

## **Statutes of the University**

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# Statutes of the University

## Section I - Definitions

1 In these Statutes:

**'Academic Staff'** means:

- (a) any person employed by the University to engage directly in, or carry out any one or more of teaching, learning and research in an academic context under the terms of their contract of employment;
- (b) such other senior members of Staff as may be determined by Council from time to time; and
- (c) members of staff who were appointed before 1 September 2006 as academic related members of staff.

**'Auditor'** means the person or body appointed from time to time under Statute 2.

**'Chancellor'** means the person appointed in accordance with Ordinance 2.

**'Charter'** means the Charter of the University.

**'Council'** means the Council of the University.

**'Faculty'** means a faculty of the University.

**"Lay Member"** means a person who is a member of Council but is not Staff.

**'Ordinances'** means Ordinances made pursuant to the Charter or Statutes.

**'Pro-Chancellor'** means a person appointed in accordance with Ordinance 3.

**'Regulations'** means Regulations made pursuant to the Charter, Statutes or Ordinances.

**'Senate'** means the Senate of the University.

**'Staff'** means any person employed by the University.

**'Statutes'** means the Statutes of the University.

**'University'** means the University of Hull.

**'Vice-Chancellor'** means the person appointed in accordance with Ordinance 4.

2. For the Statutes wherever the phrase "the Counties and Authorities" is used the phrase means the Counties of Lincolnshire, North Yorkshire, and the authorities of the East Riding of Yorkshire, North Lincolnshire, North East Lincolnshire, and Hull and York.
3. These Statutes shall be interpreted in such manner as not to conflict with The Charter.

## Section 2 - The Auditor or Auditors

Statutes approved by Privy Council on 12 July 2018

1. Council shall appoint annually an Auditor or Auditors. Every such Auditor shall be a member of a recognised supervisory body (as defined in Part II of the Companies Act 1989) who is eligible for the appointment under the rules of that body. No person shall be appointed who is or any of whose partners is a Lay Member of Council or Staff of the University. The Auditor or Auditors shall hold office for one year, shall be eligible for reappointment and shall receive such remuneration as may be determined by Council.
2. The Auditor or Auditors have a right of access at all reasonable times to the books and accounts and vouchers of the University and may require such information and explanations as may be necessary for the performance of their duties.
3. If the office of Auditor or Auditors becomes vacant by death or resignation or any other cause before the expiration of the period of office, Council shall forthwith appoint an Auditor or Auditors in their place for the remainder of such period.
4. An Auditor or Auditors may resign in writing addressed to Council.

### **Section 3 - Delegated Powers**

1. Unless the Charter provides otherwise, Council, Senate and faculties may, by Regulation, delegate any of the powers vested in them to each other or to a committee appointed under Ordinances or to a member of Staff or a Lay Member. Provided that nothing in this paragraph shall enable Council to delegate its power to reach a decision under paragraph 7(b) of Section 6 of these Statutes.
2. Any Regulations made under this Section must include the name of the body, committee or member of Staff or a Lay Member, and the matters delegated.
3. The exercise of any power delegated shall have effect as if exercised by the delegating body.
4. The power may be exercised wholly or in part by the body, committee or member of Staff or a Lay Member. Any variation or revocation of delegated powers shall have no effect on the validity of the exercise of the power before the date of variation or revocation.
5. The exercise of delegated power by a body or committee shall be reported to the next meeting of the delegating body unless otherwise prescribed by Regulations made by Council.

### **Section 4 - Ordinances**

1. Ordinances may subject to the Charter and Statutes provide that any of the matters referred to in this Section may be dealt with by Regulations.
2. Ordinances shall be effective and binding when sanctioned by Council.
3. Ordinances may deal with any matter other than:
  - (a) The constitution, powers and duties of Council, the election and continuance in office of the members of Council, the filling of vacancies among the members and all other matters relevant to Council which it may be thought are proper to be so prescribed and regulated.

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- (b) Statute 6 so far as it is prescribed by law.
4. The Statutes may direct that any of the matters authorised or directed to be prescribed, governed or regulated by Statutes shall be prescribed, governed or regulated by Ordinances.

Ordinances shall be made by the Council of the University on the recommendation of Senate and may add to, amend, alter or repeal Ordinances from time to time in force.

### **Section 5 - Removal of Certain Officers and Members and Vacation of Office and Membership**

1. The Chancellor, Pro-Chancellors and any Lay Member may be removed for good cause by Council.
2. 'Good Cause' in this Section means:
  - (a) conviction for an offence which may be deemed by Council to be such as to render the person convicted unfit for the execution of the duties of the office; or
  - (b) conduct of an immoral, scandalous or disgraceful nature incompatible with the duties of the office; or
  - (c) conduct constituting failure or persistent refusal or neglect or inability to perform the duties or comply with the conditions of office whether such failure results from physical or mental incapacity or otherwise.

### **Section 6 – Staff**

1. This section shall apply to all Staff.
2. The Council shall be responsible for ensuring that there are in place procedures governing the whole of the employment relationship, including the appointment, development and reward of Staff.
3. The Council shall also ensure that:
  - (a) there are in place employment procedures for the staffing matters listed in paragraph 5 of this Section; and
  - (b) there is a Regulation for the removal from office and dismissal of the Vice-Chancellor of the University.
4. In determining the procedures to be adopted under paragraph 3, the Council shall apply the following guiding principles:
  - (a) 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) enable the University to deliver its mission, vision and associated activities, efficiently and economically;
  - (c) apply the principles of justice and fairness; and
  - (d) seek to advance the principles of equality and diversity.
5. The procedures referred to in paragraph 3 are employment procedures for all Staff regarding:
  - (a) the handling of disciplinary cases including the dismissal of such members of Staff by reason of misconduct and for appeals against disciplinary action. Such procedures shall provide adequate opportunities for improvement including the use of warnings with summary dismissal only available in cases of gross misconduct. Suspension shall be applied in the limited circumstances set out in the University's employment procedures, subject

- to regular review and only applied where no alternative is considered appropriate or practicable;
- (b) the dismissal of members of Staff by reason of redundancy and appeals against such dismissals; any such procedure shall be aimed at consideration of measures to avoid compulsory redundancy with provisions for collective consultation;
- (c) the dismissal of members of Staff (following confirmation in post after any applicable probationary period) by reason of incapability relating to work performance and appeals against such dismissals; such procedures shall provide adequate opportunities for improvement including the use of warnings;
- (d) the dismissal of members of Staff on the grounds of ill health or medical incapacity and appeals against such dismissals. In all cases where the dismissal of a member of Staff is an option, one member of the disciplinary panel shall be medically qualified. The panel will give due consideration to advice from the University's occupational health advisers, medical evidence submitted by the staff member from a qualified medical practitioner involved in their treatment and any additional medical evidence that may be requested by the disciplinary panel where appropriate;
- (e) the dismissal of members of Staff for any reason other than the reasons specified in sub-paragraphs (a) - (d) and (h) and appeals against such dismissals;
- (f) the removal of a member of Staff from any role that is not defined within that member of Staff's contract of employment by reason of incapability relating to work performance or misconduct and appeals against such removal;
- (g) the handling of grievances raised by Staff and appeals against grievance outcomes;

Additionally, the following are employment procedures for Academic Staff only;

- (h) the review of performance and progress of Academic Staff during any probationary period to which their appointment or employment is subject, and for the dismissal of such Staff during or at the end of their probationary period in the event of unacceptable progress or performance and appeals against such dismissals. The primary purpose of the procedure shall be to enable the member of Academic Staff to become effective in the role and where necessary to bring about a sustained improvement in performance and ensure the member of Academic Staff has adequate opportunity to achieve this;
  - (i) the investigation and response to allegations of research misconduct against members of Academic Staff.
6. The following principles shall be incorporated into the procedures for all Staff:
- (a) procedures shall be applied to enable issues to be resolved informally where appropriate and wherever possible close to the time of origin, and within a reasonable timescale, including by mediation with the agreement of both parties; and
  - (b) procedures shall be based upon the principles of natural justice.
7. Additionally, the following principles shall only apply to Academic Staff (and in this Section the term "Officer" shall only include any senior member of staff of the University as defined in the relevant employment procedures, including any deputy appointed in accordance with such procedures):
- (a) in all cases where dismissal is an option, an internal panel shall be convened to determine the case which shall include at least one Officer, being a person not subject to or otherwise connected with the proceedings;
  - (b) redundancy dismissals arising from departmental closure or significant organisational restructure shall only occur where Council has both approved the plans and authorised their implementation.

- (c) under any procedure in this Section, where the member of Staff exercises the right of appeal the panel shall include an Officer, being a person not subject to or otherwise connected with the proceedings; and
  - (d) appeals against any dismissal shall be heard by a panel which shall include an independent professional or academic nominated by Council, who is not employed by the University as a member of Staff, and an Officer, being a person not subject to or otherwise connected with the proceedings. The process shall include the right of the member of Staff to raise an objection to panel members.
8. Any employment policy and procedure made under paragraph 3 or 5 of this Section shall be construed in every case to give effect to the guiding principles in paragraph 4. For the avoidance of doubt, a member of Academic Staff may raise the principle of academic freedom as an issue to be taken into account in any investigation of the facts; in any hearing or appeal which could lead to dismissal, the imposition of any penalty or sanction or removal or restriction of privileges; and in any decision or appeal in relation to any grievance.

Nothing in this Section shall prejudice, alter or affect any rights, powers or duties of the University or apply in relation to any member of Academic Staff unless a) their appointment is made, or their contract of employment is entered into, on or after 20 November 1987; or b) they are promoted on or after that date. For the purpose of this paragraph, a reference to an appointment made or a contract entered into on or after 20 November 1987 or to promotion on or after that date shall be construed in accordance with subsections (3) to (6) of Section 204 of the Education Reform Act 1988.