

# THE STATUTES OF THE UNIVERSITY

## SECTION 1:

### Definitions

1. In these Statutes:
  - “**Academic Staff**” means:
    - (a) Any employee employed by the University to engage directly in, or carry out teaching, learning and research in an academic context under the terms of their contract of employment;
    - (b) Such other senior members of Staff as may be determined by Council from time to time.
  - “**Charter**” means the Charter of the University.
  - “**Council**” means the Council of the University.
  - “**Officer**” shall have the meaning set out in the Regulations and includes any deputy appointed in accordance with such Regulations.
  - “**Professional Staff**” shall have the meaning set out in the Regulations.
  - “**Research Staff**” means any employee employed by the University to engage directly in, or carry out research.
  - “**Senate**” means the Senate of the University.
  - “**Senior Academic Officer**” shall have the meaning set out in the Regulations.
  - “**Staff**” means all persons employed by the University.
  - “**Statutes**” means these Statutes of the University which shall be interpreted in such a way as not to conflict with the Charter.
  - “**Student**” means any registered student of the University.
  - “**Students’ Union**” means the body known as “The University of Sheffield Union of Students”.
  - “**Regulations**” means Regulations of the University.
  - “**Teaching Staff**” means any employee employed by the University to engage directly in, or carry out teaching and learning.
  - “**Treasurer**” shall have the meaning set out in the Regulations.
  - “**University**” means the University of Sheffield.
  - “**University Year**” means the period of 12 calendar months ending on the last day of July in each year or on such other day in each year as the Council shall determine.
2. Unless the context otherwise requires, words in the singular shall include the plural and words in the plural shall include the singular.

## SECTION 2:

### The Auditor

1. The Council shall appoint an auditor or auditors. Every such auditor shall be a member of a recognised supervisory body and eligible for appointment under the rules of that body.

## SECTION 3:

### The Council

1. The Council shall be appointed in accordance with the Regulations and shall consist of a maximum of 20 members, ensuring always that independent members shall remain in the majority. The members of the Council shall be as follows:

Class (1): The Pro-Chancellors, The Vice-Chancellor and the Treasurer.

Class (2): Not fewer than two and not more than three Senior Academic Officers.

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- Class (3): Not fewer than seven and not more than eight persons who shall be neither Staff nor Students.
- Class (4): Three members of the Senate, of whom not more than two may be Professors.
- Class (5): One member of Professional Staff.
- Class (6): The President of the Students' Union.
2. Members of Classes (3), (4) and (5) shall hold office for three University Years and subject to the Regulations may not serve for more than three consecutive periods of office. A person who has held office as a Member of Class (3), (4) or (5) and who has ceased by reason of length of service to be eligible for re-election shall after an interval of three University Years again become eligible for election in that Class.
  3. Members of Class (2) shall hold office for one University Year and shall be eligible for re-appointment, provided that a Member may not serve for more than five consecutive periods of office. A person who has held office as a Member of Class (2) and who has ceased by reason of length of service to be eligible for re-election shall after an interval of one University Year again become eligible for election in Class (2).
  4. A Member of Council shall vacate office on ceasing to hold any office or other qualification by virtue of which that person became a Member of the Council.
  5. Seven Members of the Council of whom not more than three may be members of the Staff of the University shall form a quorum.

**SECTION 4:**

**Powers of the Council**

1. The Council shall be responsible for the conduct and activities of the University, the custody and use of the University's Common Seal and shall exercise all the University's powers.
2. In addition to all other powers vested in it, the Council shall have the powers set out in the Regulations.
3. Subject to paragraph 4 of this Section, the Council shall be entitled to delegate all or any of its functions, powers and duties to any person or body.
4. The Council shall not delegate responsibility for:
  - (a) appointing the Chancellor;
  - (b) appointing the Vice-Chancellor;
  - (c) the variation, amendment or revocation of the Charter or Statutes;
  - (d) the approval of the University's strategic plan;
  - (e) the approval of the University's financial forecasts and annual budget;
  - (f) the approval of the University's annual audited accounts;
  - (g) appointing the University's auditors.

**SECTION 5:**

**The Senate**

1. The Senate shall oversee teaching and research, and be responsible for the academic quality and standards of the University and the admission and regulation of students.
2. The membership and powers of the Senate shall be prescribed in the Regulations.

**SECTION 6:**

**Staff**

1. This section shall apply to all Staff.
2. The Council shall be responsible for ensuring that there are in place procedures governing the whole of the employment relationship, including the appointment, development and reward of Staff.

3. The Council shall also ensure that:
  - (a) there are in place employment procedures for the staffing matters listed in paragraph 5 of this section; *and*
  - (b) there is a Regulation for the removal from office and dismissal of the chief executive of the University.
4. In determining the procedures to be adopted under paragraph 3, the Council shall apply the following guiding principles:
  - (a) ensure that Academic Staff, Teaching Staff and Research 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;
  - (b) enable the University to deliver its mission, vision and associated activities, efficiently and economically;
  - (c) apply the principles of justice and fairness; *and*
  - (d) seek to advance the principles of equality and diversity.
5. The procedures referred to in paragraph 3 are employment procedures for all Staff regarding:
  - (a) the handling of disciplinary cases including the dismissal of such members of Staff by reason of misconduct and for appeals against disciplinary action. Such procedures shall provide adequate opportunities for improvement including the use of warnings with summary dismissal only available in cases of gross misconduct. Suspension shall be applied in the limited circumstances set out in the University's employment procedures, subject to regular review and only applied where no alternative is considered appropriate or practicable;
  - (b) the dismissal of members of Staff by reason of redundancy and appeals against such dismissals; any such procedure shall be aimed at consideration of measures to avoid compulsory redundancy with provisions for collective consultation;
  - (c) the dismissal of members of Staff (following confirmation in post after any applicable probationary period) by reason of incapability relating to work performance and appeals against such dismissals; such procedures shall provide adequate opportunities for improvement including the use of warnings;
  - (d) the dismissal of members of Staff on the grounds of ill health or medical incapacity and appeals against such dismissals. In all cases where the dismissal of a member of Staff is an option, the disciplinary panel shall give due consideration to advice from the University's occupational health advisers, medical evidence submitted by the Staff member from a qualified medical practitioner involved in their treatment and any additional medical evidence that may be requested by the disciplinary panel where appropriate;
  - (e) the dismissal of members of Staff for any reason other than the reasons specified in subparagraphs (a) – (d) and (g) and appeals against such dismissals;
  - (f) the handling of grievances raised by members of Staff and appeals against grievance outcomes.

Additionally, the following are employment procedures for Academic Staff, Teaching Staff and Research Staff only:

  - (g) the review of performance and progress of such Staff during any probationary period to which their appointment or employment is subject, and for the dismissal of such Staff during or at the end of their probationary period in the event of unacceptable progress or performance, and appeals against such dismissals. The primary purpose of the procedure shall be to enable the member of Staff to become effective in the role and where necessary to bring about a sustained improvement in performance and ensure the member of Staff has adequate opportunity to achieve this;
  - (h) the removal of a member of such Staff from any role that is not defined within that member of Staff's contract of employment by reason of incapability relating to work performance or misconduct and appeals against such removal; *and*
  - (i) the investigation and response to allegations of research misconduct against members of such Staff.

6. The following principles shall be incorporated into the procedures for all Staff:
  - (a) procedures shall be applied to enable issues to be resolved informally where appropriate and wherever possible close to the time of origin, and within a reasonable timescale, including by mediation with the agreement of both parties; *and*
  - (b) procedures shall be based upon the principles of natural justice.
7. Additionally, the following principles shall only apply to Academic Staff, Teaching Staff and Research Staff (and in this section the term “**Officer**” shall only include any senior academic member of Staff of the University as defined in the relevant employment procedures, including any deputy appointed in accordance with such procedures):
  - (a) in all cases where dismissal is an option, an internal panel shall be convened to determine the case which shall include at least one Officer, being a person not subject to or otherwise connected with the proceedings;
  - (b) redundancy dismissals arising from departmental closure or significant organisational restructure shall only occur where Council has both approved the plans and authorised their implementation;
  - (c) under any procedure in this section, where the member of Staff exercises the right of appeal the panel shall include an Officer, being a person not subject to or otherwise connected with the proceedings; *and*
  - (d) appeals against any dismissal shall be heard by a panel which shall include an independent professional or academic nominated by Council, who is not employed by the University as a member of Staff, and an Officer, being a person not subject to or otherwise connected with the proceedings.
8. Any employment policy and procedure made under paragraph 3 or 5 of this section shall be construed in every case to give effect to the guiding principles in paragraph 4. For the avoidance of doubt, a member of Academic Staff, Teaching Staff and Research Staff may raise the principle of academic freedom as an issue to be taken into account in any investigation of the facts; in any hearing or appeal which could lead to dismissal, the imposition of any penalty or sanction or removal or restriction of privileges; and in any decision or appeal in relation to any grievance.

#### **SECTION 7:**

##### **Validity of Decisions of Council**

1. Decisions taken at a meeting of Council shall not be invalidated because of:
  - (a) a procedural defect of which the Council is unaware at the time, provided that the defect, once identified, is at the earliest reasonable opportunity brought to the attention of the Council and the Council is asked to consider whether the decision should stand;
  - (b) a technical defect in the appointment of a Council Member of which the Council is unaware at the time;
  - (c) a technical defect in the giving of notice of which the Council is unaware at the time; *or*
  - (d) a vacancy in the membership of the Council.