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## 1. UNIVERSITY STATUTES

- 1.1 The Statutes of the University of Durham were established by the Universities of Durham and Newcastle upon Tyne Act 1963 and have been subsequently amended.
- 1.2 The Statutes represent the regulatory framework of the University and set down details concerning the role and appointment of officers of the University, the membership and responsibilities of the Council, the Senate and Boards of Studies and other matters.
- 1.3 A printable version of the Statutes can be downloaded [here](#).

## 2. DEFINITIONS AND INTERPRETATION

- 2.1 In these Statutes the definitions and interpretation in this Clause 2.1 apply:

<b>Academic Electoral Assembly</b>	the academic electoral assembly of the University established under Statute 13.
<b>Academic Staff</b>	all University Staff who are employed at grade 7 or above to undertake teaching and/or research.
<b>the Act</b>	the Universities of Durham and Newcastle upon Tyne Act 1963.
<b>Appointed Council Member</b>	a member of the Council who is appointed by the Council.
<b>the Appointed Day</b>	1 August 1963.
<b>Boards of Studies</b>	the Boards of Studies of the University established under Statute 15.
<b>Canon Professor</b>	the role established under Statute 19 and appointed in accordance with the Regulations.
<b>Chancellor</b>	the role established under Statute 7.
<b>Charity Commission</b>	the registrar and regulator of registered charities in England and Wales.
<b>Chief Financial Officer</b>	the role established under Statute 10.
<b>Clause</b>	a provision in the Statutes.
<b>Co-opted Senate Member</b>	a member of the Senate co-opted to the Senate in accordance with Statute 4.
<b>Connected Person</b>	any person who would be considered connected to a member of the Council under section 188 Charities Act 2011.
<b>Convocation</b>	the convocation of the University established under Statute 16.
<b>the Council</b>	the governing body of the University established under Statute 3.
<b>Deputy to the Pro-Vice-Chancellor (Education)</b>	the person appointed from time to time to that role in accordance with the Regulations.

<b>Dean of Durham</b>	the dean of the Cathedral and during any vacancy in that office, shall be deemed to mean the role of vice-dean of the cathedral church of Durham or any person from time to time fulfilling the role of the dean on an interim basis.
<b>Dean of the Graduate School</b>	the person appointed from time to time to that role in accordance with the Regulations.
<b>Department</b>	an academic department devoted to a particular academic discipline.
<b>Deputy Vice-Chancellor and Provost</b>	the person appointed from time to time to that role in accordance with the Regulations.
<b>Director of CIS (Chief Information Officer)</b>	the person appointed from time to time to that role in accordance with the Regulations.
<b>Elected Senate Member</b>	a member of the Senate elected to the Senate in accordance with Statute 4.
<b>Endowed Libraries</b>	the charity known as Bishop Cosin's Library founded by a charter of 20 September 1669; and the charity known as the Maltby library consisting of the books, maps, engravings, prints and other pictures given or bequeathed by the Right Reverend Edward Maltby, Lord Bishop of Durham.
<b>Executive Faculty Dean</b>	the head of a Faculty
<b>Ex Officio Council Member</b>	a member of the Council designated as an ex officio member in accordance with Statute 3 .
<b>Ex Officio Lay Member</b>	the member of the Council designated as an ex officio Lay Member in accordance with Statute 3.
<b>Ex Officio Senate Member</b>	a member of the Senate designated as an ex officio member in accordance with Statute 4.
<b>Faculty</b>	a faculty of the University established under Statute 14.
<b>Head of Department</b>	the person or persons appointed from time to time to that role in accordance with the Regulations in relation to each Department.
<b>Head of Faculty</b>	the person or persons appointed from time to time to that role in accordance with the Regulations in relation to each Faculty.
<b>Lay Member</b>	an individual who is not a member of University Staff or a student of the University or any of its Recognised Colleges, being those members of the Council appointed in accordance with Clauses 3.6.2 a) and 3.6.3.
<b>Librarian</b>	the person appointed from time to time to that role in accordance with the Regulations.
<b>Lord Bishop of Durham</b>	the Lord Bishop of Durham for the time being.
<b>Maintained College</b>	a college maintained by the University as part of the University (having no separate legal identity), for so long

	as it shall continue to be maintained by the University and listed in the Regulations.
<b>Objects</b>	to advance education, learning and research for the public benefit.
<b>Office for Students</b>	the regulator of higher education in England.
<b>Officer</b>	an officer of the University as set out in the Regulations from time to time.
<b>Privy Council</b>	the formal body of advisers to the sovereign of the United Kingdom
<b>Pro Vice-Chancellor</b>	a person appointed from time to time to that role in accordance with the Regulations.
<b>Recognised College</b>	a college of the University recognised by the Council pursuant to the Regulations and listed in the Regulations .
<b>Regulations</b>	the regulations of the University adopted from time to time by the Council and, in relation to Senate matters following consultation with the Senate.
<b>Seal</b>	the common seal of the University.
<b>See of Durham</b>	the episcopal See of the Lord Bishop of Durham.
<b>Senate</b>	the Senate of the University established under Statute 4.
<b>Statutory Bodies</b>	the Council and/or the Senate as applicable
<b>Student Common Room</b>	a student common room of a relevant college established in accordance with Clause 21.4.
<b>Student Representatives</b>	those students appointed to the Senate in accordance with Clause 4.2.4.
<b>the Students' Union</b>	the organisation recognised by the Council for the representation of the students.
<b>Suffragan Bishop</b>	a suffragan bishop for the time being of the Diocese of Durham.
<b>SU President</b>	the president of the Students' Union.
<b>the University</b>	the University of Durham, including the Maintained Colleges (and societies).
<b>University Executive Committee</b>	the executive board, group or committee of the University established under the Regulations.
<b>University Human Resources Director</b>	the most senior person responsible for the Human Resources (HR) department.
<b>University Secretary</b>	the role established under Statute 9.
<b>University Staff</b>	employees of the University, including Academic Staff.

**Vice-Chancellor and Warden** the role established under Statute 8.

**Visitor** the Lord Bishop of Durham.

- 2.2 Each definition of a specific role, body or entity shall be deemed to include reference to such other title as the Council or any third party may decide from time to time to give that role, body or entity.
- 2.3 Words in the singular include the plural and words in the plural include the singular.
- 2.4 A reference to a gender shall include a reference to any other genders or shall be gender neutral, as appropriate.
- 2.5 As from the Appointed Day the University shall for every purpose be administered and governed wholly and exclusively in accordance with the provisions of the Act, these Statutes and the Regulations notwithstanding any existing acts of parliament, charters, statutes or orders in council relating to the University. In case of any inconsistencies between the Act and these Statutes and the Regulations, the Act and these Statutes shall prevail, followed by the Regulations.
- 2.6 Existing rules and Regulations of the University and of its constituent bodies made under the Statutes of the University established before the Appointed Day shall be superseded by these Statutes and any Regulations made pursuant to them.

### **3. THE COUNCIL**

- 3.1 There shall be a Council which is the body public and corporate incorporated by the Royal Charter granted to the University on 1 June 1837.
- 3.2 The members of the Council are the charity trustees and governing body of the University and shall have the custody, control and disposition of all its property and finances. They are ultimately responsible for the good management, administration and governance of the University and the delivery of the Objects.
- 3.3 The Council shall be responsible for the organisation of teaching and research, for the maintenance of discipline and for the regulation of the relations between the Council and the students and shall have such powers and responsibilities as are more particularly described in the Regulations. The Council may delegate such powers (or any of them) to the Senate from time to time.
- 3.4 A member of the Council or Connected Person may not receive a benefit in money or money's worth unless such benefit is either permitted by law, or falls within one of the exceptions below:
- 3.4.1 a member of the Council or Connected Person may purchase goods and/or services from the University on terms no more beneficial than they are offered to any other person;
  - 3.4.2 a member of the Council or Connected Person who is also University Staff may be remunerated as such;
  - 3.4.3 a member of the Council may be indemnified against personal liability out of the University's assets for any breaches of trust or duty to the extent permitted by law;
  - 3.4.4 a member of the Council or a Connected Person may receive charitable benefits in furtherance of the Objects; or
  - 3.4.5 a member of the Council or a Connected Person may receive any other remuneration or benefit but only if such remuneration or benefit has been authorised by an order of the Charity Commission and the Office for Students (where required).

- 3.5 The Council shall comply with all relevant Regulations, internal policies and guidelines and any regulatory codes in force from time to time before authorising a benefit to a member of the Council or a Connected Person under Clause 3.4, in particular any Regulations, policies and guidelines in force relating to conflicts of interest.
- 3.6 The Council shall consist of:
- 3.6.1 Ex Officio Council Members, being:
- (a) the Vice-Chancellor and Warden;
  - (b) the Deputy Vice-Chancellor and Provost;
  - (c) the SU President.
- 3.6.2 The Appointed Council Members, being:
- (a) one postgraduate nominated by the Students' Union;
  - (b) twelve Lay Members; and
  - (c) seven members of the University Staff, at least five of whom are to be Academic Staff and none of whom are to be serving members of the University Executive Committee; and
- 3.6.3 The Ex Officio Lay Member, being the Dean of Durham.
- 3.7 The Lay Members of the Council shall remain in the majority of the total number of members of the Council at all times and if vacancies arise, steps shall be taken promptly to appoint such number of Lay Members as is required to ensure a majority is maintained.
- 3.8 Subject to Clause 3.9, each Appointed Council Member shall be appointed for an initial term and shall be eligible for re-appointment, each in accordance with the Regulations. Nothing in this Clause shall affect the term of office of those Appointed Council Members in office on the date these Statutes are adopted.
- 3.9 A member of the Council shall vacate office in accordance with the Regulations.
- 3.10 The quorum necessary for the transaction of the Council's business shall be not fewer than one third of the Council (rounded up) and a majority of those present being Lay Members of the Council.
- 3.11 The Council shall appoint a Lay Member as chair and in their absence the chair shall be determined in accordance with the Regulations.
- 3.12 The Council shall otherwise conduct its business in accordance with the Regulations.

#### **4. THE SENATE**

- 4.1 There shall be a Senate.
- 4.2 The Senate shall consist of:
- 4.2.1 The Ex Officio Senate Members, namely:
- (a) The Vice-Chancellor and Warden;
  - (b) The Deputy Vice-Chancellor and Provost;

- (c) The Pro-Vice-Chancellors (as appointed by and in accordance with the Regulations from time to time);
- (d) The Executive Faculty Deans;
- (e) The Dean of the Graduate School;
- (f) The Heads of the Maintained Colleges and the Heads of the Recognised Colleges;
- (g) The Chairs of Boards of Studies (Heads of Departments);
- (h) The Librarian;
- (i) The Director of CIS (Chief Information Officer).

4.2.2 Elected Senate Members, namely a number of members equal to one-third of the Ex Officio Senate Members nominated and elected by the members of the Academic Staff who are not Ex Officio Senate Members:

4.2.3 Co-opted Senate Members, namely if the Senate so determine, not more than six members of the Senate to be appointed by co-option.

#### 4.2.4 Student Representatives

- (a) the SU President and one undergraduate and one postgraduate nominated by the Students' Union;

These three Student Representatives shall attend Senate meetings with the right to speak and to vote except on matters concerning 'reserved area business'. Such reserved areas shall be defined in the Regulations.

- (b) Two further students as defined in the Regulations;
- (c) One Student Representative from each of the four Faculties.

These six Student Representatives shall attend Senate meetings with the right to speak but not to vote.

- 4.3 The Senate shall operate under the authority delegated to it by the Council and shall inform and provide assurance to the Council regarding the University's academic standards, quality of education and research and perform any other functions the Council may determine from time to time.
- 4.4 Subject to Clause 4.5, each appointed or co-opted member of the Senate shall be appointed or co-opted for an initial term and may be eligible for re-appointment, each in accordance with the Regulations. Nothing in this Clause shall affect the term of office of those appointed or co-opted members of Senate in office on the date these Statutes are adopted.
- 4.5 A member of the Senate shall vacate office in accordance with the Regulations.
- 4.6 The quorum necessary for the transaction of the Senate business shall be one third of the total number of Senate members from time to time.
- 4.7 The Vice-Chancellor and Warden shall chair the Senate and in their absence the chair shall be determined in accordance with the Regulations.
- 4.8 The Senate shall otherwise conduct its business in accordance with the Regulations.

## **5. THE MEMBERSHIP**

5.1 The membership of the University from time to time, and the rights, duties and obligations of the University's members, shall be set down in the Regulations.

## **6. THE VISITOR**

6.1 There shall be a Visitor who shall exercise such powers and rights conferred to them under law, these Statutes and the Regulations.

6.2 The Visitor shall have the power to settle any disputes concerning these Statutes.

6.3 During any vacancy in the See of Durham for more than four weeks a Suffragan Bishop shall perform the duties of the Visitor for the duration of the vacancy.

## **7. THE CHANCELLOR**

7.1 There shall be a Chancellor who shall be appointed by Convocation and may be removed by the Council in accordance with the Regulations.

7.2 The Chancellor shall be the ceremonial head of the University and shall perform such functions as are further defined in the Regulations.

## **8. THE VICE-CHANCELLOR AND WARDEN**

8.1 There shall be a Vice-Chancellor and Warden who shall be appointed by the Council after consultation with the Senate and may be removed from office by the Council, as set out in the Regulations.

8.2 The Vice-Chancellor and Warden shall be responsible for the delivery of the overall strategic direction and performance of the University and shall be accountable to, and shall report to, the Council on the same in such manner as the Council shall determine.

## **9. THE UNIVERSITY SECRETARY**

9.1 There shall be a University Secretary who shall be appointed and removed by the Council in accordance with the Regulations.

9.2 The University Secretary is responsible for the provision of operational governance and legal advice to the Council in relation to compliance with the Statutes and the Regulations and shall perform such duties as the Council determines, consulting with the Senate where a matter relates to the business of the Senate. The University Secretary shall be secretary to the Council and the Senate.

## **10. THE CHIEF FINANCIAL OFFICER**

10.1 There shall be a Chief Financial Officer of the University who shall be appointed and removed by the Council in accordance with the Regulations.

10.2 The Chief Financial Officer shall be responsible for the delivery of the financial business of the University, and such other matters as may be determined by the Vice-Chancellor and Warden, and shall be accountable and report to the Council on matters of financial health, solvency, financial stewardship and probity.

## **11. OTHER OFFICER POSTS**

11.1 Other Officer posts may from time to time be determined by the Council and set out in the Regulations.



## **12. COLLEGES AND SOCIETIES**

- 12.1 Maintained Colleges of the University shall be established and maintained by the Council as part of the University as described in the Regulations.
- 12.2 The Council shall recognise the Recognised Colleges of the University in accordance with the Regulations.

## **13. ACADEMIC ELECTORAL ASSEMBLY**

- 13.1 There shall be an Academic Electoral Assembly consisting of all Academic Staff, other than those who are Ex Officio Senate Members, together with such other staff as shall be defined in the Regulations.
- 13.2 The Academic Electoral Assembly shall conduct its business in accordance with the Regulations.

## **14. FACULTIES**

- 14.1 There shall be Faculties, determined by the Council in consultation with the Senate, that shall each be an aggregate of areas of academic activity, providing support and oversight to those areas, subject to the powers delegated by the Council to the Senate.
- 14.2 Further detail of the role of Faculties may be set out in the Regulations.
- 14.3 The Council on the recommendation of the Senate may approve any changes to the role, structure or composition of a Faculty.

## **15. BOARDS OF STUDIES**

- 15.1 There shall be Boards of Studies in such subjects or combination of subjects as approved by the Council on the recommendation of the Senate. Each Board of Studies shall advance the academic subject area it represents both inside and outside the University, and shall foster and develop a community of scholars committed to this common endeavour.
- 15.2 Further detail of the role of Boards of Studies may be set out in the Regulations.
- 15.3 The Council on the recommendation of the Senate may approve any changes to the role, structure or composition of a Board of Studies.

## **16. CONVOCATION**

- 16.1 There shall be a Convocation which shall be responsible for appointing the Chancellor on the nomination of the Council and the Senate in joint session and which shall receive an annual report on the University.
- 16.2 The membership and role of Convocation shall be as set out in the Regulations.
- 16.3 The quorum of Convocation shall be twenty members.

## **17. MATRICULATION AND GRADUATION CEREMONIES**

- 17.1 Matriculation of the University for enrolling students into the University shall be held in a manner approved by the Senate and shall be presided over by the Vice-Chancellor and Warden or, in their absence, in accordance with the Regulations.
- 17.2 Graduation from the University for the conferring of degrees or other academic purposes shall be held in a manner approved by the Senate and shall be presided over by the Chancellor or, in their absence, in accordance with the Regulations.

## **18. MEETINGS OF THE ACADEMIC STAFF**

- 18.1 The Vice-Chancellor and Warden may call meetings of all members of the academic staff. The Vice-Chancellor and Warden shall call and attend such a meeting if requested in writing by at least one hundred members of the academic staff.
- 18.2 Any matter of interest to the University may be discussed at all meetings of the academic staff held under this Statute, and their representations shall be forwarded to such one or more of the Statutory Bodies as the meeting considers appropriate.

## **19. THE APPOINTMENT OF OFFICERS AND UNIVERSITY STAFF**

- 19.1 This Statute shall apply to all University Staff.
- 19.2 The Council shall ensure that there are in place procedures for the recruitment and selection of University Staff. Such procedures shall be set out in Regulations.
- 19.3 In determining the procedures to be adopted under Clause 19.2, the Council shall apply the following guiding principles:
- 19.3.1 recruitment and selection shall take place in accordance with the University's equal opportunities and recruitment policies;
  - 19.3.2 there shall be an accountable officer responsible for the conduct of each assessment process;
  - 19.3.3 selection shall be based on merit and ability to do the job;
  - 19.3.4 those involved in the assessment process shall be determined with due regard to diversity and the experience and knowledge of the subject or work involved;
  - 19.3.5 those involved in appointment decisions must be able to demonstrate they have the necessary skills and experience regarding recruitment & selection;
  - 19.3.6 there shall be external assessment for the most senior positions; and
  - 19.3.7 University Staff may not unfairly seek to influence the outcome of recruitment or selection. Where University Staff have been involved in recruitment or selection, they may not then put themselves forward for consideration.
- 19.4 Any Regulation made to complement and/or augment this section shall be construed in every case to give effect to the guiding principles in Clause 19.3.
- 19.5 There shall be one or more Canon Professor(s) whose appointment shall be as set out in the Regulations.

## **20. UNIVERSITY STAFF**

- 20.1 This Statute shall apply to all University Staff.
- 20.2 The Council shall ensure that in respect of all University Staff (other than the Vice-Chancellor and Warden, in respect of whom separate provision is made) there are in place procedures (and, where appropriate, Regulations) for:
- 20.2.1 the handling of disciplinary cases, including the dismissal of such University Staff by reason of misconduct and for appeals against disciplinary action;
  - 20.2.2 the dismissal of such University Staff by reason of redundancy and appeals against such dismissals;

- 20.2.3 the dismissal of such University Staff (following confirmation in post after their probationary period) by reason of unsatisfactory performance and appeals against such dismissals;
  - 20.2.4 the dismissal of such University Staff on the grounds of ill health or medical incapacity and appeals against such dismissals;
  - 20.2.5 the review of performance and progress of such University Staff during any probationary period to which the appointment or employment is subject, and for the dismissal of such University Staff during or at the end of their probationary period in the event of unsatisfactory progress or performance;
  - 20.2.6 the dismissal of such University Staff for some other substantial reason other than the reasons specified in sub-Clauses 20.2.1 to 20.2.5 above;
  - 20.2.7 the removal of University Staff from any role that is not defined within a member of University Staff's substantive contract of employment by reason of unsatisfactory performance or misconduct and appeals against such removal; and
  - 20.2.8 the handling of grievances raised by University Staff.
- 20.3 In determining the procedures (and, where appropriate, Regulations) to be adopted under Clause 20.2, the Council shall apply the following guiding principles:
- 20.3.1 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<sup>1</sup>;
  - 20.3.2 to enable the University to deliver the University's mission and associated activities efficiently and economically;
  - 20.3.3 to apply the principles of justice and fairness;
  - 20.3.4 to apply procedures so that complaints may be resolved at as early a stage as possible and within a reasonable timescale;
  - 20.3.5 to allow University Staff to be accompanied at all stages of procedures by a Durham University work colleague or recognised trade union representative; and
  - 20.3.6 to allow provision for the right of appeal in all procedures.
- 20.4 In keeping with the principle in Clause 20.3.1, appeals against the dismissal of a member of Academic Staff shall be heard by a panel which comprises three individuals of appropriate seniority not previously involved in the case.

## **21. STUDENT ORGANISATIONS**

- 21.1 There shall be a Students' Union of which all students may be members. It shall represent and promote the general interests of the generality of students of the University.
- 21.2 The Students' Union shall be known as "Durham Students' Union" (or such other name as it may decide from time to time in accordance with its constitution). The University is the establishment to which Part II of the Education Act 1994 applies in relation to the Students' Union which shall operate as a separate charity, but whose constitution shall be approved by the University.

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<sup>1</sup> This definition of academic freedom reflects the definition of academic freedom used to describe the function of a University Commissioner under section 202 Educational Reform Act 1988

21.3 The role of the Students' Union shall be to represent University students both to the University and externally as required and to provide services to students, as set out in its constitution.

21.4 In each Maintained College, Recognised College or society, there shall be a Student Common Room or equivalent body or bodies as more particularly described in the Regulations.

## **22. ENDOWED LIBRARIES**

22.1 Provisions relating to the Endowed Libraries of the University shall be set out in the Regulations.

## **23. PROCEDURE**

23.1 Conflicts of interest: The University shall adopt Regulations setting out how the Council and any other relevant body shall manage conflicts of interest.

23.2 Seal: The Council shall provide for the safe custody of the Seal which shall be used only on the authority of the Council, or of a committee of the Council, authorised by the Council . The Seal shall be held within the University Secretary's office. Every instrument to which the Seal shall be affixed shall be signed by a member of the Council and shall be countersigned by the University Secretary, or by a second member of the Council, or by some other person appointed by the Council for that purpose. Otherwise, documents shall be executed for and on behalf of the University in accordance with applicable legislation, rules and regulations.

## **24. AMENDMENT OF STATUTES**

24.1 Subject to Clause 24.2, the Council may, after consultation with the Senate, make, alter, add to or repeal any of these Statutes (except this Statute).

24.2 No Statute or part of a Statute made under this Statute shall have effect until it has been approved by His Majesty in council.

24.3 Notwithstanding anything contained in the Statutory Instruments Act 1946, the provisions of that Act shall not apply to an order in council or other document approving a Statute or part of a Statute made under this Statute.

24.4 The Council may establish, amend and revoke such of its Regulations as it thinks fit from time to time and shall consult with Senate on Regulations which relate to Senate.

## **25. DISSOLUTION**

25.1 The University may by resolution surrender its Royal Charter of 1 June 1837 and dissolve itself in such manner as it shall think fit and in doing so shall comply with all applicable legislation in force at that time.

25.2 If upon the dissolution of the University there remains after the satisfaction of all debts or liabilities any assets, the same shall be applied in one of the following ways as determined by the Council:

25.2.1 by transfer to one or more other bodies established for exclusively charitable purposes within, or the same as or similar to the Objects;

25.2.2 directly for the Objects or for charitable purposes which are within or similar to the Objects; or

25.2.3 in such other manner consistent with charitable status as the Privy Council approved in writing in advance.

25.3 Nothing in this Statute 25 shall apply in relation to assets held by the University subject to special trusts, which shall continue to be held subject to the terms of those special trusts and the

University shall appoint an alternative trustee(s) in respect of the special trusts, subject to any third party consents as may be required from time to time.