

Statutes (as at 3.5.18)

I. The University Council

- A. The University Council (hereinafter called the Council) shall consist of the following persons, namely:

The Chair of Council and the Vice-Chancellor

One representative of the Clothworkers' Company of London

Four members of Faculties to be elected from such constituencies and under such regulations as may be determined from time to time by the Council on the advice of the Senate

Two members of support staff to be elected from such constituencies and under such regulations as may be determined from time to time by the Council

Two students to be chosen in such manner as may be determined from time to time by the Council

Twelve members, not being students of the University or members of Faculty, to be appointed by the Council, provided that at any time at least four of the fourteen lay members of the Council shall be alumni (as may be defined from time to time under ordinance).

- B. The periods during which the members of the Council respectively shall hold office shall be as follows:

The Chair of Council and the Vice-Chancellor shall hold office for the time during which they occupy the positions named respectively.

The representative of the Clothworkers' Company of London shall hold office for such period not exceeding three years at a time as the Company may from time to time determine.

All other members of the Council shall hold office for three years from the date of appointment or for such shorter period as the Council may from time to time determine. Such appointments may be extended for a further term or terms but, except as determined by the Council, shall not exceed a total of nine years' continuous service.

The Council may in particular extend the periods of office of those designated as deputy pro-chancellors for up to six years from the date on which they assume the title and role of deputy pro-chancellor.

Eligibility for re-appointment or re-election shall be as determined from time to time by the Council.

Except as hereinbefore provided appointees or representatives need not be members of the bodies appointing.

Any member of the Council may resign such membership at any time by letter addressed to the Secretary to the University.

Any casual vacancy occurring by resignation, incapacity, or death among the appointed or elected members shall be filled up as soon as convenient by the body which appointed or elected the member whose place has become vacant.

Eight members of the Council shall form a quorum.

II. Powers of the Council

- A. Subject to the provisions made in the Charter and Statutes, the powers of the Council as a governing body of the University shall include the following:

To nominate the Chancellor.

To appoint the Pro-Chancellor and, as appropriate, the Chair of the Council, and deputy pro-chancellors.

To appoint the Vice-Chancellor and, where necessary, to propose his or her removal from office in accordance with the provisions of Statute VII.

To approve recommendations for appointment to the lay membership made by the appointing committee.

To remove from the membership of Council any other member on the grounds of a substantial failure to discharge his or her duties without good cause, including persistent failure to attend meetings, or following disqualification for acting as a charity trustee.

To elect – and where appropriate remove from office – the Secretary to the University for such periods and under such conditions as may be determined by the Council after consultation, as appropriate with the Senate.

To draft Statutes and Ordinances as and when it sees fit.

Provided that any Statute or Ordinance relating to courses of study shall not be adopted without giving the Senate the opportunity of reporting thereon.

To make regulations for any purposes for which regulations are or may be authorized to be made.

To govern, manage, and regulate the finances, accounts, investments, property, business, and all affairs whatsoever of the University, and for that purpose to appoint bankers, deputy treasurers, and any other officers or agents whom it may seem expedient to appoint.

To invest any moneys belonging to the University, including any unapplied income in such stocks, funds, fully paid shares or securities as the Council shall from time to time think fit, whether authorized by the general law for the investment of trust moneys or not, and whether within the United Kingdom of Great Britain and Northern Ireland or not or in the purchase of freehold, or leasehold hereditaments in the United Kingdom including rent charges, or chief rents, with the like power of varying such investments from time to time by sale and reinvestment or otherwise.

To borrow moneys on behalf of the University.

To sell, buy, exchange, lease, and accept leases of real and personal property on behalf of the University.

To provide the buildings, premises, furniture, and apparatus and other means needed for carrying on the work of the University.

To enter into, vary, carry out, and cancel contracts on behalf of the University.

B. The Council shall have power to delegate its functions to committees and officers except as otherwise provided, and to delegate to the Senate and other boards and committees of the University the power to award degrees other than ad eundem degrees, degrees conferred on persons who hold office in the University, and honorary degrees.

C. The Council shall adopt a code of practice to guide the conduct of corporate governance.

III. University Union

There shall be a Union of the students of the University. The Union shall be independent of the University but shall be subject to such scrutiny by the University as is prescribed in the Education Act 1994.

IV. Audit

The Council shall establish a committee to monitor internal control procedures, including risk management, and shall appoint external and internal auditors for such period not exceeding seven years at a time as the Council shall determine. The auditors shall be qualified as set out within the Companies Act 1985 and shall receive such remuneration as may from time to time be determined by the Council or a committee thereof.

V. Procedure

Students may be appointed to any authority or committee of the University save those primarily concerned with the personal affairs of individual members of the staff of the University or primarily concerned with the academic assessment of individual students or prospective students.

VI. Academic matters

The admission of students, the curriculum, the assessment and examination of students and the award of degrees shall be regulated by Ordinance and Regulation.

VII. Staff

This version of Statute VII has been replaced.

For disciplinary procedures, please see:

http://www.leeds.ac.uk/secretariat/disciplinary_procedure.html

For grievance procedures, please see:

http://www.leeds.ac.uk/secretariat/grievance_procedure.html

1. Introduction

This Statute sets out general principles and precepts to regulate the suspension, discipline, dismissal and grievances of members of staff in posts designated by the Council as academic or academic-related (professional and managerial) and applies only to such staff.

2. General principles of construction and application

- (1) This Statute and any ordinances, regulations or procedures made under it shall be applied and construed in every case as having regard to the following guiding principles:
 - (i) to ensure that members of 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 any privileges they may have at the University;
 - (ii) to enable the University to provide education, promote learning and engage in research efficiently, effectively and economically;
 - (iii) to encourage employees to improve and to support them in doing so (unless circumstances are such that this cannot be a reasonable expectation);
 - (iv) to apply appropriate confidentiality to individual cases; and

- (v) to apply the principles of justice and fairness.
- (2) Any reference in this Statute to a provision in an Act of Parliament shall be taken to be a reference to that provision as may have been amended or superseded from time to time.
- (3) For the purposes of this Statute the following terms shall bear the following meanings:-
 - (i) 'dismissal' shall bear the same meaning as in section 95 of the Employment Rights Act 1996;
 - (ii) 'dismissal by reason of redundancy' shall bear the same meaning as in section 139 of the Employment Rights Act 1996.
- (4) The power to dismiss any member of staff by reason of redundancy, and the procedures prescribed in relation to such power, under this Statute shall not apply to those staff defined in sub-sections (3) to (6) of section 204 of the Education Reform Act 1988 (that is staff appointed prior to, and not promoted after, 20 November 1987), who shall for this purpose continue to be subject to such powers, if any, as applied to them prior to the introduction of the statute made by the University Commissioners in the exercise of their powers under sections 203 and 204 of the Education Reform Act 1988.
- (5) This Statute shall apply to the Vice-Chancellor to the extent and in the manner set out in the annex to this Statute.

3. Suspension

The Vice-Chancellor, a Deputy Vice-Chancellor or a Pro-Vice-Chancellor, or, when one such is not available, other appropriate person or persons designated by the Vice-Chancellor, may suspend from duty, with pay, any member of staff for alleged misconduct or to enable an appropriate investigation into alleged misconduct or for other good or urgent reason(s). This may include cases of alleged gross misconduct or cases where the University has responsibility to others, or its property, its reputation or its business processes are at risk. Suspension is not a disciplinary penalty and is not an indication of culpability. The Vice-Chancellor, a Deputy Vice-Chancellor or a Pro-Vice-Chancellor, or other person or persons designated by the Vice-Chancellor, may lift suspension before the conclusion of disciplinary proceedings if they judge that the lifting of suspension would be appropriate.

4. Warnings and sanctions

- (1) The Vice-Chancellor, a Deputy Vice-Chancellor or Pro-Vice-Chancellor or, when one such is not available, other person or persons designated by the Vice-Chancellor, may discipline or apply other sanction(s) as prescribed in the relevant ordinance to any member of staff to whom this Statute applies.
- (2) Where a member of staff has been disciplined or had other sanction(s) applied to them, that member of staff may appeal against that decision as provided for in the relevant ordinance.

5. Dismissal

- (1) The Vice-Chancellor or other appropriate person or persons designated by the Council may dismiss any member of staff to whom this Statute applies, either with or without notice, depending on the circumstances of the case, on any ground permitted by section 98 of Employment Rights Act 1996, in accordance with this Statute and any ordinances made under it.
- (2) Where a member of staff has been dismissed pursuant to Clause 5(1) that member of staff may appeal against the dismissal as provided for in the relevant ordinance.

6. Grievances

- (1) Any member of staff to whom this Statute applies may seek redress of a grievance relating to that staff member's employment as provided for in the relevant ordinance.
- (2) If the member of staff is dissatisfied with the outcome of a grievance, that staff member may appeal against that decision as provided for in the relevant ordinance.

7. Procedures

- (1) The Council shall ensure that there are in place (as may be amended from time to time) statutes, ordinances, regulations or other procedures that deal with the conduct and discipline, capability, grievances and dismissal of all employees of the University to whom this Statute applies.
- (2) All formal ordinances covering the conduct and discipline, capability, grievances and dismissal of all employees of the University to whom this Statute applies shall provide for employees to have a fair hearing, to present material and other evidence relevant to their case, and to be represented at any hearing. At the final stage of any procedure, where dismissal is under consideration, employees may be represented by a legally qualified person. Hearings shall be adjourned where necessary to secure further and better evidence, or otherwise to serve the interests of justice. The University and members of staff will raise and deal with issues promptly and will not unreasonably delay meetings, decisions or confirmation of those decisions.

Annex

PROVISIONS FOR THE DISMISSAL AND REMOVAL FROM OFFICE OF THE VICE-CHANCELLOR

1. This Annex sets out the applicable procedure for the Council determining that the Vice-Chancellor shall be dismissed and removed from office, for any reason, under current legislation as amended and in force from time to time.
2. This Annex shall be construed to ensure that the Vice-Chancellor has 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 job or privileges.

3. In any case where:
 - (1) the Chair has received written request(s) seeking the dismissal and removal from office of the Vice-Chancellor from five or more Council members, at least three of whom should be lay members; or
 - (2) the Remuneration Committee recommends the Vice-Chancellor's dismissal and removal from office on the grounds that the Vice-Chancellor has failed to meet performance-related objectives set by the Remuneration Committee;

the Chair must refer the request to the Council for decision.

In addition, the Chair of the Council may at any time request the Council to consider the dismissal and removal from office of the Vice-Chancellor where the Chair themselves considers that there are grounds for such dismissal and removal from office.

4. Where the Council is to be asked to consider the dismissal and removal from office of the Vice-Chancellor, the Chair of the Council shall notify the Vice-Chancellor of that fact not less than two working days in advance of the meeting.
5. The Chair of the Council may suspend the Vice-Chancellor from their duties and may exclude the Vice-Chancellor from the precincts of the University or any part thereof without loss of salary:
 - (1) where the Council is to be asked to consider the Vice-Chancellor's dismissal and removal from office; or
 - (2) at any other time where the Chair considers it appropriate.
6. At any meeting of the Council at which the dismissal and removal from office of the Vice-Chancellor is to be considered under this procedure, the Vice-Chancellor will be invited to attend and make representations to the Council before a decision is made and may be accompanied by a representative. The Chair may request the Vice-Chancellor absents themselves from any part of that meeting.
7. If the Council considers that it is necessary, before taking any decision on the proposed dismissal and removal from office of the Vice-Chancellor, to investigate any matter or establish any facts, it may at its discretion appoint a member or members of the Council to carry out such investigation and make a written report to the Council. It shall be for the member or members of Council so appointed to determine how any such investigation should be progressed, save that the Vice-Chancellor shall be afforded the opportunity to make written or oral representations to the member or members of the Council appointed to undertake the investigation. Nothing in this paragraph shall oblige the Council to appoint a member or members of the Council to carry out any investigation before the Council determines whether the Vice-Chancellor shall be dismissed or removed from office.
8. The Council may decide by a simple majority of those present (subject to the meeting being quorate) to dismiss the Vice-Chancellor and remove them from office and whether such dismissal shall be a summary dismissal (i.e. without notice or payment in lieu of notice) or a dismissal on notice or (where provided for in the Vice-Chancellor's contract of employment) with a payment in lieu of notice. If the vote shall be equally divided for and against, the Chair shall have a second and casting vote. The Council's decision shall be final.

VIII. Other Related Staff

The posts designated by the Council as other related posts shall be deemed to be academic-related posts as described in Clause 3 of Statute VII and all references to 'academic staff' in Statute VII shall apply to holders of those posts.

IX. Definitions

In these Statutes:

'Statutes' means the Statutes of the University.

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

'Regulations' means Regulations made pursuant to the Charter or Statutes.

In these Statutes words importing the masculine shall include the feminine and, unless the context otherwise requires, words in the singular shall include the plural and words in the plural shall include the singular.