

THE UNIVERSITY *of York*

CHARTER
AND STATUTES

April 2011

CHARTER OF INCORPORATION

ELIZABETH THE SECOND by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

WHEREAS an humble Petition has been presented unto Us by the York University Promotion Committee praying Us to constitute and found a University within Our County of York for the advancement of learning and knowledge by teaching and research and to enable students to obtain the advantages of University education and to grant a Charter with such provisions in that behalf as shall seem to Us right and suitable;

AND WHEREAS WE have taken the said Petition into Our Royal consideration and are minded to accede thereto;

NOW THEREFORE KNOW YE that We by virtue of Our Prerogative Royal and of Our especial grace, certain knowledge and mere motion have willed and ordained and by these Presents for Us, Our Heirs and Successors do will and ordain as follows:

1. There shall be and there is hereby constituted and founded in Our County of York a University with the name and style of 'The University of York'.
2. The Chancellor, the Chair of Council, the Pro-Chancellors, the Vice-Chancellor, the Deputy Vice-Chancellor, the Pro-Vice-Chancellors, the Treasurer, the members for the time being of the Court, the Council, the Senate, the Graduates of the University, the Undergraduate and Graduate students of the University and all others who shall, pursuant to this Our Charter and the Statutes, be Members of the University are hereby constituted and from henceforth for ever shall be one Body Politic and Corporate, with perpetual succession and a Common Seal, by the name and style of 'The University of York' (hereinafter called 'the University') with power, subject to the Customs

and Laws of Arms, to acquire armorial bearings (which shall be duly recorded in Our College of Arms) and in that name to sue and be sued.

3. The objects of the University shall be to advance learning and knowledge by teaching and research, and to enable students to obtain the advantages of University education.

4. The University shall be both a teaching and an examining body and, subject to the provisions of this Our Charter and the Statutes, shall have the following powers:

4.a. To prescribe in its Statutes or Ordinances the requirements for Matriculation and the conditions under which persons shall be admitted to the University or to any particular course of study therein.

4.b. To grant and confer under conditions laid down in its Statutes or Ordinances Degrees, Diplomas, Certificates and other academic distinctions to and on persons who shall have pursued a course of study approved by the University and passed the examinations or other tests prescribed by the University.

4.c. To confer Honorary Degrees and other distinctions on approved persons, provided that all Honorary Degrees and other distinctions so conferred shall be conferred and held subject to any provisions which are or may be made in reference thereto by the Statutes or Ordinances.

4.d. On what the University shall deem to be good cause to deprive persons of any Degrees or other distinctions conferred on them and to revoke any Diplomas or Certificates granted to them by the University.

4.e. To prescribe in the Statutes and Ordinances the disciplinary provisions to which students of the University shall be subject.

4.f. To provide instruction in such branches of learning as the University may think fit and to make provision for research and for the advancement and dissemination of knowledge in such manner as the University may determine.

4.g. To provide such lectures and instruction for persons not Members of the University as the University may determine and to grant Diplomas and Certificates to such persons.

4.h. To prescribe in its Statutes or Ordinances the conditions under which the examinations, periods of study or other attainments of students of the University completed prior to registration at the University may be accepted as equivalent to examinations and periods of study in the University.

4.i. To affiliate other institutions or branches or departments thereof and to admit members thereof to any of the privileges of the University, and to accept attendance at courses of study in such institutions or branches or departments thereof in place of such part of the attendance at courses of study in the University and upon such terms and conditions and subject to such regulations as may from time to time be determined by the University.

4.j. To co-operate by means of Joint Boards or otherwise with the authorities of other institutions for the conduct of examinations and for such other purposes as the University may from time to time determine.

4.k. To institute Professorships, Readerships and Lectureships and any other offices of any kind and whether academic or not as may be required by the University; to appoint persons to and remove them from such offices and to prescribe their conditions of service.

4.l. To institute and award Fellowships, Studentships, Scholarships, Exhibitions, Bursaries and Prizes.

4.m. To establish and maintain and to administer and govern colleges and institutions for the residence of the students of the University and to license and supervise such colleges and institutions and other places of residence whether maintained by the University or not so maintained.

4.n. To make provision for research and advisory services, and with these objects to enter into such arrangements with other institutions or bodies as may be thought desirable.

4.o. To provide for the printing and publication of research and other works which may be issued by the University.

4.p. To provide for reward or otherwise such goods and services for Members of the University and their families and guests as may be deemed expedient and consistent with the objects of the University as a place of education and learning.

4.q. To maintain, manage, deal with, dispose of and invest all the property, money, assets and rights of the University and to enter into engagements and to accept obligations and liabilities in all respects without any restriction whatsoever and in the same manner as an individual may manage his or her own affairs.

4.r. To demand and receive fees.

4.s. To take such steps as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of the University, and to raise money in such other manner as the University may deem fit.

4.t. To act as trustees or managers of any property, legacy, endowment, bequest or gift for purposes in furtherance of the work and welfare of the University, and to invest any funds representing such property, legacy, endowment, bequest or gift, if not immediately required on such security as the University may deem fit.

4.u. To enter into any agreement for the incorporation in the University of any other institution and for taking over its rights, property and liabilities and for any other purpose not repugnant to this Our Charter.

4.v. To do all such other acts and things (including the promotion of a Bill or Bills in Parliament) whether incidental to the powers aforesaid or not as may be requisite in order to further the objects of the University as a place of education and learning.

5. There shall be a Chancellor of the University, who shall be the Head of the University and shall preside over Meetings of its Court.

6. There shall be a Chair of the Council who shall preside over meetings of the Council.

7.a. There shall be Pro-Chancellors of the University not exceeding three in number, one of whom shall, subject to the Statutes, in the

absence of the Chancellor or during a vacancy in that office exercise and perform all the functions of the Chancellor except the conferring of Degrees.

7.b. In the absence of the Chancellor or during a vacancy in that office a Pro-Chancellor nominated by the Council shall act in the Chancellor's place, except as aforesaid.

8. There shall be a Vice-Chancellor of the University, who shall be the Chief Academic and Administrative Officer of the University and shall preside over Meetings of the Senate, and who shall in the absence of the Chancellor or during a vacancy in that office confer Degrees.

9. There shall be a Deputy Vice-Chancellor of the University who shall, subject to the Statutes, during the absence of the Vice-Chancellor exercise and perform such of the functions and duties of the Vice-Chancellor as may be delegated by the Vice-Chancellor or, if the Vice-Chancellor should be incapacitated, the Council.

10. There shall be Pro-Vice-Chancellors, the number to be determined by the Council from time to time in consultation with the Senate, who shall perform such duties and functions as the Vice-Chancellor may determine.

11. There shall be a Treasurer and other appropriate officers of the University.

12. There shall be a Court of the University which shall have the right to receive reports on the working of the University and to offer its advice on any matters which it considers appropriate for the well-being of the University and shall have such other powers as shall be prescribed in the Statutes.

13. There shall be a Council of the University which, subject to the provisions of this Our Charter and the Statutes, shall have the custody and use of the Common Seal and shall be responsible for the management and administration of the revenue and property of the University and, except as may otherwise be provided in this Our Charter, shall have general control over the University and its affairs, purposes and functions and all such other powers and duties as may be conferred upon it by Statute or Ordinance.

14. There shall be a Senate of the University which, subject to the provisions of this Our Charter and the Statutes and to the control and approval of the Council, shall be responsible for the academic work of the University, both in teaching and in research, for the regulation and superintendence of the education of the students of the University and for advising the Council upon all academic appointments.

15.1. Subject to the provisions of this Our Charter, the Statutes may prescribe or regulate as the case may be:

15.1.a. The status, election, appointment and continuance in office of the Chancellor, Chair of Council, Pro-Chancellors, Vice-Chancellor, Deputy Vice-Chancellor, Pro-Vice-Chancellors, Treasurer and other officers of the University.

15.1.b. The constitution, powers and business of the Court, the election, appointment and continuance in office of the members of the Court, the filling of vacancies among the members and all other matters relative to the Court.

15.1.c. The constitution, powers and duties of the Council, the election, appointment and continuance in office of the members of the Council, the filling of vacancies among the members and all other matters relative to the Council.

15.1.d. The constitution, powers and duties of the Senate, the election, appointment and continuance in office of the members of the Senate, the filling of vacancies among the members and all other matters relative to the Senate.

15.1.e. Such other provisions as the Council may deem fit and meet with respect to or for the governing of the University, its Members and constituent parts or otherwise for the promotion of the objects of this Our Charter.

15.2.a. The Statutes shall be those set out in the Schedule to this Our Charter and shall remain in force until they shall have been added to, amended or repealed in the manner hereinafter prescribed.

15.2.b. The Council may by Special Resolution make Statutes adding to, amending or repealing the Statutes; provided that no such Statutes shall be either repugnant to the provisions of this Our Charter or shall

have effect until approved by the Lords of Our Most Honourable Privy Council of which latter approval a Certificate under the hand of the Clerk of Our Most Honourable Privy Council shall be conclusive evidence.

16.a. The Statutes may direct that any of the matters authorised or directed in this Our Charter to be prescribed or regulated by Statutes shall be prescribed or regulated by Ordinances.

16.b. Ordinances shall be made by resolution of the Council and shall have effect when such resolution has been confirmed at a subsequent Meeting of the Council held not less than one calendar month nor more than three calendar months after the Meeting at which the resolution was first passed; provided that in cases certified to be urgent by a vote of not less than three-fourths of the members of the Council present and voting at a Meeting of the Council, Ordinances may be made and shall have immediate effect but shall lapse after the expiration of three calendar months unless previously confirmed at a subsequent Meeting of the Council held in manner hereinbefore provided; and provided further that Ordinances dealing with courses of study, the conditions of award of Degrees, Diplomas and Certificates, examinations, the powers and duties of the Senate or the Boards of Studies, the affiliation or incorporation of other institutions and the recognition of teachers shall not be made, added to, amended or repealed except on the recommendation of the Senate.

16.c. Ordinances may subject to the foregoing provisions of this Article be added to, amended or repealed.

17. Subject to the provisions of this Our Charter and the Statutes the Court, the Council and the Senate respectively may make Regulations for governing their proceedings and may add to, amend or repeal any Regulations theretofore made.

18. The University shall not make any dividend, gift, division of bonus in money unto or between any of its Members except by way of prize, reward or special grant.

19.a. The Council may by resolution at any time amend or add to this Our Charter, provided that such resolution shall be passed by a majority of not less than three-fourths of the members of the Council present and

voting and so that such amendment or addition when approved by Us, Our Heirs or Successors in Council shall have effect so that this Our Charter shall thenceforward continue and operate as though it had been originally granted and made as so added to or amended.

19.b. This Article of these Presents shall apply to this Our Charter as amended or added to in manner aforesaid.

20. For the purposes of this Our Charter a Special Resolution means a resolution passed at a meeting of the Council provided that notice of the Meeting shall be given to each member of the Council not less than fourteen days before the Meeting be held and that the resolution be passed at the Meeting by a majority of not less than three-fourths of the members of the Council present and voting.

21. We reserve unto Ourselves, Our Heirs and Successors, the right, on representation from the Council made in pursuance of a resolution passed by a simple majority of the members of the Council present and voting, to appoint by Order in Council a Visitor of the University for such period and with such duties as We, Our Heirs and Successors shall see fit. The Visitor's decision on matters within his or her jurisdiction shall be final.

22. Our Royal Will and Pleasure is that this Our Charter shall ever be construed benevolently and in every case most favourably to the University and the promotion of the objects of this Our Charter.

IN WITNESS whereof We have caused these Our Letters to be made Patent.

WITNESS Ourselves at Westminster the first day of October in the twelfth year of Our Reign.

BY WARRANT UNDER THE QUEEN'S SIGN MANUAL

THE SCHEDULE

STATUTES OF THE UNIVERSITY

1. DEFINITIONS

In these Statutes:

‘University’ means the University of York

‘Charter’ means the Charter of the University.

‘Court’ means the Court of the University. ‘Council’ means the Council of the University.

‘Senate’ means the Senate of the University.

‘Nominations Committee’ means the Nominations Committee appointed by the Council in accordance with paragraph 11.9.a.

‘Head of Academic Department’ means a person appointed to such office by the Council, in consultation with the Senate.

‘Ordinances’ means Ordinances made pursuant to the Charter or Statutes.

‘Regulations’ means Regulations made pursuant to the Charter, Statutes or Ordinances.

‘Joint Committee’ means a Committee, the members of which shall be appointed by the bodies referred to in the context and so that the number of members to be appointed by each of such bodies shall be determined by the Council, except where the Council is itself one of such bodies, when the members shall unless otherwise provided in these Statutes be appointed equally.

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.

2. MEMBERS OF THE UNIVERSITY

2.1. The following persons shall be Members of the University: The Officers of the University, viz.: The Chancellor, the Chair of Council, the Pro-Chancellors, the Vice-Chancellor, the Deputy Vice-Chancellor, the Pro-Vice-Chancellors and the Treasurer.

The Members of the Court.

The Members of the Council.

The Members of the Senate.

The Members of the Academic Staff.

The Registrar and Secretary.

The Director of Finance.

The Director of Facilities Management.

The Librarian.

The Honorary Professors.

The Emeritus Professors.

Such other teachers and officers as shall, under Ordinances or Regulations made by the Council, be granted the status of Members.

The Graduates of the University.

The Graduate students of the University.

The Undergraduate students of the University.

2.2. Membership of the University shall continue as long only as one at least of the qualifications above enumerated shall continue to be possessed by the individual Member.

2.3. The Council, on the recommendation of the Senate, shall have power to declare such other persons members of the University as it shall deem fit.

3. THE CHANCELLOR

3.1. The successors to the first Chancellor shall be appointed by the Court on the nomination of the Council at a Meeting specially called for the purpose and held as soon as conveniently possible after the occurrence of a vacancy. Not less than four weeks' notice of the date of such Meeting shall be given by the Secretary of the Court to each member of the Court.

3.2. The Chancellor shall hold office for a period of five years or until resignation, or until removal in accordance with Statute 23, and unless so removed shall be eligible for re-appointment.

3.3. The Chancellor may resign by writing addressed to the Secretary of the Court.

4. THE CHAIR OF COUNCIL

4.1. The Chair of Council shall be elected in accordance with the provisions of Statute 11.7.a.

5. THE PRO-CHANCELLORS

5.1. The Pro-Chancellors shall be appointed by the Court on the nomination of the Council and shall hold office from the date on which they are appointed until the Annual Meeting of the Court in the third year thereafter, or until earlier resignation or removal in accordance with Statute 23, and unless so removed shall be eligible for re-appointment; provided that the Court may, on the appointment of any Pro-Chancellor, provide that that person's period of office shall be shorter than the period otherwise provided for such office.

5.2. If an office of Pro-Chancellor becomes vacant by death or resignation or from any other cause before the expiration of the period of office, the vacancy shall be filled at the next Meeting of the Court or at any subsequent Meeting until the expiration of the office becoming vacant.

5.3. A Pro-Chancellor may resign by writing addressed to the Secretary of the Court.

6. THE VICE-CHANCELLOR

6.1. The successors to the first Vice-Chancellor shall be appointed by the Council, at a Meeting specially called for the purpose, after consideration of a Report from a Joint Committee of the Council and the Senate.

6.2. The Vice-Chancellor shall hold office until retirement or until resignation or removal in accordance with Statute 24.

6.3. The Vice-Chancellor may, subject to Statute 25.2, resign by writing addressed to the Secretary of the Council.

6.4. The Vice-Chancellor shall, subject to such rules as may be framed by the Council, exercise general supervision over the University and shall be generally responsible for maintaining and promoting the efficiency and good order of the University.

6.5. The Vice-Chancellor may refuse to admit any person as a student of the University without assigning any reason, and may suspend any student from any class or classes, and may exclude any student from any part of the University or its precincts; provided that any such suspension or exclusion shall be reported to the Council and the Senate at their next meetings and shall cease not later than three months from the date of such suspension or exclusion unless extended by the Council.

7. THE DEPUTY VICE-CHANCELLOR

7.1. The Deputy Vice-Chancellor shall be appointed by the Council, in consultation with the Senate, and shall hold office for a period of three years, or such shorter period as the Council, in consultation with the Senate, may determine, commencing on the first day of August in the year of appointment, or until resignation or removal in accordance with Statute 24, and unless so removed shall be eligible for reappointment.

7.2. If the office of the Deputy Vice-Chancellor becomes vacant from any cause before the expiration of the period of office, the Council shall, in consultation with the Senate, appoint a successor, who shall hold office during the unexpired portion of that period of office.

7.3. The Deputy Vice-Chancellor may, subject to Statute 25.2, resign by writing addressed to the Secretary of the Council.

8. THE PRO-VICE-CHANCELLORS

8.1. The Pro-Vice-Chancellors shall be appointed by the Council, in consultation with the Senate, and shall hold office for a period of three years commencing on the first day of August in the year

in which they are respectively appointed, or until resignation or removal in accordance with Statute 24, and unless so removed shall be eligible for re-appointment; provided that the Council may, on the appointment of any Pro-Vice-Chancellor, determine that that person's period of office shall be shorter than the period otherwise prescribed for such office.

8.2. If the office of a Pro-Vice-Chancellor becomes vacant from any cause before the expiration of the period of office, the Council shall, in consultation with the Senate, appoint a successor, who shall hold office during the unexpired portion of that period of office.

8.3. A Pro-Vice-Chancellor may, subject to Statute 25.2, resign by writing addressed to the Secretary of the Council.

9. THE TREASURER AND THE DEPUTY TREASURER

9.1. The Treasurer shall be appointed by the Council and shall hold office for a period of three years commencing on the first day of August in the year of appointment, or until resignation or removal in accordance with Statute 23, and unless so removed shall be eligible for re-appointment.

9.2. The powers and duties of the Treasurer shall be as prescribed by the Council.

9.3. The Council may appoint a Deputy Treasurer who shall hold office for such period and upon such terms and conditions and with such powers and duties as may be prescribed by the Council.

9.4. The Treasurer and the Deputy Treasurer or either of them may resign by writing addressed to the Secretary of the Council.

9.5. The receipt of the Treasurer, or of the Deputy Treasurer, or of the Director of Finance, or of any other person appointed for the purpose by the Council or by the Treasurer, the Deputy Treasurer or the Director of Finance, shall be a sufficient discharge to any person paying any moneys or delivering any property to the University.

10. THE COURT

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

10.1.a. *Ex officio Members:*

1. The Chancellor.
2. The Chair of Council.
3. The Pro-Chancellors.
4. The Vice-Chancellor.
5. The Deputy Vice-Chancellor.
6. The Pro-Vice-Chancellors.
7. The Treasurer.
8. Her Majesty's Lieutenants of and in the County of North Yorkshire and the County of the East Riding of Yorkshire.
9. The Lord Mayor of York.
10. The Lord Archbishop of York.
11. The Members of the Commons House of Parliament for the York and Selby Constituencies.
12. The Chair of the County Council of North Yorkshire.
13. The Chairs of the Education Committees of North Yorkshire and the City of York.

10.1.b. *Representative members:*

1. Nine members of the Senate, elected by the Senate.
2. One person appointed by the Headmasters' and Headmistresses' Conference and one person appointed by the Secondary Heads' Association.
3. One person appointed by the British Academy.

10.1.c. *Other persons:*

1. Such other persons as may be appointed by the Council.

10.2. Except as may be otherwise provided in paragraph 1, a person who is appointed by a body, or to represent a body, on the Court need not be a member of that body.

10.3.a. *Ex officio* members of the Court shall hold office so long as they continue to occupy the positions by virtue of which they became members.

10.3.b. All other members of the Court shall hold office for a period of five years, beginning on the first day of August in the year in which they are appointed, and shall be eligible for re-appointment provided that such members who are required to hold some particular qualification or appointment shall be members of the Court only so long as they hold that qualification or appointment.

10.4. The Court shall hold at least one meeting (the Annual Meeting) each year at which they shall receive the audited financial statements of the University for the previous year and a report by the Vice-Chancellor on the working of the University during the year. Not more than fifteen months shall elapse between the date of one Annual Meeting of the Court and that of the next.

10.5. Notice of the Annual Meeting or Additional Meeting shall be sent by the Secretary of the Court to all members of the Court at least four weeks before the date of such Meeting. A further notice setting out the business to be transacted at the Meeting, and in the case of the Annual Meeting accompanied by copies of the financial statements and report referred to in paragraph 10.4, shall be sent by the Secretary to all members of the Court at least one week before the date of the Meeting.

11. THE COUNCIL

11.1. The Council shall consist of the following persons, namely:

11.1.a. The Pro-Chancellors, the Vice-Chancellor, the Deputy Vice-Chancellor and the Treasurer.

11.1.b. Four members of the Senate elected by the Senate including one Pro-Vice-Chancellor.

11.1.c. Two members of the non-academic staff of the University elected by the non-academic staff.

11.1.d. The President of the Students' Union.

11.1.e. The President of the Graduate Students' Association.

11.1.f. Such other persons, not exceeding six in all and not being members of the staff of the University, as may be co-opted by the Council.

11.1.g. Two persons, not being members of the staff of the University, appointed by the Court on the recommendation of the Nominations Committee.

11.2. The member or members of the Council referred to in 11.1.g. above shall be appointed at a Meeting of the Court.

11.3.a. The members of the Council referred to in 11.1.a. above shall hold office so long as they continue to occupy the positions named respectively.

11.3.b. The members of the Council referred to in 11.1.b. above shall hold office for a period of three years commencing on the first day of August in the year in which they are elected, and shall not be eligible for re-election until the expiration of one year from the end of their term of office.

11.3.c. The members of the Council referred to in 11.1.c. above shall hold office for a period of three years commencing on the first day of August in the year in which they are elected, and shall not be eligible for re-election until the expiration of one year from the end of their term of office.

11.3.d. The member of the Council referred to in 11.1.d. above shall hold office for a period of one year commencing on the first day of August in the year in which he/she is elected.

11.3.e. The member of the Council referred to in 11.1.e. above shall hold office for a period of one year commencing on the first day of August in the year in which he/she is elected.

11.3.f. The members of the Council referred to in 11.1.f. above shall hold office for such period, not exceeding ten years of continuous service and commencing on the date of their appointment, as the Council may determine in each case on the recommendation of the Nominations Committee.

11.3.g. The members of the Council referred to in 11.1.g. above shall hold office for such period, not exceeding ten years of continuous service and commencing on the date of the meeting of the Court at which they are appointed, as the Council may determine in each case on the recommendation of the Nominations Committee.

11.4. Subject to the provisions of the Charter and these Statutes the Council in addition to all other powers vested in it by the Charter and these Statutes shall have the following powers and functions:

11.4.a. To institute, on the advice of the Senate, Professorships, Readerships, Lectureships and other teaching offices.

11.4.b. To institute senior offices designed to permit the organisation of the student body into groups suitable for residence and pastoral care, the holders of such offices to be known as Provosts.

11.4.c. To make provision for research within the University.

11.4.d. To review, amend, refer back, control or disallow any act of the Senate, provided that any act of the Senate which is amended by the Council shall be referred again to the Senate as the case may be for consideration and report before being put into effect.

11.4.e. To establish, on the advice of the Senate, Colleges, Departments, Schools, Institutes or Centres, to prescribe their organisation, constitution and functions, and to modify or revise the same.

11.4.f. To confer, in consultation with the Senate, the title of Emeritus Professor, Honorary Professor, Honorary Reader, Honorary Lecturer or Honorary Fellow.

11.4.g. To fix all University fees.

11.4.h. In consultation with the Senate, to institute, subject to any conditions made by the Founders, Fellowships, Studentships, Scholarships, Exhibitions and Prizes.

11.4.i. To provide for the welfare of the students of the University.

11.4.j. 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 other officers or agents whom it may seem expedient to appoint.

11.4.k. To invest any moneys belonging to the University, including any unapplied income, in the purchase of or subscription for or at interest upon the security of such stock, funds, shares or securities as it shall think fit, whether within or outside the United Kingdom, or in the purchase of freehold or leasehold hereditaments in the United Kingdom, including rents, with the like power of varying such investments.

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

11.4.m. To provide and maintain the buildings, premises, furniture and apparatus, and other means needed for carrying on the work of the University and to license lodgings, apartments and other places of residence, whether maintained by the University or not so maintained, and upon and subject to such terms and conditions as the Council shall think fit.

11.4.n. To borrow money on behalf of the University and for that purpose, if the Council shall think fit, to mortgage or charge all or any part of the property of the University, whether real or personal, and to give such other security as the Council shall think fit.

11.4.o. To enter into, vary, carry out or cancel contracts on behalf of the University.

11.4.p. To make provision for schemes of superannuation, pensions or retirement benefits for all salaried officers and, so far as the Council shall think fit, for other employees of the University, or their dependants or relatives.

11.4.q. To expel any student who having been suspended or excluded by the Vice-Chancellor appears to the Council to have been guilty of gross misconduct.

11.4.r. To enter into contracts for the purpose of reducing the risk of loss arising from changes in interest rates, currency rates, index of retail prices, index of residential prices or index of the prices of securities which affect the University.

11.5. The Council shall have the general power on behalf of the University to give security by way of mortgage, charge or otherwise for the performance by the University of its obligations and liabilities howsoever arising whether or not such obligations or liabilities arise in connection with the borrowing of or agreeing to borrow money or otherwise in connection with the raising of finance by the University.

11.6. The Council shall hold a Meeting at least once during each academic term of the University. Notice of each Meeting setting out the business to be transacted shall be sent by the Secretary of the Council to each member of the Council at least seven days before the date of the Meeting.

11.7. There shall be a quorum when at least one-third of all the members of the Council are present at a Meeting. In the absence of a quorum no business shall be transacted other than the adjournment of the Meeting. At the adjourned Meeting the business for which the original Meeting was called may be completed in the absence of a quorum. The manner of summoning the adjourned Meeting, and the period of notice to be given, shall be prescribed in the Regulations.

11.7.a. At its last ordinary Meeting before the end of the term of office of the then Chair or Vice-Chair of the Council, as the case may be, the Council shall elect from among such of its members as are not members of the staff of the University a Chair or a Vice-Chair, who shall hold office for three years commencing on the first day of August in the year in which they are elected whether or not otherwise qualified to remain a member of the Council, and who shall be eligible for re-election.

11.7.b. If a vacancy occurs in the offices of Chair or Vice-Chair, through death or resignation or any other cause, before the expiration of the period of office, the Council shall elect from among its members a successor or successors who shall hold office for the remainder of such period.

11.8.a. The Council may establish Committees of its members, and may appoint as additional members of such Committees persons who are not members of the Council, but so that the membership of any member of such Committee may at any time be determined by

the Council, and the Committee may at any time be suspended or dissolved by the Council.

11.8.b. The Council may from time to time appoint representatives to joint Committees comprising persons appointed by the Council and persons appointed by the Court, the Senate or by any Board of Studies or by any one or more of them, but so that the membership of any representative appointed by the Council may be determined by the Council, and so that the Council may at any time withdraw from such Joint Committee.

11.8.c. The Council may delegate to any Committee of the Council established under 11.8.a. above or, while the Council is represented thereon, to any Joint Committee referred to in 11.8.b. above any powers or functions which it is itself competent to perform, but so that the Council may at any time revoke any such delegation that the delegation shall lapse after the expiration of a period of one year from the commencement thereof unless renewed by the Council and that the Council may review, amend, refer back, control or disallow any exercise by such Committee or Joint Committee of any such power delegated to it provided that no such review, amendment, reference back, control or disallowance shall affect the validity of any act done under the authority of such delegated power; provided that nothing in this paragraph shall enable the Council to delegate its power to reach a decision under paragraph 10(2) of Statute 24.

11.8.d. Unless otherwise specifically provided in these Statutes the Chair of Council, the Vice-Chancellor and the Treasurer shall be *ex officio* members of all Committees of the Council referred to in 11.8.a. above and of all Joint Committees of the Council referred to in 11.8.b. above, but shall not be counted as members representing the Council for the purpose of establishing the number of representatives the Council may appoint to such Joint Committees. The nominated deputies of the Chair of Council, the Vice-Chancellor and the Treasurer may attend meetings in their absence.

11.9. The student members of the Council referred to in 11.1.d. and 11.1.e. shall not be present nor receive papers for any business regarding the appointment, promotion or personal affairs of any individual staff member or regarding the admission, academic assessment or personal affairs of any individual student.

12. THE SENATE

12.1. The Senate shall consist of the following persons, namely:

12.1.a. The Vice-Chancellor.

12.1.b. The Deputy Vice-Chancellor.

12.1.c. The Pro-Vice-Chancellors.

12.1.d. The Librarian.

12.1.e. The Director of the Computing Service.

12.1.f. The Head (or named alternate) of each academic Department.

12.1.g. The Dean of the Hull York Medical School.

12.1.h. Not more than fifteen other persons as may be elected from amongst themselves by all members of the academic staff of the University whose terms of appointment as such are limited in duration (or will, on satisfactory completion of a period of probation, become so limited) only by the provision of Statutes 24 and 25; provided always that the Council shall have the power, by Ordinance and on the advice of the Senate, to vary the provisions of this sub-clause and that the Senate shall have the power by Regulation to prescribe the manner of the elections herein provided.

12.1.i. Not more than three other persons, elected from amongst themselves by all those members of the academic staff of the University who are not entitled to elect members of the Senate under the preceding provisions of this Statute.

12.1.j. A Provost as may be elected from amongst the Provosts of the University.

12.1.k. Not more than six student members who shall be: the President of the Students' Union; the President of the Graduate Students' Association; not more than three undergraduates elected from amongst themselves by all registered students of the University, and one graduate elected from amongst themselves by the members of the Graduate Students' Association.

12.2. The Senate shall, in addition to all the other powers vested in

it by the Charter and these Statutes, have the following powers and functions:

12.2.a. To express an opinion on any matter or thing pertinent to the University and its affairs.

12.2.b. To consider and advise upon all matters referred by the Council.

12.2.c. To advise the Council upon all academic appointments.

12.2.d. To transmit to Council for enactment Ordinances and Regulations relating to courses of study.

12.2.e. To appoint internal and external examiners.

12.2.f. To formulate, modify and revise schemes of organisation of Boards of Studies and Schools.

12.2.g. To regulate, subject to the Ordinances of the University, the admission of persons to the University.

12.2.h. To grant Degrees, Diplomas, Certificates and other academic distinctions to persons who have pursued in accordance with the Ordinances and Regulations a programme of study approved by the Senate and have passed the examinations or other tests prescribed in that connection, and to direct their conferment on those persons by the University.

12.2.i. To grant Degrees, Diplomas, Certificates and other academic distinctions jointly with any other institution recognised by the Senate for that purpose to persons who have pursued in accordance with the Ordinances and Regulations a programme of study approved by the Senate and have passed the examinations or other tests prescribed in that connection, and to direct their conferment on those persons by the University.

12.3. The Senate may establish Committees of its members, and may appoint as additional members of such Committees persons who are not members of the Senate, and may delegate to any such **Committee** any powers and functions which it is itself competent to perform.

12.4. The student members of the Senate referred to in 12.i.k shall

not be present nor receive papers for any business regarding the appointment, promotion or personal affairs of any individual staff member or regarding the admission, academic assessment or personal affairs of any individual student.

13. APPOINTMENT OF ACADEMIC STAFF

13.1. The Council may, in consultation with the Senate, appoint such members of the academic staff as may be required to fill the offices instituted under Statute 11.4.a. and such members of the staff as may be required to fill the offices instituted under Statute 11.4.b.

13.2. The procedure for the appointment of members of the academic staff shall be as prescribed by the Council.

13.3. Subject to Statute 24 the conditions of service of members of the academic staff shall be as prescribed by the Council.

14. THE REGISTRAR AND SECRETARY

14.1. The Council shall appoint a Registrar and Secretary on the nomination of a Joint Committee of the Council and of the Senate.

14.2. The powers and duties of the Registrar and Secretary shall be as prescribed by the Council.

14.3. The Registrar and Secretary shall be *ex officio* the Secretary of the Court, the Council and the Senate.

14.4. The provisions of Statutes 13.2 and 13.3 shall also apply, *mutatis mutandis*, to the post of Registrar and Secretary.

15. THE LIBRARIAN

15.1. The Council shall appoint a Librarian in consultation with the Senate.

15.2. The powers and duties of the Librarian shall be as prescribed by the Council.

15.3. The provisions of Statutes 13.2 and 13.3 shall also apply, *mutatis mutandis*, to the post of Librarian.

16. OTHER ADMINISTRATIVE STAFF

16.1. The Council may appoint such other members of the staff as it may deem necessary for the efficient functioning of the University, with such duties and conditions of service including remuneration as the Council may prescribe.

16.2. The Council may delegate to one of its members, for such period and on such conditions as it may think fit, the power to appoint any such member of the staff or any class of such members.

17. THE AUDITORS

17.1. The Council shall appoint an Auditor or Auditors who shall hold office for such period and on such remuneration as may be determined by the Council.

17.2. Every such Auditor shall be a member of a body of accountants established in the United Kingdom and for the time being recognised for the purposes of Section 389 of the Companies Act, 1985, by the Secretary of State, but no person shall be appointed as Auditor who is, or any member of whose firm is, a member of the Court, the Council or the staff of the University.

17.3. 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 Council at least once in each year.

17.4. The Auditor or Auditors shall have a right of access at all reasonable times to the books, records, accounts and vouchers of the University and shall be entitled to require from the Officers of the University such information and explanations as may be necessary for the performance of their duties.

17.5. If the office of Auditor or Auditors shall become vacant before

the expiration of the period of office, the Council shall forthwith appoint a new Auditor or Auditors.

17.6. An Auditor or Auditors may resign by writing addressed to the Secretary of the Council.

18. BOARDS OF STUDIES

18.1. The Senate may by Regulation constitute Boards of Studies to control the teaching, the curricula and the examination of subjects or groups of subjects, and may in like manner provide the number of Boards of Studies to be constituted and prescribe which subjects shall belong to which Board of Studies and so that a subject may belong to more than one Board of Studies, and may in like manner alter the constitution of or dissolve such Boards of Studies or any of them.

18.2. Each Board of Studies shall consist of those members of the staff appointed to posts established under Statute 11.4.a. and such other persons as the Senate may direct.

18.3. Each Board of Studies shall have the following powers and functions:

18.3.a. To regulate, subject to the Statutes and Ordinances and to review by the Senate, the teaching and study of the subjects prescribed for the Board.

18.3.b. To constitute Committees of the Board, and to delegate to such Committees any of the powers and functions which it itself is competent to perform.

18.3.c. To consider the attendance, progress and conduct of students in the subjects prescribed for the Board, and to report to the Senate thereon.

18.3.d. To recommend to the Senate examiners for appointment.

18.3.e. To report to the Senate on Ordinances dealing with the syllabuses, courses of study and examinations for Degrees, Diplomas, Certificates and other distinctions in the subjects prescribed for the Board or on any other matters relating to such subjects.

18.3.f. To make recommendations to the Senate for the award of Degrees (other than Honorary Degrees), Diplomas, Certificates and other distinctions in the subjects prescribed for the Board.

18.3.g. To consider and to deal with any matters referred to or delegated to it by the Senate.

19. HONORARY DEGREES

19.1. The University may, without examination, confer an Honorary Degree of Master or Doctor in any subject on any person whom it may deem worthy of such a distinction; provided that the holder of such an Honorary Degree shall not be entitled to practise any profession by virtue of such conferment.

19.2. No person shall be admitted by the University to an Honorary Degree unless that person's name has been approved for that purpose by the Council on the nomination of a Joint Committee of the Council and the Senate.

19.3. The Council in consultation with the Senate, may make Regulations for governing the procedure to be followed in dealing with a proposal to confer an Honorary Degree.

20. CONGREGATIONS

20.1. For the purpose of conferring Degrees of the University there shall be held a meeting of the whole University, which shall be called a Congregation.

20.2. A Congregation shall be held at least once every year at such time and place as shall be determined by the Council, and shall be presided over by the Chancellor, or in the absence of the Chancellor by the Vice-Chancellor.

20.3. The procedure for summoning a Congregation for the presentation of graduands and for the conferring of Degrees in absentia, and all other matters relating to Congregations, shall be determined by the Council.

21. PERIODS OF STUDY BEFORE GRADUATION

21.1. The period of study necessary to qualify any undergraduate of the University for the degree of Bachelor shall not, except as provided in paragraph 2 of this Statute, be less than nine terms of full-time registration, or the equivalent period of part-time registration, beginning with the term of first registration; provided that the Senate may grant remissions.

21.2. The Senate, under conditions prescribed by Ordinance, may accept the examinations, periods of study or other attainments of undergraduates of the University completed prior to registration as exempting them from part of the attendance at courses of study in the University necessary to qualify them for an award of the University.

21.3. The period of study necessary to qualify a person for an award of the University, other than the degree of Bachelor, shall be prescribed by Ordinance.

22. 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:

22.1. The requirements to be complied with by students before qualifying for the award of Degrees, Diplomas, Certificates and other distinctions of the University.

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

22.3. The conditions under which members of other Universities or other Institutions of like standing may be admitted to equal or similar rank in the University.

22.4. The conditions under which a person may be deprived of a Degree or other distinction conferred by the University; or under which any Diploma or Certificate awarded by the University may be revoked.

22.5. Such other matters, not otherwise dealt with in the Statutes and Ordinances, as the Council may deem fit to prescribe or regulate by Ordinance.

23. REMOVAL OF CERTAIN OFFICERS AND MEMBERS

23.1. The Chancellor, the Pro-Chancellors and any member of the Court (other than an *ex officio* member or a member of the academic staff to whom Statute 24 applies) may be removed for good cause by the Court; and the Treasurer and any member of the Council (other than an *ex officio* member or a member of the academic staff to whom Statute 24 applies) may be removed from their respective offices for good cause by the Council. No person shall be removed by the Court or the Council unless he has been given a reasonable opportunity of being heard by the Court or the Council (as the case may be).

23.2. "Good cause" in this Statute means

23.2.a. Conviction for an offence which may be deemed by the Court or the Council (as the case may be) to be such as to render the person convicted unfit for the execution of the duties of the office; or

23.2.b. Conduct of an immoral, scandalous or disgraceful nature incompatible with the duties of the office; or

23.2.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 mental or physical incapacity or otherwise.

24. CONDUCT, DISCIPLINE, DISMISSAL, SUSPENSION AND GRIEVANCES OF EMPLOYEES

24.1. *Application and Scope*

This Statute relates to the conduct and discipline, dismissal, suspension and grievances of employees and shall apply to all employees of the University (except the Vice-Chancellor).

24.2. *General Principles of Construction and Application*

24.2.1 This Statute shall be construed in every case to give effect to the following guiding principles: -

24.2.1.1 to ensure that staff who are engaged in teaching and/or research at the University of York 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;

24.2.1.2 to enable the University to provide education, promote learning and engage in research efficiently and economically; and

24.2.1.3 to apply the principles of justice and fairness.

24.2.2 In the case of conflict the provisions of this Statute shall prevail over those of any other Statute or of any procedures made under this Statute.

24.2.3 Nothing in any appointment made or contract entered into shall override or exclude the provisions of this Statute.

24.3. *Procedures*

24.3.1 In relation to the staff referred to in paragraph 1 above, Council shall ensure that there are in place procedures for: -

- The handling of disciplinary cases.
- The dismissal of employees.
- The handling of grievances raised by employees.

24.3.2 Such procedures shall be set out and shall provide for: –

24.3.2.1 the resolution of complaints at as early a stage as possible and within a reasonable timescale;

24.3.2.2 the right of employees to be accompanied at any formal meetings held under the procedures by a work colleague or trade union representative;

24.3.2.3 the University to have the power to suspend any employee from duty for alleged misconduct or for other good or urgent reason.

24.4 Where the procedures adopted by Council under this Statute have been agreed between the University and the recognised trade unions, they shall have the status of collective agreements and may be amended by agreement with the recognised trade unions.

24.5 The University will through its approach to the matters defined in the Statute seek to advance the principles of equality and diversity.

24.6 Council shall be the body responsible for overseeing the operation of the above procedures.

25. RETIREMENT

25.1. The Vice-Chancellor, the Professors, the Registrar and Secretary, the Librarian, the Provosts and such other members of the Staff of the University as the Council may prescribe shall retire from office not later than the thirtieth day of September following the date on which they attain the age of sixty-five years; provided that the Council may if it thinks fit extend the term of office of the Vice-Chancellor for a further period ending not later than the thirtieth day of September following the date on which the age of seventy years is attained.

25.2. The holder of any post or office referred to in paragraph 1 of this Statute shall be at liberty to resign his /her appointment and terminate his/her engagement with the Council on giving the Council in writing at least three months' notice to expire at the end of one of the University terms.

26. SERVING OF NOTICES AND DOCUMENTS

26.1. Any notice or document required by or for the purposes of these Statutes to be given or sent to a person may be given or sent personally or be sent by post to that person's last address registered by the University.

26.2. Where a notice or other document is sent by post, service thereof shall be deemed to have been properly effected by properly addressing and posting a letter containing the notice or other document, and shall be deemed to have been effected at the time at which the letter would in the ordinary course be delivered.

27. ACTS DURING VACANCIES

No act or resolution of the Court, Council, Senate, or any of the Boards of Studies, or Committees, or other bodies constituted in accordance with the 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 election or appointment of, any de facto member of the body, whether present or absent.

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