



At the Council Chamber, Whitehall

THE 8th DAY OF OCTOBER 2019

BY THE LORDS OF HER MAJESTY'S MOST HONOURABLE
PRIVY COUNCIL

The Privy Council has allowed amendments to the Statutes of the University of Stirling as set out in the Schedule to this Order.

Ceri King

SCHEDULE

AMENDMENTS TO THE STATUTES OF THE UNIVERSITY OF STIRLING

1. In Statute 1:

(a) *delete* definition “Students” and *substitute*:

““Students” means persons registered by the University for the purposes of obtaining a named award by full-time or part-time study or research, including those elected to sabbatical office with the Students’ Association”;

(b) after definition “Officers” *insert* a new definition:

““Chair of Court” means the person elected as senior lay member of Court in accordance with the Higher Education Governance (Scotland) Act 2016.”;

(c) in definition “Academic Staff”:

(i) after “Professors,” *delete* “Librarian, Readers,” and *substitute* “Associate Professors,”;

(ii) after “Senior Lecturers” *insert* “, Senior Research Fellows”;

(iii) before “of the University” *insert* “, Research Fellows, Research Assistants”;

- (iv) after “any post with” *insert* “substantial”;
- (d) after the definition of “Members of Staff” *insert* a new definition:

““Professional Services Staff” means any Members of Staff carrying out specialist, operational, administrative or technical duties in the University and who are not Academic Staff.”.
- 2. In Statute 3 *delete* paragraph “5” and *renumber* paragraphs 6 to 8 as 5 to 7.
- 3. In Statute 7:
 - (a) in paragraph 4, after “performance of” *delete* “his, her, or”;
 - (b) in paragraph 5:
 - (i) before “vacate the appointment” *delete* “shall die or resign or otherwise”;
 - (ii) before “their place for” *delete* “his, her, or”.
- 4. *Delete* Statute 9 and *substitute*:

“9. The Court

- 1. The Court shall consist of the following persons, namely:
 - (a) The Chair of Court elected in accordance with paragraph 9(2).
 - (b) The Principal.
 - (c) The Senior Deputy Principal.
 - (d) The Provost of Stirling Council.
 - (e) Two students nominated by the Students’ Association.
 - (f) One member appointed from among the membership of any body established by Ordinance under Article 16 of the Charter on the recommendation of a Committee established by Ordinance.
 - (g) Up to eleven members appointed by the Court on the recommendation of a Committee (established by Ordinance the remit of which includes the making of recommendations for the appointment of members of Court).
 - (h) Three members of academic staff nominated by the Academic Council from among its own number.
 - (i) One member of Academic Staff elected by the Members of Staff of the University.
 - (j) One member of Professional Services Staff elected by the Members of Staff of the University.
 - (k) One member of Academic Staff nominated by a trade union that has a connection with the University.

- (l) One member of Professional Services Staff nominated by a trade union that has a connection with the University.
2. The Court shall prescribe by Ordinance:
 - (a) the nomination and election processes for appointment of the members of Court specified in paragraphs 9(1)(e), (f), (h), (i), (j), (k) and (l); and
 - (b) subject to the Higher Education Governance (Scotland) Act 2016, the process of appointment of the Chair of Court.
3. The Court shall appoint a member of the Court drawn from those under paragraphs 9(1)(f) and (g) as Vice-Chair who, in the absence of the Chair of Court, shall preside at meetings and exercise any other relevant functions. In the absence of both from a meeting, the Court shall elect one of its members to preside for that meeting.
4. Of the members of the Court referred to in paragraph 9(1) above:
 - (a) the individual in paragraph 9(1)(a) shall hold office for four years and shall be eligible for re-appointment for a second term of four years but shall not serve for more than two periods of four years consecutively.
 - (b) those in paragraphs 9(1)(b), (c) and (d) shall hold office so long as they shall continue to occupy the positions named respectively;
 - (c) those in paragraphs 9(1)(h), (i), (j), (k) and (l) shall hold office for four years and shall be eligible for re-appointment but they shall not serve for more than two such periods of four years consecutively;
 - (d) those in paragraphs 9(1)(f) and (g) shall hold appointment for three years and shall be eligible for re-appointment but shall not serve for more than three periods of three years consecutively;
 - (e) those in paragraph 9(1)(e) shall hold office for one year and shall be eligible for re-appointment but shall not serve for more than two periods of one year consecutively;
 - (f) those in paragraphs 9(1)(a), (d), (f) and (g) shall be persons other than Members of Staff or students of the University.
5. Any member of the Court, other than those in paragraphs 9(1)(b), (c) and (d), may resign by writing addressed to the Court.
6. The Court shall have all such powers as are necessary for the discharge of its functions as they are defined in the Charter and in these Statutes, including the following:
 - (a) To govern, manage and regulate the finances, accounts, investments, property, business and all affairs whatsoever of the University and for that purpose to appoint bankers and any staff

or agents whom it may deem expedient to appoint and to cause books of account to be kept in such manner as to give a true and fair view of the state of the University's affairs and to explain its transactions.

- (b) To invest any moneys belonging to the University in such stocks, funds, fully paid shares or securities as the Court shall from time to time think fit whether within the United Kingdom of Great Britain and Northern Ireland or not or in the purchase of heritable subjects in the United Kingdom including feu duties or rents: Provided that in the case of moneys held by the University as Trustees the powers conferred by this sub-paragraph shall be exercised subject to the provisions of the law relating to investments by trustees.
- (c) To sell, buy, take on feu, exchange, lease and accept leases of any property, heritable or moveable, real or personal, on behalf of the University.
- (d) To provide the buildings, premises, furniture and equipment and other means required for carrying on the work of the University.
- (e) To borrow money on behalf of the University and for that purpose to grant security over, mortgage or charge all or any part of the property of the University, whether heritable or moveable, real or personal, unless the conditions of any Will, Deed of Trust or other similar instrument are thereby contravened and to give such other security whether upon any such property or otherwise as the Court may think fit.
- (f) To enter into, vary, carry out and cancel contracts on behalf of the University.
- (g) To make provision for schemes of superannuation, pensions or retirement benefits for Members of Staff or their dependents.
- (h) To provide for the welfare of the students of the University.”.

5. In Statute 10:

- (a) in paragraph 1 after “Ordinances” *insert* “in accordance with the Higher Education Governance (Scotland) Act 2016”;
- (b) in paragraph 2:
 - (1) *delete* paragraph “Provided that the Academic Council may delegate” and *substitute*:

“Provided that the Academic Council may delegate the whole or any part of this power to a Discipline Committee, the composition of which shall be prescribed by Ordinance, provided that its members include staff representatives and a student representative and that these members are appointed in accordance with procedures prescribed by the said Ordinance.”;

- (2) in paragraph “Provided also that before exercising” after “prescribed by Ordinance,” *delete* “which shall include the right of the student to be heard in person, to be represented at a hearing,”;
- (3) in paragraph “Provided also that in the case of offences” after “specified by Ordinance” *delete* “or to a committee of students,”;
- (4) in sub-paragraph (iii) *delete* “.” and *insert* “.”;
- (5) after sub-paragraph (iii) *insert* new sub-paragraph:
“(iv) other powers prescribed by the said Ordinance.”;
- (6) in paragraph “The procedures under” *delete* “(iii)” and *substitute* “(iv)”.

6. In Statute 12:

- (a) in paragraph 2 after “paragraph” *delete* “1” and *substitute* “12(1)”;
- (b) *delete* paragraph 3 and *substitute*:

“3. The Chair of Court shall be an ex-officio member of every Committee or Joint Committee of the Court other than the Audit Committee. The Principal shall be an ex-officio member of every Committee or Joint Committee of the Court other than the Audit Committee and Remunerations Committee.”.

7. In Statute 16:

- (a) *delete* paragraph 1 and *substitute*:

“1. Court may remove:-
(a) any member of Court;
(b) any member of the University appointed by the Court to a designated Office; or
(c) any person appointed by Court (or other appointing body) to membership of any body,

for good cause (as defined in paragraph 16(2) below), by way of a resolution approved by not less than two thirds of the Court present and voting, not including the member who is the subject of the resolution. In the case of a member of Court, the member being removed shall have the opportunity to request a review in order to have the decision to remove them reconsidered or quashed.”;

- (b) in paragraph 2:
- (i) in sub-paragraph (a) after “duties of” *delete* “his or her” and *substitute* “their”;
 - (ii) *delete* sub-paragraph (b) and *substitute*:
 - “(b) Failure or persistent neglect to perform properly the duties of their office; or”;
 - (iii) in sub-paragraph (c) *delete* “his or her” wherever it appears and *substitute* “their” and after “office” *delete* “.” and *substitute* “; or”;
 - (iv) *insert* new sub-paragraphs (d) and (e):
 - “(d) Subject to the Court paying due regard to the Equality Act 2010 the person is, or may be, suffering from physical or mental incapacity and an order is made by a court having jurisdiction (whether in the United Kingdom or elsewhere) in matters concerning mental disorder for their detention or for the appointment of a receiver, curator bonis, guardian or other person to exercise powers with respect to their property or affairs or which wholly or partly prevents that person from personally exercising any powers or rights which that person would otherwise have; or
 - (e) Misconduct (whether or not in the capacity of their office).”;
 - (v) *renumber* paragraph 3 as 4;
 - (vi) *insert* new paragraph 3:
 - “3. Any member of the Court shall be automatically deemed to vacated and removed from any office held by them on the occurrence in relation to that member of Court of any of the following:-
 - (a) they become prohibited by law from being a charity trustee; or
 - (b) they become bankrupt or make any arrangement or composition with their creditors generally.”;
 - (vii) in renumbered paragraph 4 after “terms of” *delete* “his” and *substitute* “their” and after “University” *insert* “appointed by Court”.

8. In Statute 17:

- (a) in the heading *delete* “Academic” and *substitute* “University”;
- (b) after “employment of its” *delete* “Academic” and *insert* “Members of”.