

SWANSEA UNIVERSITY

Statutes

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1. General

1.1 These Statutes are the Statutes of Swansea University, in accordance with Articles 19 and 20 of the University's Supplemental Charter of 2007.

1.2 These Statutes supersede the Statutes in force prior to the Supplemental Charter of 2007 (hereafter referred to as "the former Statutes").

1.3 Nothing contained in these Statutes shall affect anything done under the former Statutes until it is revoked, withdrawn, amended or altered.

2. Definitions

In these Statutes

“**Charter**” means the unrevoked portion of the Charter of 1920, the unrevoked portion of the Supplemental Charter of 1959 and the Supplemental Charter of 2007.

“**University**” means Swansea University.

“**Council**” means the Council of Swansea University.

“**Senate**” means the Senate of Swansea University.

“**Faculties**” mean the Faculties of Swansea University.

“**Court**” means the Court of Swansea University.

“**Statutes**” means the Statutes of Swansea University.

“**Former Statutes**” means the Statutes of University of Wales Swansea in force before the Supplemental Charter of 2007.

“**Ordinances**” means the Ordinances of Swansea University.

“**Regulations**” means the Regulations of Swansea University.

In these Statutes, words implying the masculine shall include the feminine and *vice versa* and, unless the context requires otherwise, words in the singular shall include the plural and words in the plural shall include the singular.

A reference to any statute, enactment, order, statutory instrument or similar instrument shall be construed as a reference to the statute, enactment, order, or instrument as amended by any subsequent statute, enactment, order, or instrument or as contained in any subsequent re-enactment thereof.

3. Officers

3.1 The following persons shall be the Officers of the University, namely the Chancellor, the Pro-Chancellors, the Treasurer, the Vice-Chancellor, the Pro-Vice-Chancellor or Pro-Vice-Chancellors and the holders of such other posts as the Council may from time to time determine.

4. Audit

4.1 The Council shall appoint an auditor or auditors, for such period as the Council may specify, subject to annual review, to audit the financial statement of income and expenditure and other accounts of the University.

4.2 A person shall not be qualified for appointment as an auditor unless a member of a body of accountants established in the United Kingdom and in accordance with the Companies Acts 1985-1989.

4.3 None of the following persons shall be qualified for appointment as auditor:

- (i) an officer of the University or the holder of any salaried post in the University;
- (ii) a member of the Court or of the Council of the University;
- (iii) a person who is a business partner of or in the employment of any person described in (i) or (ii) above.

4.4 If the office of auditor become vacant by resignation or any other cause before the expiration of the incumbent's period of office the Council shall forthwith elect an auditor or auditors to fill the vacancy for the unexpired term of the previous auditor.

4.5 The Council shall establish an Audit Committee and shall determine its terms of reference and constitution.

5. The Council

5.1 Membership of the Council

5.1.1. The Council shall consist of the following persons:

- (i) The two Pro-Chancellors, one of whom shall be designated by the Council as Chair of the Council.
- (ii) The Treasurer.
- (iii) The Vice-Chancellor.
- (iv) Two members of the academic staff to be appointed by the Senate of whom one shall be a member of the non-professorial staff and one of the status of professor.
- (v) Nine members co-opted by the Council.
- (vi) Two employees of Swansea University as prescribed by the Ordinances.
- (vii) Two student members one of whom shall be the President of the Students' Union and one appointed by the Students' Union.

5.1.2. The persons appointed under (i), (ii), and (v) shall neither hold any paid appointment in, nor be registered students of, Swansea University.

5.1.3. With the exception of the Vice-Chancellor and the student members, membership of the Council shall normally be for a four-year term. Membership of the Council shall be subject to members continuing to hold the relevant office or continuing to be eligible for appointment by the constituency that has appointed them. All retiring members elected, appointed or co-opted shall be eligible for re-election, re-appointment or re-co-option but membership of the Council shall be restricted to two successive terms. Exceptions to this, may apply where a lay member is appointed to one of the statutory officer roles provided that no more than a maximum of three successive terms are served.

5.1.4. Any member of the Council may resign such membership at any time by letter addressed to the Secretary to the Council.

5.1.5. Nine members of the Council shall form a quorum, provided always that any meeting of the Council shall not be quorate unless a majority of those present are appointed under (i), (ii), and (v) above.

5.1.6. The Chair shall have an original and a casting vote.

Statute 5.2 Powers and Duties of the Council

5.2.1 Save as otherwise expressly delegated in the Charter and the Statutes, the Council shall have the authority to exercise all powers which are conferred upon the University by the Charter, Statutes and Ordinances, and to carry these into effect.

5.2.2 The following powers and duties shall be discharged direct by the Council and may not be delegated:

- (i) To act as the governing body of the University.
- (ii) In accordance with Article 18 of the Charter, to add to or amend the Charter of the University.
- (iii) In accordance with Article 19 of the Charter, to make, add to, amend or repeal the Statutes of the University.
- (iv) To make, add to, amend or repeal the Ordinances of the University, provided such Ordinances shall not be repugnant to the provisions of the Charter or the Statutes.
- (v) To appoint the Chancellor, the Pro-Chancellors and the Treasurer.
- (vi) To govern and regulate the finances, accounts, investments, property, business and affairs of the University, and for that purpose to appoint Bankers and any other administrative officers or agents whom it may seem expedient to appoint.
- (vii) To approve the borrowing of money on behalf of the University and for that purpose, if the Council thinks fit, to mortgage or exchange or charge all or any part of the property of the University whether real or personal, and to give such other security, whether upon real or personal property or otherwise, as the Council may think fit.
- (viii) To act as trustees for any property, legacy, endowment, bequest or gift in support of the objects of the University.
- (ix) To approve the sale, purchase, exchange, lease and acceptance of leases of real and personal property on behalf of the University.
- (x) To approve the annual financial statements submitted to the Court for information, and for wider public dissemination.
- (xi) To appoint the auditor or auditors to audit the financial statements and other accounts of the University.
- (xii) To ensure the estate is adequate for the discharge of the objects of the University and to approve any estates strategy.
- (xiii) To approve the Strategic Plans of the University.
- (xiv) To monitor the performance and progress of the University and to require issues raised by such monitoring to be addressed.
- (xv) To make final decisions on strategic policy matters relating to staffing and employment.

- (xvi) To establish a Committee of Selection for the office of Vice-Chancellor, to appoint the Vice-Chancellor and to appoint the Pro-Vice-Chancellors, the Heads of Schools and the Heads of unitary Departments.
- (xvii) To review, refer back, control, amend or disallow any act of the Senate and to give directions to the Senate.
- (xviii) To select a Seal and Arms for Swansea University, and to oversee the custody and use of the Seal.
- (xix) To determine the overall organisational structure of the University.
- (xx) To approve the constitution of the Students' Union and, so far as is reasonably practicable, to ensure that the Students' Union operates in a fair and democratic manner and is accountable for its finances.

5.2.3 Subject to Statute 5.2.2, the Council shall have the authority to delegate powers and duties:

- (i) to the Vice-Chancellor, as chief executive, for the academic, corporate, financial, estate and personnel management of the University;
- (ii) to the Senate, as prescribed by Ordinance;
- (iii) to the committees established by the Council, as prescribed by Ordinance and the terms of reference of those committees;
- (iv) to the University Officers, as prescribed by Ordinance.

6. Relating to the Discipline, Dismissal, Removal from Non-Substantive Positions and Grievances of Staff

1. Introduction

This Statute relates to the discipline, dismissal, removal from non-substantive positions and grievances of staff. Except where indicated to the contrary, this Statute applies to all members of staff.

2. General Principles of Construction and Application

2.1 This Statute and any rules and ordinances made under it shall be applied and construed in every case having regard to the following guiding principles:

- (i) to ensure that members of 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 any privileges they may have at the University;
- (ii) to enable the University to provide education, promote learning and engage in research efficiently and economically; and
- (iii) to apply the principles of justice and fairness.

2.2 Any reference in this Statute to a provision in an Act of Parliament shall be taken to be a reference to that provision as it may have been amended or superseded from time to time.

2.3 For the purposes of this Statute the following terms shall bear the following meanings:-

- (i) “dismissal” shall bear the same meaning as in section 95 of the Employment Rights Act 1996;
- (ii) “dismissal by reason of redundancy” shall bear the same meaning as in section 139 of the Employment Rights Act 1996;
- (iii) “*Academic Staff*” are those members of staff as defined in the *General Provisions Applicable to All Ordinances*.

2.4 The power to dismiss staff by reason of redundancy, and the ordinances prescribed in relation to such power, under this Statute shall not apply to those staff defined in sub-sections (3) to (6) of section 204 of the Education Reform Act 1988 (academic staff appointed prior to, and not promoted after, 20 November 1987) who shall for this purpose continue to be subject to such powers, if any, as applied to them prior to the introduction of the Statute made by the University

Commissioners in the exercise of their powers under sections 203 and 204 of the Education Reform Act 1988.

3. **Discipline**

- 3.1 The Vice Chancellor, or other designated person or persons, may discipline any member of staff.
- 3.2 Where a staff member has been disciplined pursuant to Clause 3(1) that staff member may appeal against that decision to a designated person.

4. **Dismissal**

- 4.1 The Vice Chancellor, or other designated person or persons, may dismiss any member of staff either with or without notice, depending on the circumstances of the case.
- 4.2 Where a staff member has been dismissed pursuant to Clause 4(1) that staff member may appeal against the dismissal to a designated person.

5. **Grievances**

- 5.1 Any member of staff may seek redress of any grievances relating to that staff member's employment.
- 5.2 If the member of staff is dissatisfied with the outcome of a grievance, that staff member may appeal against that decision to a designated person.

6. **Ordinances**

The Council shall from time to time (following consultation with trade unions) make and amend ordinances specifying designated persons to be appointed and procedures to be followed in the exercise of the powers and duties contained in this Statute, such ordinances to cover but not be limited to the following:-

- 6.1 Redundancy;
- 6.2 Non renewal of fixed term contracts and redundancy by way of termination of fixed term funding streams
- 6.3 Conduct and other substantial reasons for dismissal;
- 6.4 Capability and performance;
- 6.5 Incapacity on health grounds;
- 6.6 Termination of probationary appointments;
- 6.7 Retirement;

- 6.8 Termination on grounds of illegality;
- 6.9 Termination of non-substantive positions;
- 6.10 Staff grievances;
- 6.11 Appeals;
- 6.12 General provisions.