

STATUTES

CONTENTS

STATUTE I – INTERPRETATION AND GENERAL

STATUTE II – MEMBERSHIP

STATUTE III – THE CHANCELLOR AND PRO-CHANCELLORS

STATUTE IV – THE CHAIR OF THE COUNCIL

STATUTE V – THE PRESIDENT AND VICE-CHANCELLOR

STATUTE VI – THE COURT

STATUTE VII – THE COUNCIL

STATUTE VIII – THE SENATE

STATUTE IX – PRINCIPAL ACADEMIC BODIES

STATUTE X – RESERVED AREAS OF BUSINESS

STATUTE XI – THE CUSTODY AND USE OF THE COMMON SEAL

STATUTE XII – ORDINANCES AND REGULATIONS

STATUTE XIII – STUDENTS' UNION

STATUTE XIV – CASUAL VACANCIES

STATUTE XV – ACADEMIC STAFF

PART I CONSTRUCTION, APPLICATION AND INTERPRETATION

PART II REDUNDANCY

PART III DISCIPLINE, DISMISSAL AND REMOVAL FROM OFFICE

PART IV REMOVAL FOR INCAPACITY ON MEDICAL GROUNDS

PART V APPEALS

PART VI GRIEVANCE PROCEDURES

PROVISIONS AS TO THE PRESIDENT AND VICE-CHANCELLOR

STATUTE I – INTERPRETATION AND GENERAL

1. These Statutes shall be read subject to and with the Charter and, unless the context otherwise requires, words and expressions used in the Charter shall have the same meaning herein.
2. Unless the context otherwise requires, in these Statutes:
 - (1) "Academic Staff" means the academic staff of Cardiff University and shall include such categories of employee or other individual employees as the Council may from time to time determine;
 - (2) "the Charter" means the Charter (including any Supplemental Charter) of Cardiff University as amended from time to time;
 - (3) "Council" means the Council of Cardiff University;
 - (4) "Court" means the Court of Cardiff University;
 - (5) "Functions" includes powers and duties;
 - (6) "Officers" means the Chancellor, the Pro-Chancellors, the Chair of Council, the President and Vice-Chancellor and every person holding a post designated by resolution of the Council as an office of Cardiff University;
 - (7) "Pro Vice-Chancellor" means any member of Cardiff University appointed by the Council to the post of Pro Vice-Chancellor;
 - (8) "Senate" means the Senate of Cardiff University;
 - (9) "Member" means any member of Cardiff University as prescribed by Statute II;
 - (10) "Lay Member" means a member of Council or other committee who is not an employee or Student of Cardiff University;
 - (11) "Student" means any person registered on a programme of study offered by Cardiff University as a candidate for a degree, diploma, certificate or other distinction of Cardiff University, of other universities and of other awarding bodies and shall include the elected officers of the Students' Union;
 - (12) "Ordinance" means an Ordinance made by resolution of the Council pursuant to the Charter and these Statutes;
 - (13) "Regulations" means Regulations made by the Council or by the Senate pursuant to the Charter and these Statutes;
 - (14) "Standing Orders" means Standing Orders approved by the Council in respect of the procedure for the conduct of meetings of Council, Court and Senate or their committees;
 - (15) words importing the singular number shall include the plural number and vice versa.
3. Unless the context otherwise requires words defined in the Charter or in these Statutes shall have the same meaning in the Ordinances and in the Regulations.
4. Any body established by the Charter or by these Statutes may act notwithstanding a vacancy in its membership and the proceedings of any such body shall not be

Amendment to Statute VII approved 30 October 2015

invalidated by reason only of any want or defect of qualification by, or invalidity in the election, appointment, nomination or selection of, any member thereof, whether present or absent.

5. No meeting of any body established by the Charter or by these Statutes shall be invalid by reason only of any failure to give notice of such meeting to any person entitled under the Charter or these Statutes to receive such notice.
6. A reference to any office or body within the Charter or these Statutes will also apply to any successor office or body.
7. Subject to the Charter and to these Statutes, the power to delegate shall be as prescribed by Ordinance.

STATUTE II – MEMBERSHIP

1. The Members of Cardiff University shall be as prescribed in the Ordinances.

STATUTE III –THE CHANCELLOR AND THE PRO-CHANCELLORS

1. The method of appointment, term of office and functions of the Chancellor and the Pro-Chancellors shall be as prescribed in the Ordinances.

STATUTE IV – THE CHAIR OF THE COUNCIL

1. The Chair of the Council shall be appointed by the Council from among its Lay Members and shall hold office for a period as defined by Ordinance.

STATUTE V – THE PRESIDENT AND VICE-CHANCELLOR

1. (1) The President and Vice-Chancellor shall be appointed by the Council for such period and, subject to the Charter and to these Statutes, on such other terms as the Council may resolve;
- (2) The President and Vice-Chancellor shall be appointed by the Council in accordance with the Ordinances.
2. The President and Vice-Chancellor shall have general responsibility to the Council for the management of Cardiff University, for ensuring that its objects are fulfilled, and for maintaining and promoting its efficiency and good order.
3. The President and Vice-Chancellor shall have power, in accordance with Regulations which shall provide for the right to make representations, to suspend the registration of any Student or to suspend the employment of any employee of Cardiff University, and to exclude any such Student or employee from any activities of Cardiff University and from access to any property owned or leased or occupied for the time being by Cardiff University.
4. The functions and responsibilities of the President and Vice-Chancellor shall be as prescribed in the Ordinances.
5. Subject to the provisions of the Charter and to the ability of Council to restrict the power of the President and Vice-Chancellor he/she may nominate a deputy or deputies and may delegate any function to such person(s), including the power to delegate further. The President and Vice-Chancellor may withdraw such delegation at any time.
6. If an absence of the President and Vice-Chancellor or a vacancy in the office of President and Vice-Chancellor is likely to extend beyond a period of three months, the Council shall appoint an acting President and Vice-Chancellor in a manner as defined by Ordinance. This power to appoint shall not be delegated to the Chair of the Council.

STATUTE VI – THE COURT

1. The members of the Court and the terms of their appointment shall be as prescribed in the Ordinances.
2. The functions of the Court shall be as prescribed in the Ordinances.

STATUTE VII - THE COUNCIL

1. The members of the Council and the terms of their appointment shall be as prescribed in the Ordinances.
2. Subject to the provisions of the Charter and these Statutes the Council shall in addition to all other powers vested in it have the following powers:
 - (1) to appoint a Chair from among its lay members;
 - (2) to appoint the Chancellor and the Pro Chancellors as prescribed in the Ordinances.
3. As the supreme authority of Cardiff University the Council shall be responsible for the efficient management and conduct of all aspects of the affairs of Cardiff University including its finances and property.
4. Subject to the provisions of the Charter, the Council shall perform the following functions provided that in all matters having academic implications, as prescribed in the Ordinances, the Council shall act only after the Senate shall have had an opportunity of considering such matters and reporting thereon to the Council:
 - (1) to provide courses of instruction and facilities for research in accordance with the objects of Cardiff University and to fix and recover the fees and other charges to be paid by Students;
 - (2) to grant degrees, diplomas, certificates and similar distinctions, which may be substantive, dual, joint, honorary or otherwise, of Cardiff University and, for good cause as defined by Ordinance, to deprive a person of a degree, diploma, certificate or similar distinction of Cardiff University;
 - (3) to fix the dates of semesters and the appointment and remuneration of external examiners for degrees, diplomas, certificates and similar distinctions of Cardiff University;
 - (4) to provide appropriate buildings, premises, furniture, equipment and other resources required for carrying out the work of Cardiff University;
 - (5) to prescribe by Ordinance, or Regulation, or other means the conditions relating to:
 - (i) degrees, diplomas and certificates of Cardiff University and the examinations therefor;
 - (ii) the institution of studentships, scholarships, exhibitions, bursaries, prizes and other aids to study and research and the approval of Regulations respecting the terms of their award;
 - (6) to govern, manage and regulate the finances, accounts, investments, property, business and all affairs whatsoever of Cardiff University and for these purposes to have such powers as are necessary, including the power to appoint bankers, auditors and any other officers or agents whom it deems expedient to appoint;
 - (7) subject to the Charter and to these Statutes, to determine the method of appointment and terms of appointment of all employees of Cardiff University;

Amendment to Statute VII approved 30 October 2015

- (8) to appoint members of the Academic Staff to be heads of such principal academic and administrative bodies as determined by Council in accordance with Statute IX, by a process as defined by Ordinance;
 - (9) to confer upon any person the title of Professor, Reader or any other title as Council may from time to time determine and in accordance with the Ordinances or other regulations and to appoint persons to such offices;
 - (10) to approve pension and superannuation schemes or other arrangements for employees and the conditions of membership of such schemes.
- 5.
- (1) The Council shall have the power to set up and discharge such committees, boards, consultative panels and advisory bodies and upon such terms and with such functions as it may from time to time determine;
 - (2) The Council may join with the Senate in setting up and discharging committees or other bodies;
 - (3) The Council may give or withhold from any such committee or other body power to co-opt members and power to set up sub-committees;
 - (4) The Council may determine that the membership of any such committee or other body (or, in the case of a joint committee, the members to be appointed by the Council) shall be drawn from within the Council or shall not be so confined.
6. Subject to the Charter and to these Statutes, the Council may delegate, upon such conditions as it may determine from time to time, any of its powers and duties to any committees or boards set up by the Council, joint committees of the Council and the Senate, the President and Vice-Chancellor or Officers of Cardiff University, with or without power further to delegate to a subordinate body or person.

STATUTE VIII - THE SENATE

1. The members of the Senate and the terms of their appointment shall be as prescribed in the Ordinances.
2. Subject to the Charter and to these Statutes, the Senate shall keep under review the educational policy of Cardiff University from time to time, shall promote the objects thereof, and shall make appropriate recommendations thereon to Council.
3. Subject to the Charter and to these Statutes, the functions and responsibilities of the Senate shall be as prescribed in the Ordinances.
4. The Senate shall have the power to make Regulations in respect of any matter for which it is responsible, as prescribed in the Ordinances.
5.
 - (1) The Senate may set up and discharge committees, boards, consultative panels and advisory bodies and may join with the Council in setting up and discharging such committees and other bodies;
 - (2) The Senate may give or withhold from any such committee or other body power to co-opt members and power to set up sub-committees;
 - (3) The Senate may determine that the membership of any such committee or other body (or, in the case of a joint committee, the members to be appointed by the Senate) shall be drawn from within the Senate or shall not be so confined.
6. Subject to the Charter and to these Statutes, the Senate may delegate, upon such conditions as it may determine from time to time, any of its powers and duties to any committees or boards set up by the Senate, joint committees of the Senate and Council, the President and Vice-Chancellor or Officers of Cardiff University, with or without power further to delegate to a subordinate body or person.

STATUTE IX - PRINCIPAL ACADEMIC BODIES

1. There shall be such principal academic and administrative units as the Council, after consultation with the Senate, may from time to time determine, and with such membership and functions as may be prescribed by Ordinance.

STATUTE X - RESERVED AREAS OF BUSINESS

1. The requirements for the withdrawal of members of any body or committee established by or under the Charter or these Statutes when reserved areas of business are under consideration shall be as prescribed in the Ordinances.

STATUTE XI - THE CUSTODY AND USE OF THE COMMON SEAL

1. The Common Seal of Cardiff University shall be in custody of such person as the Council may direct and shall not be affixed to any document save by the authority of the Council.
2. The use, authentication of use and reporting of use of the Common Seal of Cardiff University shall be in the manner prescribed by Ordinance.

STATUTE XII - ORDINANCES AND REGULATIONS

1. (1) Subject to the Charter and to these Statutes, the Council may make, vary or repeal Ordinances in relation to any matter connected with the government and administration of Cardiff University.
- (2) Ordinances may be made by resolution passed by a two-thirds majority of those present and voting at one meeting of the Council.
- (3) Without prejudice to the provisions of the Charter, no Ordinance shall be made by the Council in respect of any matters having academic implications, as prescribed by Ordinance, until the Senate has been consulted and the views of the Senate have been fully considered by the Council.
- (4) An Ordinance may direct that any matter for which it makes provision shall be the subject of further provision by Regulations or Standing Orders.
2. (1) Subject to the Charter and to these Statutes, the Council may make, vary or repeal Regulations relating to any matter connected with the government and administration of Cardiff University.
- (2) The Senate may make, vary or repeal Regulations relating to any matter within its responsibilities as set out in the Charter, these Statutes and the Ordinances.

STATUTE XIII – STUDENTS' UNION

1. In accordance with the educational purposes of Cardiff University there shall be for the benefit of the Students a Students' Union.
2.
 - (1) The constitution of the Students' Union shall be subject to approval by the Council as prescribed in the Ordinances;
 - (2) The functions and privileges of the Students' Union and other matters relating thereto shall be prescribed by Ordinance. Subject to the provisions of such Ordinances, the Students' Union shall have the power to manage its own affairs and funds;
 - (3) An Ordinance made under this Statute may provide for the benefits of the Students' Union to be available, whether by way of membership or otherwise, to persons, other than Students, who are studying at Cardiff University or who have such other connection with Cardiff University as renders it appropriate that those benefits should be made available to them.

STATUTE XIV – CASUAL VACANCIES

1. The process for dealing with casual vacancies in the membership of any body or committee established by or under the Charter or these Statutes shall be as prescribed in the Ordinances.

STATUTE XV - ACADEMIC STAFF

PART I - CONSTRUCTION, APPLICATION AND INTERPRETATION

Construction

1. This Statute and any Ordinance or Regulation made under this Statute shall be construed in every case to give effect to the following guiding principles, that is to say-
 - (1) to ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges;
 - (2) to enable Cardiff University to provide education, promote learning and engage in research efficiently and economically; and
 - (3) to apply the principles of justice and fairness.

Reasonableness of decisions

2. No provision in Part II or Part III shall enable the body or person having the duty to reach a decision under the relevant Part to dismiss any member of the academic staff unless the reason for the dismissal may in the circumstances (including the size and administrative resources of Cardiff University) reasonably be treated as a sufficient reason for dismissing that member.

Application

3. (1) This Statute shall apply –
 - (i) to Professors, Readers, Senior Lecturers and Lecturers; and such research staff and such other categories of employee or other individual employees as the Council may from time to time determine;
 - (ii) to the President and Vice-Chancellor, to the extent and in the manner set out in the Annex to the Statute.
- (2) In this Statute any reference to "Academic Staff" is a reference to persons to whom this Statute applies.

Interpretation

Meaning of "dismissal"

4. In this Statute "dismiss" and "dismissal" mean dismissal of a member of the Academic Staff and-
 - (1) include remove or, as the case may be, removal from office; and
 - (2) in relation to employment under a contract, shall be construed in accordance with section 55 of the Employment Protection (Consolidation) Act 1978 or any successor legislation.

Meaning of "good cause"

5. (1) For the purposes of this Statute "good cause" in relation to the dismissal or removal from office or place of a member of the academic staff, being in any case a reason which is related to conduct or to capability or qualifications for

performing work of the kind which the member of the academic staff concerned was appointed or employed to do, means -

- (i) conviction for an offence which may be deemed by a Tribunal appointed under Part III to be such as to render the person convicted unfit for the execution of the duties of the office or employment as a member of the academic staff; or
 - (ii) conduct of an immoral, scandalous or disgraceful nature incompatible with the duties of the office or employment; or
 - (iii) conduct constituting failure or persistent refusal or neglect or inability to perform the duties or comply with the conditions of office; or
 - (iv) physical or mental incapacity established under Part IV.
- (2) In this section -
- (i) "capability", in relation to such a member, means capability assessed by reference to skill, aptitude, health or any other physical or mental quality; and
 - (ii) "qualifications", in relation to such a member, means any degree, diploma or other academic, technical or professional qualification relevant to the office or position held by that member.

Meaning of "redundancy"

6. For the purposes of this Statute dismissal shall be taken to be a dismissal by reason of redundancy if it is attributable wholly or mainly to -
- (1) the fact that Cardiff University has ceased, or intends to cease, to carry on the activity for the purposes of which the member of the academic staff concerned was appointed or employed by Cardiff University, or has ceased, or intends to cease, to carry on that activity in the place in which the member concerned worked; or
 - (2) the fact that the requirements of that activity for members of the academic staff to carry out work of a particular kind, or for members of the academic staff to carry out work of a particular kind in that place, have ceased or diminished or are expected to cease or diminish.

Incidental, supplementary and transitional matters

7. (1) In any case of conflict, the provisions of this Statute shall prevail over those of any other Statute and over those of the Ordinances and Regulations and the provisions of any Ordinance made under this Statute shall prevail over those of any other Ordinance: Provided that Part III of and the Annex to this Statute shall not apply in relation to anything done or omitted to be done before the date on which the instrument making these modifications was approved under sub-section (9) of section 204 of the Education Reform Act 1988.
- (2) Nothing in any appointment made, or contract entered into, shall be construed as over-riding or excluding any provision made by this Statute concerning the dismissal of a member of the academic staff by reason of redundancy or for good cause: Provided that nothing in this sub-section shall prevent waivers made under section 142 of the Employment Protection (Consolidation) Act 1978 or any successor legislation from having effect.

- (3) Nothing in any other Statute or in any Ordinance or Regulation made thereunder shall authorise or require any officer of Cardiff University to sit as a member of any Committee, Tribunal or body appointed under this Statute or to be present when any such Committee, Tribunal or body is meeting to arrive at its decision or for the purpose of discussing any point of procedure.
- (4) Any reference in this Statute to the University, to the Senior Vice-Chancellor of the University or to University status or title held by a member of the academic staff is a reference to the University of Wales, or to the Senior Vice-Chancellor or to University status or title in the University of Wales as the case may be.
- (5) In this Statute references to numbered Parts, sections, sub-sections and paragraphs are references to Parts, sections, sub-sections and paragraphs so numbered in this Statute.

PART II REDUNDANCY

Purpose of Part II

8. This Part enables the Council, as the appropriate body, to dismiss any member of the Academic Staff by reason of redundancy.

Exclusion from Part II of persons appointed or promoted before 20th November 1987

9. (1) Nothing in this Part shall prejudice, alter or affect any rights, powers or duties of Cardiff University or apply in relation to a person unless –
 - (i) the appointment of that person is made, or the contract of employment of the person concerned is entered into, on or after 20th November 1987; or
 - (ii) the person concerned is promoted on or after that date.
- (2) For the purposes of this section in relation to a person, a reference to an appointment made or a contract entered into on or after 20th November 1987 or to promotion on or after that date shall be construed in accordance with sub-sections (3) to (6) of section 204 of the Education Reform Act 1988.

The Appropriate Body

10. (1) The Council shall be the appropriate body for the purposes of this Part.
- (2) This section applies where the appropriate body has decided that it is desirable that there should be a reduction in the academic staff -
 - (i) of Cardiff University as a whole; or
 - (ii) of any School or other similar area of Cardiff University.
11. (1) Where the appropriate body has reached a decision under section 10 (2) it shall appoint a Redundancy Committee to be constituted in accordance with sub-section (3) of this section to give effect to its decision by such date as it may specify and for that purpose
 - (i) to select and recommend the requisite members of the academic staff for dismissal by reason of redundancy; and
 - (ii) to report their recommendations to the appropriate body.

Amendment to Statute VII approved 30 October 2015

- (2) The appropriate body shall either approve any selection recommendation made under sub-section (1), or shall remit it to the Redundancy Committee for further consideration in accordance with its further directions.
- (3) A Redundancy Committee appointed by the appropriate body shall comprise -
 - (i) a Chair; and
 - (ii) two members of the Council, not being persons employed by Cardiff University; and
 - (iii) two members of the Academic Staff nominated by the Senate.

Notices of intended dismissal

12. (1) Where the appropriate body has approved a selection recommendation made under section 11(1) it may authorise an officer of Cardiff University as its delegate to dismiss any member of the Academic Staff so selected.
- (2) Each member of the academic staff selected shall be given separate notice of the selection approved by the appropriate body.
- (3) Each separate notice shall sufficiently identify the circumstances which have satisfied the appropriate body that the intended dismissal is reasonable and in particular shall include -
 - (i) a summary of the action taken by the appropriate body under this Part;
 - (ii) an account of the selection processes used by the Redundancy Committee;
 - (iii) a reference to the rights of the person notified to appeal against the notice and to the time within which any such appeal is to be lodged under Part V (Appeals); and
 - (iv) a statement as to when the intended dismissal is to take effect.

PART III DISCIPLINE, DISMISSAL AND REMOVAL FROM OFFICE

Disciplinary Procedures

13. (1) Minor faults shall be dealt with informally.
- (2) Where the matter is more serious but falls short of constituting possible good cause for dismissal the following procedure shall be used -

Stage 1 - Oral Warning

If conduct or performance does not meet acceptable standards the member of the academic staff will normally be given a formal ORAL WARNING. The member will be advised of the reason for the warning, that it is the first stage of the disciplinary procedure and of the right of appeal under this section. A brief note of the oral warning will be kept but it will be spent after 12 months, subject to satisfactory conduct and performance.

Stage 2 - Written Warning

If the offence is a serious one, or if a further offence occurs, a WRITTEN WARNING will be given to the member of the Academic Staff by the Head of School or other relevant area. This will give details of the complaint, the improvement required and the timescale. It will warn that a complaint may be made to the Director of Human Resources or other appropriate member of the administrative staff designated by the President and Vice-Chancellor seeking the institution of charges to be heard by a Tribunal appointed under section 16 if there is no satisfactory improvement and will advise of the right of appeal under this section. A copy of this written warning will be kept by the Head of School or other relevant areas but it will be disregarded for disciplinary purposes after 2 years subject to satisfactory conduct and performance.

Stage 3 - Appeals

A member of the academic staff who wishes to appeal against a disciplinary warning shall inform the Director of Human Resources or other appropriate member of the administrative staff designated by the President and Vice-Chancellor within two weeks. The Pro Vice-Chancellor nominated by the President and Vice-Chancellor shall hear all such appeals and his/her decision shall be final.

Preliminary examination of serious disciplinary matters

14. (1) If there has been no satisfactory improvement following a written warning given under Stage 2 of the procedure in section 13, or in any other case where it is alleged that conduct or performance may constitute good cause for dismissal or removal from office, a complaint seeking the institution of charges to be heard by a Tribunal appointed under section 16 may be made to the Director of Human Resources or other appropriate member of the administrative staff designated by the President and Vice-Chancellor who shall bring it to the attention of the President and Vice-Chancellor.
- (2) To enable the President and Vice-Chancellor to deal fairly with any complaint brought to his or her attention under sub-section (1) he or she shall institute such investigations or enquiries (if any) as appear to him or her to be necessary.
- (3) If it appears to the President and Vice-Chancellor that a complaint brought to his or her attention under sub-section (1) relates to conduct or performance which does not meet acceptable standards but for which no written warning has been given under section 13 or which relates to a particular alleged infringement of rules, Regulations or bylaws for which a standard penalty is normally imposed in Cardiff University or within the School or other relevant area, or is trivial or invalid he or she may dismiss it summarily, or decide not to proceed further under this Part.
- (4) If the President and Vice-Chancellor does not dispose of a complaint under sub-section (3) he or she shall treat the complaint as disclosing a sufficient reason for proceeding further under this Part and, if he or she sees fit, he or she may suspend the member on full pay pending a final decision.
- (5) Where the President and Vice-Chancellor proceeds further under this Part he or she shall write to the member of the academic staff concerned inviting comment in writing.
- (6) As soon as may be following receipt of the comments (if any) the President and Vice-Chancellor shall consider the matter in the light of all the material then available and may -

- (i) dismiss it himself or herself; or
 - (ii) refer it for consideration under section 13; or
 - (iii) deal with it informally himself or herself if it appears to the President and Vice-Chancellor appropriate to do so and if the member of the Academic Staff agrees in writing that the matter should be dealt with in that way; or
 - (iv) direct an appropriate member of the administrative staff designated by the President and Vice-Chancellor to prefer a charge or charges to be considered by a Tribunal to be appointed under section 16.
- (7) If no comment is received within 28 days the President and Vice-Chancellor may proceed as aforesaid as if the member concerned had denied the substance and validity of the alleged case in its entirety.

Institution of Charges

15. (1) In any case where the President and Vice-Chancellor has directed that a charge or charges be preferred under section 14(6)(iv), he or she shall request the Council to appoint a Tribunal under section 16 to hear the charge or charges and to determine whether the conduct or performance of the member of the academic staff concerned constitutes good cause for dismissal or otherwise constitutes a serious complaint relating to the member's appointment or employment.
- (2) Where the Council has been requested to appoint a Tribunal under Section 16 the President and Vice-Chancellor shall appoint a secretary of the Tribunal who shall take charge of the proceedings.
- (3) The officer in charge of the proceedings shall formulate, or arrange for the formulation of, the charge or charges and shall present, or arrange for the presentation of, the charge or charges before the Tribunal.
- (4) It shall be the duty of the officer in charge of the proceedings
- (i) to forward the charge or charges to the Tribunal and to the member of the academic staff concerned together with the other documents therein specified; and
 - (ii) to make any necessary administrative arrangements for the summoning of witnesses, the production of documents and generally for the proper presentation of the case before the Tribunal.

The Tribunal

16. A Tribunal appointed by the Council shall comprise:
- (1) a Chair; and
 - (2) one member of the Council, not being a person employed by Cardiff University; and
 - (3) one member of the Academic Staff nominated by the Senate.

Provisions concerning Tribunal procedure

17. (1) The procedure to be followed in respect of the preparation, hearing and determination of charges by a Tribunal shall be that set out in Ordinances made under this section.
- (2) Without prejudice to the generality of the foregoing such Ordinances shall ensure -
- (i) that the member of the Academic Staff concerned is entitled to be represented by another person, whether such person be legally qualified or not, in connection with and at any hearing of charges by a Tribunal;
 - (ii) that a charge shall not be determined without an oral hearing at which the member of the academic staff concerned and any person appointed by that member to represent the member are entitled to be present;
 - (iii) that the member of the Academic Staff and any person representing the staff member may call witnesses and may question witnesses upon the evidence on which the case against that member is based; and
 - (iv) that full and sufficient provision is made for -
 - (a) postponements, adjournments, dismissal of the charge or charges for want of prosecution, remission of the charge or charges to the President and Vice-Chancellor for further consideration and for the correction of accidental errors; and
 - (b) for appropriate time limits for each stage (including the hearing) to the intent that any charge thereunder shall be heard and determined by a Tribunal as expeditiously as reasonably practicable.

Notification of Tribunal decisions

18. (1) A Tribunal shall send its decision on any charge referred to it (together with its findings of fact and the reasons for its decision regarding that charge and its recommendations, if any, as to the appropriate penalty) to the President and Vice-Chancellor and to each party to the proceedings.
- (2) A Tribunal shall draw attention to the period of time within which any appeal should be made by ensuring that a copy of Part V (Appeals) accompanies each copy of its decision sent to a party to the proceedings under this section.

Powers of the appropriate officer where charges are upheld by Tribunal

19. (1) Where the charge or charges are upheld and the Tribunal finds good cause and recommends dismissal or removal from office, but in no other case, the appropriate officer shall decide whether or not to dismiss the member of the Academic Staff concerned.
- (2) In any case where the charge or charges are upheld, other than where the appropriate officer has decided under sub-section (1) to dismiss the member of the Academic Staff concerned, the action available to the appropriate officer (not comprising a greater penalty than that recommended by the Tribunal) may be –
- (i) to discuss the issues raised with the member concerned; or
 - (ii) to advise the member concerned about his or her future conduct; or

- (iii) to warn the member concerned; or
 - (iv) to suspend the member concerned for such period as the appropriate officer shall think fair and reasonable, not to exceed 3 months after the Tribunal's decision; or
 - (v) any combination of any of the above or such further or other action under the member's contract of employment or terms of appointment as appears fair and reasonable in all the circumstances of the case.
- (3) Where the appropriate officer has decided under paragraph (1) to dismiss a member of the academic staff who holds status or title in the University, he or she shall inform the Senior Vice-Chancellor of the University of Wales so that, subject to the outcome of any appeal made by the member of the academic staff under Part V, the University may withdraw from the member concerned his or her status or title in the University.

Appropriate Officers

20. (1) The President and Vice-Chancellor shall be the appropriate officer to exercise the powers conferred by section 19 and any reference to the appropriate officer includes a reference to a delegate of that officer.
- (2) Any action taken by the appropriate officer shall be confirmed in writing.

PART IV REMOVAL FOR INCAPACITY ON MEDICAL GROUNDS

21. (1) This Part makes separate provision for the assessment of incapacity on medical grounds as a good cause for dismissal or removal from office.
- (2) In this Part references to medical grounds are references to capability assessed by reference to health or any other physical or mental quality.
- (3) In this Part references to the appropriate officer are references to the President and Vice-Chancellor or his/her delegate to perform the relevant act.
- (4) References to the member of the academic staff include, in cases where the nature of the alleged disability so requires, a responsible relative or friend in addition to (or instead of) that member.
22. (1) Where it appears that the removal of a member of the Academic Staff on medical grounds would be justified, the appropriate officer -
- (i) shall inform the member accordingly; and
 - (ii) shall notify the member in writing that it is proposed to make an application to the member's doctor for a medical report and shall seek the member's consent in writing in accordance with the requirements of the Access to Medical Reports Act 1988.
- (2) If the member shares that view Cardiff University shall meet the reasonable costs of any medical opinion required.
- (3) If the member does not share that view the appropriate officer shall refer the case in confidence, with any supporting medical and other evidence (including any medical evidence submitted by the member), to a Board comprising one person nominated by the Council; one person nominated by the member concerned or, in default of the latter nomination, by the Senate; and a medically qualified Chair

jointly agreed by the Council and the member or, in default of agreement, to be nominated by the President of the Royal College of Physicians.

- (4) The Board may require the member concerned to undergo medical examination at Cardiff University's expense.

Termination of Employment

23. If the Board determines that the member shall be required to retire on medical grounds, the appropriate officer shall direct an appropriate member of the administrative staff designated by the President and Vice-Chancellor to terminate the employment of the member concerned on those medical grounds.

PART V APPEALS

Purpose of Part V

24. This Part establishes procedures for hearing and determining appeals by members of the academic staff who are dismissed or under notice of dismissal or who are otherwise disciplined.

Application and interpretation of Part V

25. (1) This Part applies –
- (i) to appeals against the decisions of the Council as the appropriate body (or of a delegate of that body) to dismiss in the exercise of its powers under Part II;
 - (ii) to appeals arising in any proceedings, or out of any decision reached, under Part III other than appeals under section 13 (Appeals against disciplinary warnings);
 - (iii) to appeals against dismissal otherwise than in pursuance of Part II or Part III;
 - (iv) to appeals against discipline otherwise than in pursuance of Part III; and
 - (v) to appeals against decisions reached under Part IV and "appeal" and "appellant" shall be construed accordingly.
- (2) No appeal shall however lie against –
- (i) a decision of the appropriate body under section 10(2);
 - (ii) the findings of fact of a Tribunal under section 18(1) save where, with the consent of the person or persons hearing the appeal, fresh evidence is called on behalf of the appellant at that hearing;
 - (iii) any finding by a Board set up under section 22(3).
- (3) In this Part references to "the person appointed" are references to the person appointed by the Council under section 28 to hear and determine the relevant appeal.
- (4) The parties to an appeal shall be the appellant and an appropriate member of the administrative staff designated by the President and Vice-Chancellor and any other person added as a party at the direction of the person appointed.

Institution of Appeals

26. A member of the academic staff shall institute an appeal by serving on the President and Vice-Chancellor, within the time allowed under section 27, notice in writing setting out the grounds of the appeal.

Time for appealing and notices of appeal

27. (1) A notice of appeal shall be served within 28 days of the date on which the document recording the decision appealed from was sent to the appellant or such longer period, if any, as the person appointed may determine under sub-section (3).
- (2) The President and Vice-Chancellor or his/her nominee shall bring any notice of appeal received (and the date when it was served) to the attention of the Council and shall inform the appellant that he or she has done so.
- (3) Where the notice of appeal was served on the President and Vice-Chancellor or his/her nominee outside the 28 day period the person appointed under section 28 shall not permit the appeal to proceed unless the person appointed considers that justice and fairness so require in the circumstances of the case.

Persons appointed to hear and determine appeals

28. (1) Where an appeal is instituted under this Part the Council shall appoint a person described in sub-section (2) to hear and determine that appeal.
- (2) The persons described in this sub-section are -
- (i) the person who is the Visitor; or
 - (ii) a person not employed by Cardiff University holding, or having held, judicial office or being a barrister or solicitor of at least ten years' standing.
- (3) The person appointed shall sit alone unless he or she considers that justice and fairness will best be served by sitting with two other persons.
- (4) The other persons who may sit with the person appointed shall be -
- (i) one member of the Council not being a person employed by Cardiff University; and
 - (ii) one member of the Academic Staff nominated by the Senate.

Provisions concerning appeal procedures and powers

29. (1) The procedure to be followed in respect of the preparation, consolidation, hearing and determination of appeals shall be that set out in Ordinances made under this section.
- (2) Without prejudice to the generality of the foregoing such Ordinances shall ensure -
- (i) that an appellant is entitled to be represented by another person, whether such person be legally qualified or not, in connection with and at any hearing of his or her appeal;
 - (ii) that an appeal shall not be determined without an oral hearing at which the appellant, and any person appointed by the appellant to represent him

or her are entitled to be present and, with the consent of the person or persons hearing the appeal, to call witnesses;

- (iii) that full and sufficient provision is made for postponements, adjournments, dismissal of the appeal for want of prosecution and for the correction of accidental errors; and
 - (iv) that the person appointed may set appropriate time limits for each stage (including the hearing itself) to the intent that any appeal shall be heard and determined as expeditiously as reasonably practicable.
- (3) The person or persons hearing the appeal may allow or dismiss an appeal in whole or in part and, without prejudice to the foregoing, may:
- (i) remit an appeal from a decision under Part II to the Council as the appropriate body (or any issue arising in the course of such an appeal) for further consideration as the person or persons hearing the appeal may direct; or
 - (ii) remit an appeal arising under Part III for rehearing by a differently constituted Tribunal to be appointed under that Part; or
 - (iii) remit an appeal from a decision of the appropriate officer under Part IV for further consideration as the person or persons hearing the appeal may direct; or
 - (iv) substitute any lesser alternative penalty that would have been open to the appropriate officer following the finding by the Tribunal which heard and pronounced upon the original charge or charges.

Notification of decisions

30. The person appointed shall send the reasoned decision, including any decision reached in exercise of his or her powers under section 29(3) (a), (b), or (c), on any appeal together with any findings of fact different from those come to by the Council as the appropriate body under Part II or by the Tribunal under Part III, as the case may be, to the President and Vice-Chancellor and to the parties to the appeal and to the Senior Vice-Chancellor of the University of Wales in the case of an appeal by a member of the academic staff who holds status or title in the University.

PART VI GRIEVANCE PROCEDURES

Purpose of Part VI

31. The aim of this Part is to settle or redress individual grievances promptly, fairly and so far as may be, within the School or other relevant area by methods acceptable to all parties.

Application

32. The grievances to which this Part applies are ones by members of the academic staff concerning their appointments or employment where those grievances relate -
- (1) to matters affecting themselves as individuals; or
 - (2) to matters affecting their personal dealings or relationships with other staff of Cardiff University, not being matters for which express provision is made elsewhere in this Statute.

Exclusions and Informal Procedures

33. (1) If other remedies within the School or other relevant area have been exhausted the member of the academic staff may raise the matter with the Head of the School or other relevant area.
- (2) If the member of the academic staff is dissatisfied with the result of an approach under sub-section (1) or if the grievance directly concerns the Head of the School or other relevant area, the member may apply in writing to the President and Vice-Chancellor for redress of the grievance.
- (3) If it appears to the President and Vice-Chancellor that the matter has been finally determined under Part III, IV or V or that the grievance is trivial or invalid, he or she may dismiss it summarily, or take no action upon it. If it so appears to the President and Vice-Chancellor he or she shall inform the member and the Grievance Committee accordingly.
- (4) If the President and Vice-Chancellor is satisfied that the subject matter of the grievance could properly be considered with (or form the whole or any part of)-
- (i) a complaint under Part III;
 - (ii) a determination under Part IV; or
 - (iii) an appeal under Part V he or she shall defer action upon it under this Part until the relevant complaint, determination or appeal has been heard or the time for instituting it has passed and the President and Vice-Chancellor shall notify the member and the Grievance Committee accordingly.
- (5) If the President and Vice-Chancellor does not reject the complaint under sub-section (3) or if he or she does not defer action upon it under sub-section (4) he or she shall decide whether it would be appropriate, having regard to the interests of justice and fairness, for him or her to seek to dispose of it informally. If he or she so decides he or she shall notify the member and proceed accordingly.

Grievance Committee Procedure

34. If the grievance has not been disposed of informally under section 33(5), the President and Vice-Chancellor shall refer the matter to the Grievance Committee for consideration.
35. The Grievance Committee to be appointed by the Council shall comprise –
- (1) a Chair (who may be the person who is the Visitor); and
 - (2) one member of the Council not being a person employed by Cardiff University; and
 - (3) one member of the academic staff nominated by the Senate.

Procedure in connection with determinations; and right to representation

36. The procedure in connection with the consideration and determination of grievances shall be determined in Ordinances in such a way as to ensure that the aggrieved person and any person against whom the grievance lies shall have the right to be heard at a hearing and to be accompanied by a friend or representative.

Notification of decisions

37. The Committee shall inform the Council whether the grievance is or is not well-founded and if it is well-founded the Committee shall make such proposals for the redress of the grievance as it sees fit.

PROVISIONS AS TO THE PRESIDENT AND VICE-CHANCELLOR

1. The Council may request its Chair to remove the President and Vice-Chancellor from office for good cause in accordance with the procedure described in this Annex.
- (1) A complaint seeking the removal from office of the President and Vice-Chancellor for good cause may be made by not less than three members of the Council to the Chair of the Council.
 - (2) If it appears to the Chair of the Council, on the material before him or her, that the complaint raises a prima facie case and that this could, if proved, constitute good cause for dismissal or removal from office he or she shall request the Council to appoint a Tribunal to hear and determine the matter.
 - (3) If it appears to the Chair of the Council that a complaint made to him or her under sub-section (1) does not raise a prima facie case or is trivial or invalid, he or she may recommend to the Council that no further action be taken upon it.
 - (4) When the Council has appointed a Tribunal under sub-section (2) it shall instruct a solicitor or other suitable person to formulate a charge or charges and to present, or arrange for the presentation of, the charges before the Tribunal.
 - (5) A Tribunal appointed by the Council shall comprise:
 - (i) an independent Chair; and
 - (ii) one member of the Council, not being a person employed by Cardiff University; and
 - (iii) one member of the academic staff.
 - (6) Subject to the principles of justice and fairness the Tribunal may determine its own procedure
 - (7) The Tribunal shall send its reasoned decision on any charge referred to it together with its findings of fact regarding the charge and its recommendations, if any, as to the appropriate penalty to the Chair of the Council and to the President and Vice-Chancellor drawing attention to the period of time within which any appeal should be made.
 - (8) Persons appointed to hear such an appeal shall be -
 - (i) the person who is the Visitor; or
 - (ii) a person independent of Cardiff University holding, or having held, judicial office or being a barrister or solicitor of at least ten years' standing and the person so appointed shall, subject to the principles of justice and fairness, determine the procedure to be adopted in hearing the appeal.

- (9) A person appointed shall send the reasoned decision on the appeal, together with any findings of fact different from those come to by the Tribunal and his or her recommendations, if any, as to the appropriate penalty, to the President and Vice-Chancellor and to the Chair of the Council.
 - (10) Where a charge or charges have been upheld by the Tribunal and not dismissed on appeal, the Chair of the Council shall decide whether or not to dismiss the President and Vice-Chancellor.
2. Where a complaint is to be referred to a Tribunal under this Statute, the Chair of the Council may suspend the President and Vice-Chancellor from his or her duties and may exclude the President and Vice-Chancellor from the precincts of Cardiff University or any part thereof without loss of salary.
3. "Good cause" in this Annex has the same meaning as in section 5 of this Statute.
4. For the purpose of the removal of the President and Vice-Chancellor for incapacity on medical grounds, Part IV of the Statute shall have effect subject to the following modifications:-
 - (1) for references to a member of the academic staff there shall be substituted references to the President and Vice-Chancellor;
 - (2) for any reference to the office of President and Vice-Chancellor there shall be substituted a reference to the office of Chair of the Council;
 - (3) for section 23 there shall be substituted -

"23. If the Board determines that the President and Vice-Chancellor should be required to retire on medical grounds, it shall ask the Chair as the appropriate officer, to decide whether or not to terminate the appointment of the President and Vice-Chancellor on those medical grounds.