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## Changes to Statute 9, Statute 20, Ordinance 20 and Ordinance 39

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At its meeting on 19 November 2019 the Court ratified its approval of the proposed changes to Statute 9 (The Court) and 20 (The Graduates' Association) and Ordinances 39 (Degrees, Diplomas and Certificates) as set out in this document, subject to the further approval by the Senate, and in the case of changes proposed to Statutes, the approval of, and any changes required by, the Privy Council.

It also, noting the approval of the Senate for its part, approved consequential changes to Ordinances 18, 43 and 66. The Court noted that these changes were considered urgent and uncontroversial and as such approved them in one sitting in accordance with the terms of article 16.2 of the Charter.

The changes relate to the Graduates' Association and its engagement with the University, and reflect the changing requirements of graduates with regard to engagement and the current approach of both the Graduates' Association Business Committee and the Development and Alumni Relations Office.

## University of Dundee

### Proposed changes to Statutes and Ordinances

#### Statutes:

##### Statute 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) Two members of the Graduates' Association appointed by the Graduates' Association, to be known as Graduates' Association members.~~
  - ~~(f)(g)~~ Three members of the Senatus elected from its members by the Senatus.
  - ~~(g)(h)~~ Two members of Staff Council elected by the Staff Council.
  - ~~(h)(i)~~ Two members nominated from among the students of the University by the Students' Association.
  - ~~(i)(j)~~ One member of academic staff nominated by a trade union having a connection with the University from among that union's members.
  - ~~(j)(k)~~ One member of support staff nominated by a trade union having a connection with the University from among that union's members.
  - ~~(k)(l)~~ Eight 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 ~~(g)~~, ~~(h)~~, ~~(j)~~ and ~~(k)~~ 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), ~~as a Graduates' Association Member in terms of sub-paragraph (f)~~, 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 appointment and period of office of the Graduates' Association Members of Court shall be as prescribed in the Ordinances.~~

(dc) 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.

(ed) The manner of appointment of the members nominated under sub-paragraphs ~~(h)~~, (i) ~~and~~, (j) ~~and (k)~~ of paragraph (1) shall be as prescribed in the Ordinances.

(fe) 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.

(gf) 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.

(hg) The maximum total continuous period of office of a member of Court serving under the terms of sub-paragraphs (b), (f) ~~to (h) and (j) to (l)~~, (g) and (i) to (k) of paragraph (1) above, or under a combinations thereof, is eight years, subject to the terms of sub-paragraphs (ih) and (kj) below of this paragraph.

(ih) 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 (lk) or as an assessor in terms of sub-paragraphs (d) or (e) of paragraph (1) above. ~~Graduates' Association Members of Court who have reached their maximum term of office in that category may, for the same reason, be co-opted for an additional maximum period of two years under the terms of sub-paragraph (l) of paragraph (1) above, if such a vacancy exists.~~

(ji) 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 (ih) of this paragraph.

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

(kj) 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.

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

(m) (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)

[.....]

- (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 ~~(h)~~(k) of paragraph (1) or sub-paragraph ~~(k)~~(j) of paragraph (2), as appropriate.

[...]

~~(6) Nothing in this paragraph shall enable the Court to delegate its power to reach a decision under paragraph (10)2 of Statute 16.~~

## Statute 20 Graduates' Association

- (1) The Graduates' Association, ~~constituting comprising~~ the total number of all graduates of the University, shall specifically consist of the following persons:
  - (a) Graduates ~~of~~ 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) All persons qualified and intending to graduate for the first time in the University shall, as a condition of graduation, pay to the University a registration fee of such amount as may be prescribed from time to time by the Court: Provided, however, that the obligation to pay the registration fee shall not apply to persons specified in clauses (b), (c) and (d) of paragraph (1) above.~~
- (3) Members of The 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. ~~To do so, graduates shall write to the secretary.~~
- ~~(4) The Graduates' Association shall appoint a Business Committee with such membership and such functions as may be prescribed by Ordinance or in the Regulations. The Business Committee shall appoint a Convener who shall act also as the Chairperson of the Graduates' Association.~~
- ~~(5) Error! Bookmark not defined. There shall be an annual meeting of the Graduates' Association and such other meetings as may from time to time be convened as may be prescribed by Ordinance. In the absence of the Chairperson, a chairperson for the time being shall be elected by the meeting from amongst those present. There shall be presented to the annual meeting an audited financial statement of the University for the previous year, an annual report by the Principal on the working of the University during that year, and a report of the activities of the Business Committee by the Chairperson.~~
- ~~(6) Error! Bookmark not defined. The period of office and manner of appointment of the Graduates' Association members of Court shall be as prescribed by Ordinance.~~

## Ordinances:

### Ordinance 18 - Election of Members of the Court and the Senatus

- 1 The election of the members of the Court elected by the Senatus (Statute 9(1)(~~gf~~)) shall take place in the second semester to enable, whenever possible, an announcement of the successful candidates to be made at the latest by the last Court meeting of the academic year in which an election falls due. Their periods of office shall be four years from the first day of August immediately following their election. They shall be eligible for re-election, but shall not hold office continuously for a longer period than eight years. A member of the Court elected by the Senatus who ceases for any reason to be a member of the Senatus shall simultaneously cease to be a member of the Court.
- 2 In electing members of the Court, the Staff Council (Statute 9(1)(~~hg~~)) shall ensure that one member is a member of the academic staff and one member is a member of the non-academic staff of the University. All members of the Staff Council shall be entitled to participate in the elections for both members, irrespective of whether they themselves are academic or nonacademic members of staff.
- 3 The election of the members of the Court elected by the Staff Council (Statute 9(1)(~~hg~~)) and the members of the Senatus elected by the Staff Council (Statute 10(1)(d)) and by the Schools (Statute 10(1)(h)) shall take place in the second semester in accordance with the Regulations made by the Senatus after consultation with the Staff Council. The period of office of those elected shall be four years from the first day of August immediately following their election. They shall be eligible for re-election but the Members of Court and the Senatus elected by the Staff Council shall not hold office continuously for a longer period than eight years.

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### Ordinance 20 - Graduates' Association

- ~~1 The annual meeting of the Graduates' Association shall be held during March, April or May on a date approved by the Business Committee. Other meetings may be called by direction of the Chairperson, by the direction of the Business Committee or on the requisition in writing of at least fifty members.~~
- ~~2 The appointment of the Graduates' Association Member of Court shall be conducted according to procedures laid down in the Graduates' Association Regulations.~~
- ~~3 Such graduates shall hold office for a period of four and shall be eligible for re-appointment but shall not hold office continuously for a longer period than eight years, except as may be permitted under statute 9 The Court.~~
- 1 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.
- 2 To make such representations graduates shall either (a) write to the Secretary of the University, or (b) write to the member of the Court co-opted in accordance with Statute 9(1)(k) and nominated by the Court to act as the intermediary between graduates and the Court. The nominated member shall be a graduate of the University and their nomination shall be listed within the published Court membership and shall be communicated to graduates at least annually.

### Ordinance 39 - Degrees, Diplomas and Certificates

[...]

- 6 A graduate of the University of Dundee is a person who has been awarded one or more of the degrees or qualifications given in paragraph 1(1) and 2 above, or who has been awarded the Diploma of Higher Education or the Certificate of Higher Education; ~~provided that as a condition of graduation and in accordance with paragraph (2) of Statute 20 they shall pay a registration fee.~~ Such persons shall be members of the Graduates' Association.

[...]

### Ordinance 43 - Tuition and Other Fees

*(An Ordinance made in terms of Statute 9(~~55~~) (q) and (r))*

- 1 The amount and incidence of payment of any tuition fee or other fee payable by undergraduate or postgraduate students pursuing part-time or full-time courses of study offered by the University shall be determined by the University Court from time to time.

### Ordinance 66 – Nominations to the Court by the Trade Unions and the Students' Association

*(An Ordinance made in terms of Statute 9(1)(~~h-kj~~) and in accordance with sections 10 and 12 of the Higher Education Governance (Scotland) Act 2016)*

[...]

- (6) Where a casual vacancy arises in either of the nominations from the trade unions, the trade unions responsible shall seek to make a new nomination as soon as possible in accordance with the provisions of this Ordinance and with the procedures devised by the relevant trade union in line with sub-paragraph (4) of this paragraph. The new nominee shall begin a full term of office in accordance with Statute 9(2)(~~kj~~).

[...]