# THE STATUTES

**1. Definitions**

In these Statutes:

“University” means the University of Stirling.

“Charter”, “Court” and “Academic Council” mean respectively the Charter, the Court and the Academic Council of the University.

“Principal” means the Principal and Vice-Chancellor of the University.

“Senior Deputy Principal” and “Deputy Principals” mean respectively the Senior Deputy Principal and Deputy Principals of the University.

“Graduates” means persons to whom Degrees of the University have been granted.

“Students” means persons registered by the University for the purposes of obtaining a named award by full-time or part-time study or research, including those elected to sabbatical office with the Students’ Association.

“Officers” means the Chancellor, the Principal and Vice-Chancellor, the Secretary and holders of other designated appointments as determined by the Court.

“Chair of Court” means the person elected as senior lay member of Court in accordance with the Higher Education Governance (Scotland) Act 2016.

“Academic Staff” means the Professors, Associate Professors, Senior Lecturers, Senior Research Fellows, Lecturers, Research Fellows, Research Assistants of the University and any other holding any post with substantial teaching or research duties in the University.

“Members of Staff” means all persons who are employees of the University.

“Professional Services Staff” means any Members of Staff carrying out specialist, operational, administrative or technical duties in the University and who are not Academic Staff.

“Ordinances” means Ordinances made pursuant to the Charter or these Statutes.

“Regulations” means Regulations made pursuant to the Charter, these Statutes or the Ordinances.

**2. Members of the University**

The University shall, from time to time, prescribe in the Ordinances those persons who shall be members of the University.

**3. Appointment, Powers, Duties and Conditions of Service of the Officers and Employees of the University**

1. The successors to the first Chancellor shall be appointed by the Court.

2. The successors to the first Principal shall be appointed by the Court after consultation with the Academic Council.

3. The Court shall, in a manner prescribed in the Ordinances, appoint a Senior Deputy Principal from among those academic staff designated by the Court, in a manner prescribed in the Ordinances, as Deputy Principals.

4. The Court shall appoint the Secretary of the University after consultation with the Academic Council.

5. The Court may from time to time appoint, in accordance with such procedure as may be established after consultation with the Academic Council, such members of the Academic Staff as may be required for the service of the University.

6. The Court may from time to time appoint such Members of Staff other than Academic Staff of the University as may be deemed necessary for the efficient functioning of the University.

7. The Court may from time to time by Ordinance institute such appointments (whether paid or honorary) with such powers, duties, remuneration and terms and conditions of appointment as it shall deem fit.

**4. The Chancellor**

1. The Chancellor shall hold office for five years from the first day of August in the year of appointment or until earlier resignation. At the expiry of that period, the Chancellor shall be eligible for re-appointment for a further five years or until earlier resignation, but at the expiry of a second period of office shall not be eligible for further re-appointment.

2. The Chancellor may resign by writing addressed to the Secretary of the University.

**5. The Principal**

The Principal shall be responsible for the effective working and good order of the University.

**6. The Secretary**

1. The Secretary of the University shall be responsible for providing the secretarial services for the Court, the Academic Council and the Staff Assembly and, under the direction of the Principal, for the administration of the University.

2. The Secretary of the University shall receive on behalf of the University any money or property payable or deliverable to the University, and the Secretary’s receipt shall be sufficient discharge for the same.

**7. The Auditors**

1. The Court shall appoint an Auditor or Auditors for such period, and on such remuneration, as may be determined by the Court.

2. Every such Auditor shall be a member of an appropriate professional body but no person shall be appointed as Auditor who is, or any member of whose firm is, a member of the Court or staff of the University.

3. The Auditor or Auditors shall audit the annual statement of income and expenditure, the balance sheet and the 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 the 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 and staff of the University such information and explanations as may be necessary for the performance of their duties.

5. If the Auditor or Auditors vacate the appointment before the expiration of the period of appointment, the Court shall forthwith appoint an Auditor or Auditors in their place for the remainder of such period.

**8. The Conference**

**REPEALED 2009**

**9. The Court**

1. The Court shall consist of the following persons, namely:

(a) The Chair of Court elected in accordance with paragraph 9(2).

(b) The Principal.

(c) The Senior Deputy Principal.

(d) The Provost of Stirling.

(e) Two students nominated by the Students’ Association.

(f) One member appointed from among the membership of any body established by Ordinance under Article 16 of the Charter on the recommendation of a Committee established by Ordinance.

(g) Up to eleven members appointed by the Court on the recommendation of a Committee (established by Ordinance the remit of which includes the making of recommendations for the appointment of members of Court).

(h) Three members of academic staff nominated by the Academic Council from among its own number.

(i) One member of Academic Staff elected by the Members of Staff of the University.

(j) One member of Professional Services Staff elected by the Members of Staff of the University.

(k) One member of Academic Staff nominated by a trade union that has a connection with the University.

(l) One member of Professional Services Staff nominated by a trade union that has a connection with the University.

2. The Court shall prescribe by Ordinance:

(a)   the nomination and election processes for appointment of the members of Court specified in paragraphs 9(1)(e), (f), (h), (i), (j), (k) and (l); and

(b)   subject to the Higher Education Governance (Scotland) Act 2016, the process of appointment of the Chair of Court.

3. The Court shall appoint a member of the Court drawn from those under paragraphs 9(1)(f) and (g) as Vice-Chair who, in the absence of the Chair of Court, shall preside at meetings and exercise any other relevant functions. In the absence of both from a meeting, the Court shall elect one of its members to preside for that meeting.

4. Of the members of the Court referred to in paragraph 9(1) above:

(a) the individual in paragraph 9(1)(a) shall hold office for four years and shall be eligible for re-appointment for a second term of four years but shall not serve for more than two periods of four years consecutively, unless in exceptional circumstances;

(b) those in paragraphs 9(1)(b), (c) and (d) shall hold office so long as they shall continue to occupy the positions named respectively;

(c) those in paragraphs 9(1)(h), (i), (j), (k) and (l) shall hold office for four years and shall be eligible for re-appointment but they shall not serve for more than two such periods of four years consecutively;

(d) those in paragraphs 9(1)(f) and (g) shall hold appointment for three years and shall be eligible for re-appointment but shall not serve for more than three periods of three years consecutively, unless in exceptional circumstances;

(e) those in paragraph 9(1)(e) shall hold office for one year and shall be eligible for re-appointment but shall not serve for more than two periods of one year consecutively;

(f) those in paragraphs 9(1)(a), (d), (f) and (g) shall be persons other than Members of Staff or students of the University.

5. Any member of the Court, other than those in paragraphs 9(1)(b), (c) and (d), may resign by writing addressed to the Court.

6. The Court shall have all such powers as are necessary for the discharge of its functions as they are defined in the Charter and in these Statutes, including the following:

(a) To govern, manage and regulate the finances, accounts, investments, property, business and all affairs whatsoever of the University and for that purpose to appoint bankers and any staff or agents whom it may deem expedient to appoint and to cause books of account 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.

(b) To invest any moneys belonging to the University in such stocks, funds, fully paid shares or securities as the Court shall from time to time think fit whether within the United Kingdom of Great Britain and Northern Ireland or not or in the purchase of heritable subjects in the United Kingdom including feu duties or rents: Provided that in the case of moneys held by the University as Trustees the powers conferred by this sub-paragraph shall be exercised subject to the provisions of the law relating to investments by trustees.

(c) To sell, buy, take on feu, exchange, lease and accept leases of any property, heritable or moveable, real or personal, on behalf of the University.

(d) To provide the buildings, premises, furniture and equipment and other means required for carrying on the work of the University.

(e) To borrow money on behalf of the University and for that purpose to grant security over, mortgage or charge all or any part of the property of the University, whether heritable or moveable, real or personal, unless the conditions of any Will, Deed of Trust or other similar instrument are thereby contravened and to give such other security whether upon any such property or otherwise as the Court may think fit.

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

(g) To make provision for schemes of superannuation, pensions or retirement benefits for Members of Staff or their dependents.

(h) To provide for the welfare of the students of the University.

(i) To provide leadership in equality and diversity across all protected characteristics and actively promote and facilitate equality, diversity and inclusion goals across the whole institution.

**10. The Academic Council**

1. The membership of the Academic Council shall be as may be prescribed from time to time in the Ordinances in accordance with the Higher Education Governance (Scotland) Act 2016.

2. Subject to the powers of the Court as they are defined in the Charter and in these Statutes, the Academic Council shall have all such powers as are necessary for the discharge of its functions as they are defined in the Charter and in these Statutes, including the following:

(a) To direct, regulate and promote the teaching and research of the University.

(b) To regulate and conduct examinations and to appoint internal and external examiners.

(c) To grant Degrees, Diplomas, Certificates and other academic distinctions.

(d) To regulate the admission of persons to the University and to courses of study in the University.

(e) To regulate and superintend the living conditions and discipline of the students of the University.

(f) Without prejudice to the authority of members of staff of the University to exercise discipline by excluding students temporarily from any specified part of the precincts of the University on grounds of misconduct therein, to suspend a student from any activity within the University; to exclude permanently or for a stated time a student from the precincts of the University or any part thereof; to expel a student from membership of the University; to impose reprimands and monetary fines, and to require sureties and reparation for damage.

Provided that the Academic Council may delegate the whole or any part of this power to a Discipline Committee, the composition of which shall be prescribed by Ordinance, provided that its members include staff representatives and a student representative and that these members are appointed in accordance with procedures prescribed by the said Ordinance.

Provided also that before exercising any or all these powers, the Academic Council or the Discipline Committee shall give such student an opportunity to be heard in accordance with procedures to be prescribed by Ordinance, to call witnesses and to have reasons assigned (if asked) for any decision taken by the Academic Council or the Discipline Committee as the case may be.

Provided also that in the case of offences which do not carry a penalty of the expulsion of a student from membership of the University, the Academic Council may delegate to such persons as shall be specified by Ordinance the composition of which shall be prescribed by the said Ordinance, the following powers:

(i) to impose reprimands and monetary fines, provided the upper limit of such fines shall be prescribed by the said Ordinance;

(ii) to require sureties and reparation for damage;

(iii) to exclude a student from a specified part of the precincts of the University or to suspend a student from a specified activity within the University for a period not in excess of one academic year;

(iv) other powers prescribed by the said Ordinance.

The procedures under which the above powers (i) to (iv) shall be exercised shall be prescribed by the said Ordinance.

**11. Faculties**

**REPEALED 2006**

**12. Committees and Delegation of Functions**

1. The Court and the Academic Council (the appointing bodies) may each establish whether from within their own membership or otherwise, such committees or joint committees as they may think fit. Subject to the Charter and to these Statutes, the appointing bodies may, upon such conditions as they may determine, arrange for the discharge of any of their functions by committees, joint committees, the Principal or other persons who are appointed by the appropriate body for this purpose. Such arrangements may include delegation of powers of appointment. Any arrangements of this kind shall be explicit and a matter of record.

Provided that any Committee concerned with the welfare or living conditions of the students shall include a member or members of the Students’ Association.

2. Without prejudice to the generality of the provisions of paragraph 12(1) above, the Court and the Academic Council may each respectively appoint a Joint Committee or Joint Committees of itself and the Students’ Association.

3. The Chair of Court shall be an ex-officio member of every Committee or Joint Committee of the Court other than the Audit Committee. The Principal shall be an ex-officio member of every Committee or Joint Committee of the Court other than the Audit Committee and Remunerations Committee.

4. The Principal shall be an ex-officio member of every Committee or Joint Committee of the Academic Council.

5. The appointing body or bodies may make Regulations for the proceedings of a Committee but subject thereto every Committee may regulate its own proceedings and the times and places of meeting.

**13. The Academic Assembly**

**REPEALED 2009**

**14. The Staff Assembly**

The University shall, from time to time, prescribe in its Ordinances the conditions of membership and the powers and procedures of the Staff Assembly.

**15. University Examinations**

The examinations for the Degrees, Diplomas, Certificates and other academic distinctions of the University shall be conducted jointly by such of the members of the Academic Staff and such external examiners as may be appointed in that behalf:

Provided that for each final examination for a Degree there shall be at least one external and independent examiner.

**16. Removal from Office**

1. Court may remove:-

(a) any member of Court;

(b) any member of the University appointed by the Court to a designated Office; or

(c) any person appointed by Court (or other appointing body) to membership of any body,

for good cause (as defined in paragraph 16(2) below), by way of a resolution approved by not less than two thirds of the Court present and voting, not including the member who is the subject of the resolution. In the case of a member of Court, the member being removed shall have the opportunity to request a review in order to have the decision to remove them reconsidered or quashed.

2. “Good cause” when used in reference to removal from office means:

(a) Conviction of any criminal offence judged by the Court to be such as to render the person concerned unfit for the execution of the duties of their office; or

(b) Failure or persistent neglect to perform properly the duties of their office; or

(c) Conduct judged by the Court to be such as to constitute failure or inability of the person concerned to perform the duties of their office or to comply with the conditions of tenure of their office; or

(d) Subject to the Court paying due regard to the Equality Act 2010 the person is, or may be, suffering from physical or mental incapacity and an order is made by a court having jurisdiction (whether in the United Kingdom or elsewhere) in matters concerning mental disorder for their detention or for the appointment of a receiver, curator bonis, guardian or other person to exercise powers with respect to their property or affairs or which wholly or partly prevents that person from personally exercising any powers or rights which that person would otherwise have; or

(e) Misconduct (whether or not in the capacity of their office).

3. Any member of the Court shall be automatically deemed to vacated and removed from any office held by them on the occurrence in relation to that member of Court of any of the following:-

1. they become prohibited by law from being a charity trustee; or
2. they become bankrupt or make any arrangement or composition with their creditors generally.

4. Subject to the terms of their appointment no officer of the University appointed by Court shall be removed from office save upon the grounds and in pursuance of procedure to be prescribed by Ordinance.

**17. University Staff**

The University may, from time to time, prescribe in its Ordinances such matters relating to the employment of its Members of Staff as it may deem appropriate.

**18. Appeals by Students**

**REPEALED 2009**

**19. Ordinances**

In addition to the matters which may by virtue of the provisions of the Charter or of these Statutes be dealt with by Ordinances, the following matters shall be prescribed or regulated by Ordinances:

(a) The requirements to be complied with by students before qualifying for Degrees, Diplomas, Certificates and other academic distinctions of the University.

(b) The conduct of the examinations or other tests for Degrees Diplomas, Certificates and other academic distinctions of the University, the admission of students thereto, exemptions therefrom and all other matters relating to examinations and tests.

(c) Such other matters, not otherwise dealt with in these Statutes and the Ordinances, as the Court may deem fit to prescribe or regulate by Ordinance.

**20. Retirement of Members of Staff**

**REPEALED 2009**

**21. Acts during Vacancies**

No act or resolution of the Court, the Academic Council, the Staff Assembly or any Committee or other body constituted in accordance with these Statutes 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 appointment of any de facto member of the body whether present or absent.

**22. The Graduates’ Association**

**REPEALED 2009**