
Changes to Statutes 9 and 20

At its meeting on 25 February 2020 the Court noted the approval by the Privy Council on 29 January 2020 of proposed changes to Statutes 9 and 20 as follows:

9 The Court

- (1) The Court shall consist of the following persons, namely:
- (a) A Chairperson (in terms of paragraph (3) below), who shall also be the senior lay member in terms of the Higher Education Governance (Scotland) Act 2016.
 - (b) A Deputy Chairperson (in terms of paragraph (4) below).
 - (c) The Principal or, in the absence of the Principal, a Vice-Principal.
 - (d) The Rector or an Assessor nominated by him or her, after consultation with the Students' Association, to serve throughout the Rector's term of office.
 - (e) The Lord Provost of Dundee City Council or an Assessor nominated by him or her to serve throughout the Lord Provost's term of office.
 - (f) Three members of the Senatus elected from its members by the Senatus.
 - (g) Two members of Staff Council elected by the Staff Council.
 - (h) Two members nominated from among the students of the University by the Students' Association.
 - (i) One member of academic staff nominated by a trade union having a connection with the University from among that union's members.
 - (j) One member of support staff nominated by a trade union having a connection with the University from among that union's members.
 - (k) Ten other persons, not holding appointments from Court, as may be co-opted by the Court, at least two of whom shall be graduates of the University. The Court shall nominate one of the members who is a graduate to act as intermediary between Court and the graduates of the University in a manner as prescribed in Ordinances.

Provided always that no matriculated full-time student of any university, other than the members nominated under sub-paragraph (h) of this paragraph, shall be a member of Court.

Provided also that no member of staff of the University may serve as a nominated or elected Assessor or representative save as provided for under sub-paragraphs (f), (g), (i) and (j) of this paragraph.

Provided further that no former member of staff of the University or former student of the University may serve on Court either as a Chairperson in terms of sub-paragraph (a), Deputy Chairperson in terms of sub-paragraph (b), an assessor in terms of sub-paragraphs (d) and (e), or as a co-opted member in terms of sub-paragraph (k) of this paragraph until four years have elapsed from the point at which that person ceased to be a member of staff or a student of the University.

- (2)
- (a) The Chancellor of the University shall have the right to receive Court papers and to attend Court meetings, but shall not be a member of the Court and shall not be entitled to vote at Court meetings.
 - (b) The Principal and the Rector shall hold office as long as they continue to occupy the positions named respectively.
 - (c) The manner of election of the members of Court elected by the Senatus and by the Staff Council and their respective periods of office shall be as prescribed in the Ordinances.

(d) The manner of appointment of the members nominated under sub-paragraphs (h), (i) and (j) of paragraph (l) shall be as prescribed in the Ordinances.

(e) Where, under sub-paragraph (d) of paragraph (1) above, the Rector elects not to hold office as a member of Court, but to appoint an Assessor, the Rector shall nevertheless retain the right to receive Court papers and attend Court meetings, but shall not be a member of Court and shall not be entitled to vote at Court meetings. An Assessor so nominated by the Rector shall hold office until the expiry of the term of office of the Rector by whom he or she was nominated and shall be eligible for further nomination, but shall not hold office continuously for a longer period than six years:

Provided always that on the expiry of a Rector's term of office any serving Assessor shall continue to be a member of the Court until a new Rector is elected and joins the Court as a member or nominates a new Assessor to hold office as a member of the Court in his or her place.

(f) A co-opted member shall hold office for a period of four years from the date of co-option and shall be eligible for further co-option, but shall not hold office continuously for a longer period than eight years.

(g) The maximum total continuous period of office of a member of Court serving under the terms of sub-paragraphs (b), (f), (g) and (i) to (k) of paragraph (l) above, or under a combinations thereof, is eight years, subject to the terms of sub-paragraphs (h) and (j) below of this paragraph.

(h) Where a particular skill or expertise might otherwise be lost, the Court may exceptionally agree to extend by a maximum of two years the period of office of members serving under the terms of sub-paragraphs (b) or (k) or as an assessor in terms of sub-paragraphs (d) or (e) of paragraph (l) above;

(i) On expiry of their maximum period of office on Court, members shall not be permitted to seek re-election, re-nomination or re-appointment in any category until a period of at least four years has elapsed from the date on which their membership ceases. For this purpose membership includes any period of extension granted under sub-paragraph (h) of this paragraph.

Provided that in the case of the appointment of the Chairperson of Court, this rule shall not apply.

(j) Casual vacancies among the members of the Court shall be filled as soon as conveniently possible by the body which or person who appointed, nominated or elected the person whose place has become vacant, and the person appointed, nominated or elected to fill the vacancy shall begin a full term of office and shall be eligible for re-appointment, re-nomination or re-election in accordance with the relevant paragraphs of this statute and respectively with the appropriate Ordinances.

Provided that where such an appointment begins at a time of year other than 1 August, for the purposes of regulating the length of the term of office it shall be deemed to have begun on 1 August preceding the actual appointment where this is before 1 February and on 1 August following the actual appointment where this is on or after 1 February.

(k) Any member of the Court, not being an ex officio member, may resign at any time by writing addressed to the Secretary.

(l) (i) The Court shall have the power after due investigation to remove the Chairperson or any other member of Court on the grounds of serious personal misconduct, inability to exercise the functions of Chairperson or of membership of the Court, abuse of the rights and privileges of membership of Court, bringing the University into disrepute, persistent absenteeism, medical incapacity or legal impediment.

(ii) If a member of Court or any other person believes that there is a prima facie case under the terms of clause (i) of this sub-paragraph for the removal from office of the Chairperson or any other member of the Court, that person shall inform the Secretary, who shall make a recommendation to Court to investigate the case for removal from office. The Court shall appoint a committee to carry out such investigation, comprising the Chairperson of Court (or the Deputy Chairperson if the Chairperson is the subject of the investigation), one additional lay member of Court, one staff member and one student member.

(iii) When an investigation of the case for removal from office of a member of Court has been instigated the individual concerned shall be suspended from Court membership without prejudice pending the outcome of the investigation and the Court's decision thereon, but shall have the right to make representation to, and to appear in person before, the investigating committee.

(iv) If the investigating committee concludes that there are grounds for removal from office, it shall submit its recommendation, together with a summary of the supporting evidence, for the

Court's decision. Having considered the report, the Court may decide to remove the member from office, provided that at least three-fourths of those present and voting are in agreement.

- (v) If the investigating committee concludes that the grounds for dismissal cannot be substantiated or are insufficient and if the Court accepts that conclusion, then the suspension of the member concerned shall be immediately rescinded.
 - (vi) In the event that the Court decides to remove one of its members from office, that member shall have the right to seek a review of the decision. Such a review shall be conducted by a person not employed by the University, nor having been employed by the University within the previous four years, holding, or having held, judicial office or being an advocate or solicitor of at least ten years' standing. The decision of this person shall be final.
 - (vii) In all proceedings under this paragraph the Court shall ensure that the requirements of human rights legislation are observed.
- (3)
 - (a) A Chairperson of Court shall be appointed by the Court following an open advertising and recruitment process in accordance with the Higher Education Governance (Scotland) Act 2016. Students or members of staff of the University shall be ineligible to be appointed as the Chairperson, and as stated in paragraph (l), no former member of staff or student shall be eligible to be appointed as Chairperson until four years have elapsed from the point at which that person ceased to be a member of staff or a student of the University. The appointment process shall be as prescribed in the Ordinances.
 - (b) The Chairperson so appointed shall begin a new term of office on the Court and shall hold office for a period of three years whereafter the Chairperson shall cease to be a member of the Court. Provided always that the Chairperson shall be eligible for re-appointment but shall not serve continuously for more than six years in that office.
 - (c) Any vacancy created as a result of the appointment of a new Chairperson of Court shall be filled in accordance with either sub-paragraph (k) of paragraph (1) or sub-paragraph (j) of paragraph (2), as appropriate.
 - (d) The Chairperson shall preside over any meeting of the Court but in the absence of the Chairperson from a meeting of the Court or, in the event of the business of the Court making it inappropriate for the Chairperson to be present at any meeting or part thereof, the Deputy Chairperson shall preside over the meeting. In the absence of both the Chairperson and the Deputy Chairperson another member shall be elected from among its members who are not students or staff of the University to preside over the meeting.
 - (e) The person presiding over any meeting of the Court shall have a deliberative vote and also a casting vote in case of equality.
- (4)
 - (a) A Deputy Chairperson shall be appointed by the Court from amongst its members who are not students or staff of the University in such a manner and with such duties as shall be defined in Ordinance.
 - (b) The Deputy Chairperson so appointed shall begin a new term of office on the Court, shall hold office for a period of four years and shall be eligible for re-appointment. Provided always that the person so appointed may not exceed the maximum total continuous period of office on Court as set out in sub-paragraph (h) of paragraph (2) except as a result of an extension in terms of sub-paragraph (i) of the same paragraph.
 - (c) The vacancy created as a result of the appointment of a Deputy Chairperson of Court shall be treated as a casual vacancy and filled in accordance with sub-paragraph (k) of paragraph (2).
- (5) Seven members of the Court shall constitute a quorum. 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.
- (6) Subject to the provisions of the Charter and these Statutes, the powers and functions of the Court shall, in addition to all other powers vested in it by the Charter and these Statutes, include the following:
 - (a)
 - (i) To accept transfer of the property, rights, liabilities and functions referred to in Article 3(j) of the Charter;
 - (ii) To administer and manage the whole finances, accounts, investments, property, business and all affairs of the University, including endowment funds;

- (iii) To invest any moneys belonging to the University, including any un-applied income, in such stocks, funds, shares or securities as it shall from time to time think fit, whether authorised by law for the investment of trust moneys or not, and whether within or outside the United Kingdom, or in the purchase of heritable property in the United Kingdom, including feu-duties or rents, with the like power of varying such investments from time to time;
 - (iv) To sell, buy, take on feu, feu, exchange, lease and accept leases of lands and other property heritable and moveable on behalf of the University;
 - (v) To provide and maintain the buildings, premises, libraries, laboratories, museums, furniture and apparatus and other means needed for carrying on the work of the University;
 - (vi) To borrow money from time to time on behalf of the University and for that purpose, if the Court thinks fit, to grant securities over, to mortgage or charge all or any part of the property of the University, whether heritable or moveable, real or personal, and to give such other security as the Court shall think fit;
 - (vii) To enter into, vary, carry out or cancel contracts on behalf of the University;
 - (viii) To give guarantees for the payment of any sums of money on the performance of any contract or obligation by any company, body, society or person if the Court considers that it is in the interests of the University to do so;
 - (ix) To undertake all negotiations for obtaining grants from public bodies in aid of the work of the University;
 - (x) To make provision for schemes of superannuation, pensions or retirement benefits for all salaried officers or their dependants and, so far as the Court may think fit, for other employees of the University or their dependants;
 - (xi) To employ, remunerate and accept the advice of any person qualified to advise regarding any matter within the jurisdiction of the Court.
- (b) To review any decision of the Senatus on representation made by a member of the Court, or a member of the Senatus, or other person having an interest in the decision, within such time as may be prescribed in the Ordinances:
- Provided always that the Court shall not review any decision of the Senatus in a matter of discipline except upon appeal taken either by a member of the Senatus or by a member of the University directly affected by the decision and that a person expelled from the University shall be deemed to be a member of the University for the purpose of this clause.
- (c) To appoint committees of its own number or others, to define the powers and to determine the membership and quorum of such committees, and to delegate to any such committee any powers or functions which the Court is itself competent to perform.
 - (d) To establish joint committees of the Court and the Senatus to which the Court may appoint members of the Court and the Senatus may appoint members of the Senatus, to define the powers and to determine the membership and quorum of such joint committees and to delegate to any such joint committee any powers or functions which the Court is itself competent to perform.
 - (e) To admit to membership of any joint committee of the Court and the Senatus representatives of the student body, to be appointed in such manner and subject to such conditions as may be prescribed in the Ordinances.
 - (f) To establish a joint committee of the Court and representatives of the student body.
 - (g) To elect the representatives of the University on the General Medical Council and the General Dental Council under the Medical Act, 1956, and the Dentists Act, 1957.
 - (h) After consultation with the Senatus, to found new professorships and on the occasion of a vacancy in a professorship, and with the consent of the patrons, if any, to abolish, or alter the title of, such existing professorship, and with the consent of the incumbent and of the patrons, if any, to alter the title of an existing professorship.
 - (i) (i) To authorise, after consultation with the Senatus, the establishment of Academic Staff in the University and to appoint to all posts so established: Provided that the Court may delegate the foregoing power to appoint Academic Staff to the Senatus under such terms and conditions as

the Court may think fit, including, if thought fit, a provision that the Senatus may itself delegate the power so delegated to it to a Committee appointed by the Senatus in terms of paragraph (5)(n) of Statute 10;

- (ii) With the approval of the Senatus, to suspend or abolish any academic post except a post created by the Charter or these Statutes.
- (j) (i) To authorise the establishment of staff in the University other than Academic Staff and to appoint to all posts so established;
- (ii) To suspend or abolish any post other than an academic post or a post created by the Charter or these Statutes.
- (k) On the recommendation of the Senatus, to institute new degrees, diplomas, certificates and other academic awards and to prescribe Regulations therefor, and to add to or amend the Regulations for existing degrees, diplomas, certificates and other academic awards.
- (l) On the recommendation of the Senatus, to regulate the courses of study, the manner of teaching, the length of the academic session or sessions, and the manner of conducting examinations.
- (m) With the approval of the Senatus, to regulate and alter the organisation and management of the academic disciplines of the University.
- (n) To appoint and determine the amount and manner of the remuneration of external examiners.
- (o) To regulate the salaries of all persons who are remunerated by the University and to determine the terms and conditions of service of such persons:

Provided that the Senatus shall first have had the opportunity to comment on the proposed terms and conditions of service for members of the Academic Staff.
- (p) To determine the conditions and the scale on which pensions may be granted to persons who are remunerated by the University.
- (q) To regulate the amount, manner of payment, and appropriation of fees and other payments made by students.
- (r) To prescribe by Ordinance or to decide such matters, not otherwise dealt with in these Statutes and the Ordinances, as the Court may deem fit to prescribe by Ordinance or to decide.

20 Graduates' Association Error! Bookmark not defined.

- (1) The Graduates' Association, comprising the total number of all graduates of the University, shall specifically consist of the following persons:
 - (a) Graduates of the University as defined by Ordinance.
 - (b) Graduates of the University of St Andrews who pursued the whole or part of their University Studies in Queen's College, Dundee, in the University of St Andrews or in the former University College, Dundee, and who have elected to become members of the Graduates' Association.
 - (c) Graduates and diplomates of the former Duncan of Jordanstone College of Art, Fife College of Health Studies, Tayside College of Nursing and Midwifery, Dundee College of Education and Northern College of Education (Dundee).
 - (d) Honorary Graduates.
- (2) Members of the Graduates' Association shall have power to make representations to the Court on all Matters affecting the well-being and prosperity of the University. The manner wherein the Association shall make such representations shall be as prescribed in the Ordinances.