate will ensure that its actions are proactive in this respect.

Except as may otherwise be provided by the Charter, and subject to these Statutes and Ordinances, the Senate may determine all matters relating to its constitution and procedure.

STATUTE III STUDENTS' UNION

1. There shall be for the benefit of the students a Students' Union. The constitution, privileges and other matters related thereto shall be prescribed by the Ordinances. Within the provisions of such Ordinances, the Students' Union shall have the power to manage its own affairs and funds.
2. The functions of the Students' Union shall be to:
 - (1) promote the interests of the students and to represent them in all matters affecting their interests;
 - (2) afford a recognised means of communication between the students and the authorities of the University;
 - (3) promote social intercourse and unity of spirit and feeling among the students; and to
 - (4) bring the students into closer relations with the students of other universities and institutions of higher and further education.

STATUTE IV– Academic Staff: Dismissal, Discipline, Grievance Procedure and related matters

Part I Construction and Application

Construction

1. This Statute and any Ordinances or Regulations made under this Statute shall be construed in every case to give effect to the following guiding principles;
 - (a) to ensure that academic staff have the 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.

2. Appropriate Person/Panel

For the Purposes of this Statute IV an Appropriate Person/Panel will be defined in the Ordinances applicable to this Statute.

3. Reasonableness

No provision in Part II or Part III hereof shall enable the person having the duty to reach a decision under the relevant Part to dismiss any Member of Staff unless the reason for his or her dismissal may in the circumstances (including the size and administrative resources of the University) reasonably be treated as a sufficient reason for dismissing him/her.

Application

Any proposals for the amendment of this Statute or its subsidiary Ordinances shall not be considered by the Council until consultations with the recognised trade union has taken place.

4. This Statute will override any provision in any contract, term, or condition of employment which is inconsistent with this Statute, whether dated before or after the commencement of this Statute, but –

(a) it shall not affect the validity of any compromise agreement under Article 245 of the Employment Rights (Northern Ireland) Order 1996, or similar agreement permitted by law; and

(b) it shall not preclude a Member of Staff deciding or agreeing to terminate employment with the University, whether by voluntary severance, early retirement or otherwise, on whatever terms have been agreed between those parties.

5. Parts II to V of this Statute shall not apply to removal from appointment as Deputy Vice-Chancellor, or such other posts as have been designated by the Council, to which a Member of Staff has been elected or appointed and which is distinct from the individual's substantive post, where dismissal from the substantive post is not contemplated, but the Council shall by Ordinance prescribe a procedure for handling such removals prior to the prescribed or normal termination date, such procedure to include an initial hearing and an appeal process.

6. This Statute shall apply to persons described as 'Members of the University staff' in Ordinance 1, 1(B) and 1 (C), hereinafter referred to as 'members of staff' as follows:

i) Members of the Academic and the Academic-related staff

ii) The holders of such appointments within the University as may be designated for the purpose by Ordinance

7. The appointment of a Member of Staff on a non-permanent contract (e.g. time-limited) is only to be made in the following circumstances;

(a) Where a current Member of Staff is unable to continue to fulfil the duties of the post either because he/she has been seconded to other duties for a limited period

or has been granted leave of absence for a limited period which may in either instance be subject to periodic review; or

- (b) Where the duties of the Member of Staff are for a specific determinable limited period; or
- (c) Where there are other necessary and objective circumstances for making categories or types of appointment on a limited term basis that have been identified by the University following consultation with the trade union, from time to time.

8. Dismissal

- (a) For the purpose of this Statute, "dismissal" shall have the same meaning as in Article 127 of the Employment Rights (Northern Ireland) Order 1996 or its statutory equivalent from time to time in force, although it shall not include the termination of the contract of employment of a Member of Staff where that Member of Staff's employment with the University continues under a new contract of employment.
- (b)
 - i. A dismissal by reason of redundancy shall be handled in accordance with Part II hereof;
 - ii. A dismissal for disciplinary reasons shall be handled in accordance with Part III hereof;
 - iii. A dismissal on health grounds shall be handled on accordance with Part IV hereof; and
 - iv. A dismissal on any other grounds shall be handled in accordance with Part V hereof.

Part II Redundancy

- 9.** This Part permits a Member of Staff to be dismissed by reason of Redundancy, subject to the following;
- (a) Nothing in this Part shall prejudice, alter or affect any rights, powers, or duties of the University in relation to a Member of Staff unless;
 - ii. His or her appointment is made, or his/her contract of employment is entered into on or after 20th November 1987; or
 - ii. He or she is promoted on or after that date.
 - (b) For the purposes of this Section, a Member of Staff whose appointment was made, or contract entered into on or after 20th November 1987 or to promotion on or after that date shall be construed in accordance with sub-sections (3) and (6) of Article 5 of the Education (Academic Tenure) (Northern Ireland) Order 1988.
 - (c) A Member of Staff whose appointment was made or contract entered into before 20th November 1987, and was not promoted after 20th November 1987, as defined in sub sections (3) and (6) of Article 5 of the Education (Academic Tenure) (Northern Ireland) Order 1988, shall for the purposes of this Part II, be subject to such powers, if any, as applied to them prior to the introduction of this Statute.

10. Definition of Redundancy

- (a) Subject to clause 7 above, dismissal by reason of redundancy for the purpose of this Part has the meaning stated in Article 174 of the Employment Rights (Northern Ireland) Order 1996, or its statutory equivalent from time to time in force namely;
 - i. A dismissal shall be taken to be a dismissal by reason of redundancy if it is attributable wholly or mainly to;
 - 1. The fact that the University has ceased, or intends to cease, to carry on the activity for the purposes the Member of 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 of Staff concerned worked; or
 - 2. The fact that the requirements of that activity for the Member of Staff to carry out work of a particular kind, or for Member of Staff to carry out work of a particular kind in that place, has ceased or diminished or are expected to cease or diminish.
- (b) In any case, the provisions of this Statute shall prevail over those of any other Statute and provisions of any Ordinances made under this Statute shall prevail over those of any other Ordinance.
- (c) 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 Staff by reason of redundancy.

11. Procedure for Dismissal by reason of redundancy

- (a) Redundancy Scenario Definitions
 - (i) Where the University by necessity, as a consequence of managerial or statutory change, needs to close down a whole University activity/discipline and thereby ceases to provide that set of services, it will first seek the authority of Council to do so and having obtained same will invoke the University's Redundancy Policy/Procedure and Ordinance and will endeavour to minimise the effect of any redundancies through the processes outlined in the policy/procedure and Ordinance.
 - (ii) Restructuring is defined as a reorganisation of a University activity/discipline which will not result in the closure of a whole activity/discipline but may necessitate a reduction in staffing levels. Such staffing reductions, as deemed necessary, will be progressed in line with the University's Redundancy Policy/Procedures and Ordinance and in the first instance will seek to avoid/minimise redundancies through the processes outlined therein. If after exhausting all voluntary means, there is a need to reduce staffing levels further, the University will refer the matter to Council to seek the authority of Council to proceed to that effect under the University's Redundancy Policy/Procedure and Ordinance.
 - (iii) Individual redundancies such as those arising from the termination of a non-permanent contract and/or unavoidable funding failure attached to the post will be dealt with in line with the University's Redundancy Policy/ Procedure and Ordinance and will not necessitate the authority of Council.

- (b) The Council shall prescribe by Ordinance the procedures for dismissing by reason of redundancy, Member(s) of Staff including those employed on non-permanent contracts (e.g. time-limited) which has not become one of indefinite duration by the application of the Fixed-Term Employees (Prevention of less Favourable Treatment) Regulations (Northern Ireland) 2002. Such procedures shall include the following;
- i. A preliminary stage involving consultation and discussion with appropriate representatives of affected Members of Staff where such consultation is required by statute and, in all cases, consultation and discussion with the relevant Member of Staff;
 - ii. A right to be accompanied to any redundancy meeting by a work colleague or Trade Union Official, but no right to be accompanied by a legal representative.
 - iii. All of the processes contained in the University's Redundancy Policy/ procedures to avoid or minimise the potential impact of redundancy including seeking suitable alternative employment for the Member (s) of Staff within the University.
 - iv. Provision for the appointment of an Appropriate Person/Panel to draw up in conjunction with the People and Culture Department the selection criteria for a dismissal under this Part II
 - v. Provision for informing any Member of Staff dismissed under this Part II of the reasons for this dismissal and, where selection has taken place, why he or she has been selected for dismissal; and
 - vi. Provision for a Member of Staff who has been given notice of dismissal under this Part II, to appeal the decision to dismiss him or her under this Part II, to an Appeal Panel. The Appeal will be a full re-hearing.

PART III: Disciplinary Procedures

12. Policy Statement

- (a) The aim of the disciplinary procedure is to provide a framework within which the University can work with Members of Staff to maintain satisfactory standards of conduct and to encourage improvement where necessary.
- (b) The University will ensure that any disciplinary matter is dealt with fairly and that steps are taken to establish the facts. Members of Staff should not be dismissed or subjected to disciplinary action without being provided with the following;
- i. A written statement of the allegations;
 - ii. A fair hearing before any decision is reached; and
 - iii. The right to an appeal hearing.

13. Grounds for Disciplinary action

- (a) Disciplinary action under this Part III may be taken, and where found to be appropriate, a penalty or other form of corrective action may be taken, in respect of acts, omissions or conduct amounting to minor, major or gross misconduct.

14. Disciplinary Procedures

The Council shall by Ordinances detail the disciplinary procedure to be followed. Such Ordinances will have regard to the Labour Relations Agency Code of Practice, as amended from time to time, as well as legislation, codes and guidance dealing with disciplinary and grievance procedures in place from time to time. The Ordinance shall provide for the following;

- (a) for very minor faults to be dealt with informally, with informal guidance given where appropriate;
- (b) in the case of matters other than very minor issues, a procedure which provides for the following;
 - i. A fair and reasonable process, with appropriate time limits for each stage;
 - ii. Suspension of the Member of Staff on full pay, where the seriousness or nature of the allegations, or the nature of the investigation, so requires;
 - iii. A fair and thorough investigation, aimed at establishing the facts, and deciding whether or not the matter is to progress to disciplinary hearing;
 - iv. A written statement of the allegations to be forwarded to the relevant Member of Staff, as well as notification of the date of the disciplinary hearing;
 - v. A right to be accompanied to any disciplinary hearing by a work colleague or Trade Union Official, but no right to be accompanied by a legal representative.
 - vi. A disciplinary hearing before an Appropriate Person, at which the relevant Member of Staff receives a fair hearing, and has the right to make representations, to call and hear evidence and to question witnesses through the Appropriate Person. The Appropriate Person will make provision for a note taker to take notes at the Disciplinary hearing. The note taker will play no part in the disciplinary process. A representative from the People and Culture Department will also be present at the disciplinary hearing. However, the Representative from the People and Culture Department will be present in an advisory capacity only and will form no part of the decision-making process.
 - vii. The notification of the outcome of the disciplinary hearing to the relevant Member of Staff.
 - viii. Penalties or sanctions to be imposed, such as, but not limited to:
 - 1. First Written Warnings – which may be given for acts of minor misconduct, for example where the conduct or performance of a Member of the Staff does not meet acceptable standards. This warning will remain on a Member of Staff's personal record for 6 months;
 - 2. Final Written Warning – this warning will be given if the offence is of a more serious nature, or if the same offence or a related offence has been committed before, and a written warning has been given, and

remains active. A copy of the final written warning will remain on a Member of Staff's personal record for a period of 12 months;

3. Suspension without pay;
 4. Dismissal with notice, or pay in lieu of notice;
 5. summary dismissal without notice where the offence is one of gross misconduct.
- ix. In **exceptional circumstances** dismissal may be set aside and replaced by a final written warning and one of the sanctions below.
1. Demotion and/or loss of title
 2. Placing restrictions on the Member of Staff's employment, for example a period of supervision and/or training;
 3. Withholding a pending salary increase;
 4. Withholding salary due to the Member of Staff;

All sanctions, both cited above, or such other sanction imposed under this Part IV can be overturned, modified or upheld on appeal. In the case of summary dismissal, the Member of Staff, who is reinstated following an appeal, will be reinstated as and from the point of summary dismissal and not from the point of reinstatement at appeal.

- x. A right to an appeal hearing before an Appropriate Person/Panel, should the relevant Member of Staff wish to appeal the outcome of the disciplinary hearing. This appeal must be on specific grounds, notified in writing to the University by the Member of Staff, and the appeal hearing will take the form of a rehearing.

15. Dismissals

Ordinances shall provide for all dismissals, even those not falling within clause 8 (b), such as dismissals under Article 130 (1) (b) of the Order or statutory equivalent from time to time in force being dismissal for some other substantial reason or a kind such as to justify the dismissal of a Member of Staff holding that position and also under Article 130 (2) (d) of the Order or statutory equivalent from time to time in force where the Member of Staff could not continue to work in the position without being in contravention (on either the Member of Staff's part, or on the part of the University) of a duty or restriction imposed by or under a statutory provision, hereinafter "Other Dismissals". Such Other Dismissals are to be dealt with in accordance with Part III clause 14, in that there will be a hearing and a right of appeal.

16. Clinical Staff

Action under this Part III or Part IV may be taken against a member of staff, who is required to engage in clinical work or activities and for that purpose requires to be registered with General Medical or Dental Council or similar body, in respect of conduct or incapacity arising in connection with that member of staff's clinical work or activities where the work or activities were performed in and for the University.

17. Members of Staff with a Disability or Medical Condition

If a Member of Staff is subject to action under this Part, and it emerges that he/she has

a medical condition and/or disability which amounts to a disability under the provisions of the Disability Discrimination Act 1995, and the Member of Staff's conduct or performance can be wholly or partly attributable to this disability and/or medical condition, action may continue under this part. Such action can proceed under this part, even if it emerges that the Member of Staff should have been dealt with under Part IV. Sanctions may include all the sanctions set out in Part III clause 14.

PART IV Removal for Incapacity on Health Grounds

- 18** (a) This Part deals with Members of Staff who may be removed due to incapacity on health grounds.
- (b) In this Part, references to health grounds are references to capability assessed by reference to health or any other physical or mental quality.
- (c) The Council shall by Ordinance prescribe a procedure for dealing with Members of Staff because of incapacity on health grounds. Such a procedure may result in removal of the Member of Staff due to incapacity on health grounds.
- (d) Any Ordinance under this Part IV, will include provision for;
- i. A medical assessment of the medical condition of the Member of Staff, looking in particular at the Member of Staff's ability to continue to work in his/her present position.
 - ii. An oral hearing with the Member of Staff and an Appropriate Person. A relevant independent medically qualified person will also attend the hearing (as appropriate). The Member of Staff will have the opportunity to make representations, produce evidence, and may be accompanied by a work colleague or Trade Union representative, but no right to be accompanied by a legal representative. In certain cases, the University may permit a relative or friend to accompany the Member of Staff to this hearing.
 - iii. The Member of Staff will be notified of the outcome of the hearing in writing and will be given a right to appeal the outcome.
 - iv. Looking at alternatives to dismissal, such as making reasonable adjustments within the Disability Discrimination Act 1995, to permit the Member of Staff to return to work.
 - v. The appeal will be a full rehearing and will have all the elements contained in this clause 18, and paragraph ii.

Part V Other Dismissals

19. Dismissals during the Probation Period

- (a) This Part deals with Members of Staff who are on a period of probation.
- (b) The Council shall by Ordinance prescribe a procedure whereby those Members of Staff on probation will be under Review throughout the Period of probation. The Ordinance will also state that the Member of Staff will not be confirmed in post at the end of the second year of probation or at the end of the complete period of probation, if it is found that the Member of Staff is unsuitable for the post, or has

not performed well, or for some other substantial reason dictating that the Member of Staff is unsuitable for the post. Such matters may include matters that could have been dealt with under Parts II, III, and IV of this Statute.

20. Clinical Staff

- (a) This clause applies to any Clinical Member of Staff who must be registered with bodies such as the Royal College of Nursing as it exists from time to time, or other such bodies, and/ or have an honorary or substantive contract of status with a National Health Service Trust, or similar body.
- (b) This clause may be extended by the Council to other Members of Staff.
- (c) Where the registration, contract or status stated in 20 (a) above is revoked or removed, the Clinical Member of Staff must immediately notify the University in writing. At this point the University will decide, in conjunction with the Clinical Member of Staff's line manager, if the revocation or removal of the registration, contract or status means that the Clinical Member of Staff cannot perform his/her duties within the University. If so, then an oral hearing will be convened with the Clinical Member of Staff and an Appropriate Person, and the Clinical Member of Staff may be dismissed. The Appropriate Person will consider other redeployment opportunities before dismissal of the Clinical Member of Staff.
- (d) Where the registration, contract or status has been suspended, the Clinical Member of Staff must notify the University immediately in writing. At this point the University will decide, in conjunction with the Clinical Member of Staff's line manager, if the suspension of the registration, contract or status means that the Clinical Member of Staff cannot perform his/ her duties within the University. If so, then an oral hearing will be convened with the Clinical Member of Staff, and an Appropriate Person and the Clinical Member of Staff may be suspended without pay. The Appropriate Person will consider other redeployment opportunities before suspending the Clinical Member of Staff without pay.
- (e) Where sanctions other than removal or suspension have been applied to the registration, contract or status including 'conditions of practice,' the Clinical Member of Staff must notify the University immediately in writing. At this point, the University will decide, in conjunction with the Clinical Member of staff's line manager, if the sanction means that the Clinical Member of staff cannot perform his/her duties within the University. If, so, then an oral hearing will be convened with the Clinical Member of Staff, and an Appropriate Person and the Clinical Member of Staff may be suspended to enable the investigation to proceed. The Appropriate Person will consider other redeployment opportunities before suspending the Clinical Member of Staff.
- (f) The Clinical Member of Staff may appeal the decisions in clause 20 (c) (d), and (e) above in accordance with appeal process set out in the Ordinance.

Part VI Grievance Procedures

- 21** (a) The aim of this Part is to settle or redress individual grievances promptly, fairly, and by acceptable methods.
- (b) The Council will detail by Ordinance a Grievance procedure under which Members of Staff can have their grievances dealt with. The procedure should deal with matters which;

- i. Affect the Members of Staff as individuals; or
- ii. Affect their personal dealings or relationships with other staff of the University; and

not being matters for which express provision has been made elsewhere in Policy/Procedure, in particular not being matters which can be dealt with under the Bullying and Harassment Policy.

(c) The Ordinance shall contain the following;

- i. Provision for dealing with grievances informally, including the use of the University's mediation process, should the Member of Staff not wish to formally raise a grievance
- ii. A requirement that the Member of Staff submit the grievance in writing to his/her line manager;
- iii. A commitment that the grievance procedure will be conducted in a fair, objective and timely manner;
- iv. Provision for an investigation of the grievance.
- v. A hearing of the grievance before an Appropriate Person. The Member of Staff can be accompanied to this hearing, by a work colleague or trade union representative, but there will be no right to be accompanied by a legal representative. At the hearing, the Member of Staff who submitted the grievance may make representations, produce evidence and question witnesses through the Appropriate Person. The outcome of the hearing will be notified in writing to the Member of Staff who submitted the grievance.
- vi. The Member of Staff who submitted the grievance will have a right to appeal the outcome of the hearing. The appeal will take the form of a re-hearing, and the Member of Staff who submitted the grievance will have a right to be accompanied to the appeal by a work colleague or trade union representative, but no right to be accompanied by a legal representative.

ANNEX PROVISIONS AS TO THE VICE-CHANCELLOR

1. The Council may request its Chair to remove the Vice-Chancellor from office for good cause in accordance with the procedure described in this Annex.
 - (1) A complaint seeking the removal from office of the Vice-Chancellor for good cause may be made by not less than three members of the Council to the Chair of the Council.
 - (2) If it appears to the Chair of the Council, on the material before him or her, that the complaint raises a prima facie case and that this could, if proved, constitute good cause for dismissal or removal from office he or she shall request the Council to appoint a Tribunal to hear and determine the matter.
 - (3) 'Good Cause' in this Annex has the same meaning as the Code of Conduct appended to the Vice-Chancellor's role description.
 - (4) When the Council has appointed a Tribunal under subsection (2) it shall instruct a solicitor or other suitable person to formulate a charge or charges and to present, or arrange for the presentation of, the charges before the Tribunal.

- (5) A Tribunal appointed by the Council shall comprise:
 - (a) an independent Chair; and
 - (b) 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 Chair of the Council and to the Vice-Chancellor drawing attention to the period of time within which any appeal should be made.
 - (8) Persons appointed to hear such an appeal shall be 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 Chair of the Council.
 - (10) Where a charge or charges have been upheld by the Tribunal and not dismissed on appeal, the Chair of the Council shall decide whether or not to dismiss the Vice-Chancellor.
2. Where a complaint is to be referred to a Tribunal under this Statute, the Chair of the Council may suspend the Vice-Chancellor from 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 the Code of Conduct appended to the Vice-Chancellor's role description.
 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 reference to the Vice-Chancellor;
 - (b) for any reference to the office of Vice-Chancellor there shall be substituted a reference to the office of Chair of the Council;
 - (c) for 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 Senior Pro-Chancellor as the appropriate officer, to decide whether or not to terminate the appointment of the Vice-Chancellor on those medical grounds.'

STATUTE V The Auditor

1. The Council shall appoint internal and external Auditors who shall be a member or members of a body of accountants established in the United Kingdom and for the time being recognised for the purposes of Article 34 of the Companies (Northern Ireland) Order 1990. No person shall be appointed or remain as external auditor who is, or any one of whose partners or staff is, a member of the Council or an employee of the University.
2. The internal and external auditors will be appointed following a procedure of procurement and shall hold office for such period as the Council shall determine. Remuneration and terms of engagement will be agreed between the Council and the auditors appointed under the provisions of paragraphs 1 and 2.
3. The internal and external Auditors shall make a report to the Council at least once in each year.
4. The Auditor shall have a right of access at all reasonable times to the books, records, accounts and vouchers of the University and shall be entitled to require from the University such information and explanations as the Auditor considers necessary for the performance of his or her duties.
5. There shall be an Audit Committee of the University whose role and functions shall be determined by the Council of the University and may be set out in Ordinance.