

UNIVERSITIES ACT 1997

UNIVERSITY COLLEGE CORK – NATIONAL UNIVERSITY OF IRELAND, CORK

PRINCIPAL STATUTE

*adopted by the Governing Body at its meeting on 20 October 2009
and as amended by:*

*Amending Statute 1, adopted by the Governing Body on 14 December, 2010 and
Amending Statute 2, adopted by the Governing Body on 13 December, 2011 and
Amending Statute 3, adopted by the Governing Body on 17 December, 2013 and
Amending Statute 4, adopted by the Governing Body on 17 June, 2014 and
Amending Statute 5, adopted by the Governing Body on 16 December, 2014 and
Amending Statute 6, adopted by the Governing Body on 16 December, 2014 and
Amending Statute 7, adopted by the Governing Body on 14 June, 2016 and
Amending Statute 8, adopted by the Governing Body on 11 April, 2017 and
Amending Statute 9, adopted by the Governing Body on 31 October, 2017 and
Amending Statute 10, adopted by the Governing Body on 17 April, 2018 and
Amending Statute 11, adopted by the Governing Body on 29 October 2019 and
Amending Statute 12, adopted by the Governing Body on 7 April 2020 and
Amending Statute 13, adopted by the Governing Body on 12th September and 24th
October 2023 with effect from 2nd November 2023.*

The Principal Statute

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I.1 . The National University of Ireland.

Chapter A: The University.

A.1. Name.

The name of the University is, in the English language, University College Cork – National University of Ireland, Cork and, in the Irish language, Coláiste na hOllscoile Corcaigh – Ollscoil na hÉireann, Corcaigh.

A.2. Objects.

The objects of the University as provided in Section 12 of the Universities Act 1997 include:

- (a) to advance knowledge through teaching, scholarly research and scientific investigation,
- (b) to promote learning in its student body and in society generally,
- (c) to promote the cultural and social life of society, while fostering and respecting the diversity of the University's traditions,
- (d) to foster a capacity for independent critical thinking amongst its students,
- (e) to promote the official languages of the State, with special regard to the preservation, promotion and use of the Irish language and the preservation and promotion of the distinctive cultures of Ireland,
- (f) to support and contribute to the realisation of national economic and social development,
- (g) to educate, train and retrain higher level professional, technical and managerial personnel,
- (h) to promote the highest standards in, and quality of, teaching and research,
- (i) to disseminate the outcomes of its research in the general community,
- (j) to facilitate lifelong learning through the provision of adult and continuing education, and
- (k) to promote gender balance and equality of opportunity among students and employees of the University.

A.3. Functions.

As provided in Section 13 of the Universities Act 1997, the functions of the University are to do all things necessary or expedient, in accordance with the law, to further the objects and development of the University. Without limiting the generality of this, the University:

- (a) shall provide courses of study, conduct examinations and award degrees and other qualifications,

- (b) shall promote and facilitate research,
- (c) may establish by incorporation in the State or elsewhere, or participate in the establishment of, such trading, research or other corporations as it thinks fit for the purpose of promoting or assisting, or in connection with the functions of, the University,
- (d) may collaborate with educational, business, professional, trade union, Irish language, cultural, artistic, community and other interests, both inside and outside the State, to further the objects of the University,
- (e) shall maintain, manage and administer, and may dispose of and invest, the property, money, assets and rights of the University,
- (f) may collaborate with graduates, convocations of graduates and with associations representing graduates of the University both inside and outside the State,
- (g) may purchase or otherwise acquire, hold and dispose of land or other property, and
- (h) may accept gifts of money, land or other property on the lawful trusts and conditions, if any, specified by the donor.

A.4. Membership.

The members of the University are:

- (a) the members of the Governing Body,
- (b) the members of the Academic Council,
- (c) the University's employees,
- (d) the University's students,
- (e) the University's graduates, including those who graduated from the National University of Ireland as a result of their studies at University College Cork before it attained the status of a university, and
- (f) any other persons that the Governing Body may appoint to be members.

A.5. Academic freedom.

A.5.a. Promotion of academic freedom. The University, in performing its functions shall:

- (1) have the right and responsibility to preserve and promote the traditional principles of academic freedom in the conduct of its internal and external affairs, and
- (2) be entitled to regulate its affairs in accordance with its independent ethos and traditions and the traditional principles of academic freedom, and in doing so it shall have regard to the promotion and preservation of equality of opportunity and access, the effective and efficient use of resources, and its obligations as to public accountability,

and if, in the interpretation of the statutes, there is a doubt regarding the meaning of any provision, a construction that would promote that ethos and those traditions and principles shall be preferred to a construction that would not so promote.

A.5.b. Academic staff. A member of the academic staff of the University shall have the freedom, within the law, in his or her teaching, research and any other activities either in or outside the University, to question and test received wisdom, to put forward new ideas and to state controversial or unpopular opinions, and shall not be disadvantaged, or subject to less favourable treatment by the University, for the exercise of that freedom.

Chapter B: Governing Body.

B.1. Object and functions.

B.1.a. Performance of University functions. In accordance with Section 15 of the Universities Act 1997, the functions of the University shall be performed by or on the directions of the Governing Body. All acts and things done by the Governing Body, or with its express or implied authority in the name of or on behalf of the University, shall be deemed to have been done by the University.

B.1.b. Functions of Governing Body.

B.1.b.1

Pursuant to Section 18 of the Universities Act 1997 (as amended by Section 77 of the Higher Education Authority Act 2022), the functions of the Governing Body shall be, in pursuance of the objects of the University but within the constraints of its budget:

- (1) to control and administer the land and other property of the University,
- (2) to appoint the President and such other employees as it thinks necessary for the purposes of the University,
- (3) to determine the membership of the Governing Body, subject to the general law and to the charter and statutes, and
- (4) to perform such other functions as are imposed on it by or under any law or by the University's charter and statutes.

The Governing Body shall—

- (a) promote the success (including academic success) and reputation of the University,
- (b) satisfy itself that appropriate systems, procedures and practices are in place—
 - (i) to achieve the objects of the University,
 - (ii) for the internal performance management and accountability of the University in respect of—
 - (I) the performance of its functions, and
 - (II) the achievement of the aims in the University's Strategic Plan (as developed in accordance with Section 34 of the Universities Act 1997),and
 - (iii) in order to implement, and report on compliance with, the policies (whether set out in codes, guidelines or other documents, or any combination thereof) of the Government or a Minister of the Government to the extent that those policies may affect or relate to the functions of the University,and
- (c) establish and implement arrangements for the management of the performance of the President.

B.1.b.2

Without prejudice to the generality of Section B.1.b.1 above, the Governing Body shall perform the following functions with regard to the University:

- (a) approve expenditure for major capital and investment projects;
- (b) approve annual financial statements;
- (c) provide for and maintain a system of audit;
- (d) provide for and maintain a system of risk management;
- (e) provide for and maintain a system of quality assurance in accordance with the Qualifications and Quality Assurance (Education and Training) Act 2012 ;
- (f) review and oversee the implementation of major plans of action and provide strategic direction;
- (g) delegate such functions as may be appropriate to the President;
- (h) manage the financial affairs of the University to ensure value for money and its financial viability;
- (i) account to the Higher Education Authority for funding provided to the University by the Authority.

B.1.c. Relevant considerations. In performing its functions the Governing Body, or a committee where appropriate, shall:

- (1) have regard to the promotion and use of the Irish language as a language of general communication, and promote the cultivation of the Irish language and its associated literary and cultural traditions,
- (2) have regard to the attainment of gender balance and equality of opportunity among the students and employees of the University, and shall, in particular, promote access to the University and to university education by economically or socially disadvantaged people and by people from sections of society significantly under-represented in the student body, and
- (3) ensure as far as it can that the University contributes to the promotion of the economic, cultural and social development of the State, and to respect for the diversity of values, beliefs and traditions in Irish society.

B.2. Composition.

In accordance with Section 16 of the Universities Act (as substituted by Section 73 of the Higher Education Authority Act 2022), the members of the Governing Body shall be:

- (a) the Chairperson, who shall be an external person, appointed by the Governing Body.

The selection of the Chair (who shall be an external member of Governing Body) shall be specified in a process approved by the Governing Body. Appointment of the Chair shall be by a majority vote of not less than two-thirds of the Governing Body's members.

The Governing Body may establish such committee(s) as it thinks necessary to assist it in the performance of its functions in the selection and appointment of the Chair and may assign to such committee(s) such of its functions as it thinks fit in this respect.

An external member nominated as Chair shall be obliged to meet the requirements of a competency framework for the role of Chair which is established by the Governing Body and in effect as at the date of the selection of the external member for appointment to Governing Body.

- (b) the President (ex-officio),
- (c) five internal members comprised as follows:

Elected Internal Members (3 individuals)

- i. two permanent staff members of the academic staff of the University (which comprises all Professors, Professors (Scale 2), Senior Lecturers and Lecturers), elected by the permanent staff of that cohort of academic staff, of which, one elected academic staff member shall be the candidate who has obtained the highest number of votes in the election (the "First Elected Candidate") and one shall be the candidate who has obtained the next highest number of votes in the election that is of a different gender expression/identity category to the First Elected Candidate (and for the purposes of this section, "different gender expression/identity category" shall refer to the category as indicated by the candidate on their nomination paper) . The process for filling of any casual vacancy arising in this category of internal membership shall be specified in a Regulation of Governing Body and shall preserve the distribution of membership across different gender expression/identity categories in this staff category.
- ii. a permanent member of the professional, administrative, support or other staff of the University who is not in an academic post, elected by the permanent staff of that cohort.

The process of election of members in categories i to ii above shall be specified in a Regulation of Governing Body.

Selected Internal Members (2 individuals)

- iii. a permanent senior researcher in the University (who may be a researcher, an academic staff member or an administrative/professional staff member), selected by Governing Body from individuals in the research community of the University. The process of selection of the senior researcher staff member shall be specified in a Regulation of Governing Body and the Governing Body may establish such committee(s) as it thinks necessary to assist it in the performance of this function and may assign to such committee(s) such of its functions as it thinks fit in this respect.
- iv. a permanent senior academic staff member (who shall be a Professor or Professor (Scale 2)), selected by Governing Body from individuals in the academic community of the University. The process of selection of the senior academic staff member shall be specified in a Regulation of Governing Body and the Governing Body may establish such committee(s) as it thinks necessary to assist it in the performance of this function and may assign to such committee(s) such of its functions as it thinks fit in this respect.

In selecting the members in categories iii and iv aforesaid, the Governing Body (and any relevant Committee established by Governing Body aforesaid) shall have regard to the outcome of the election process for categories i and ii above, in respect of the overarching objective that not less than 40 per cent of the members of the Governing Body shall be women and not less than 40 per cent of them shall be men.

In order to be eligible to be selected in categories iii or iv above, a candidate/individual shall be obliged to meet the requirements of the Skills, Experience and Competency Framework (“Competency Framework”) established by the Governing Body and in effect as at the date of call for expressions of interest for selection. A candidate elected to Governing Body in categories i or ii above shall complete the Competency Framework assessment on their election to Governing Body.

- (d) six external members, being individuals suitable for appointment as such an external member by reason of their possessing knowledge of, and experience in, matters connected with the objects and functions of the University to enable them to make a substantial contribution to the effective and efficient performance of those functions.

An external member shall be obliged to meet the requirements of the Competency Framework established by the Governing Body and in effect as at the date of the selection of the external member for appointment to Governing Body.

The process of selection of external members shall be specified in a Regulation of Governing Body and the Governing Body may establish such committee(s) as it thinks necessary to assist it in the performance of this function and may assign to such committee(s) such of its functions as it thinks fit in this respect.

In selecting the external members aforesaid, the Governing Body (and any relevant Committee established by Governing Body aforesaid) shall have regard to the objectives as stated in Section 16(7)(a) of the Universities Act 1997 that:

- (a) not less than 40 per cent of the members of the Governing Body shall be women and not less than 40 per cent of them shall be men, and
 - (b) the membership of the Governing Body shall broadly reflect the composition of Irish society, including persons who are competent in the Irish language.
- (e) three external members nominated by the Minister for Further and Higher Education, Research, Innovation and Science, being individuals suitable for appointment as such an external member by reason of their possessing knowledge of, and experience in, matters connected with the objects and functions of the University to enable them to make a substantial contribution to the effective and efficient performance of those functions.
- (f) Three Students' Union representatives, appointed by the Governing Body following a process, established by the Students' Union, of election or selection from the officers of the Students' Union. The process of election or selection of the Students' Union representatives shall be established by the Students' Union and codified in a Regulation of Governing Body.

A register shall be maintained, containing the name and address of each Member.

An "internal member" of Governing Body (as defined in Section 16 of the Universities Act 1997, as amended), other than an ex officio member, (a) shall be appointed to Governing Body for such period not exceeding four (4) years as the Governing Body may determine prior to the date of issue of notice of election for that internal member position (in the case of elected internal members) or on appointment (in the case of the selected senior researcher staff member and selected senior academic staff member); and (b) may not serve more than two (2) consecutive terms of office or in any event for a cumulative period of terms of office exceeding eight (8) years.

In respect of selected internal members such periods may however, be modified under Section 23A of the Universities Act 1997 (as inserted by Section 78 of the Higher Education Authority Act 2022).

An “external member” of Governing Body (as defined in Section 16 of the Universities Act 1997, as amended) (a) shall be appointed as such a member for such period not exceeding 4 years as the Minister or the Governing Body, as the case may be, determines upon the nomination for appointment or appointment, as may be appropriate; and (b) may not serve more than 2 consecutive terms of office or in any event for a cumulative period of terms of office exceeding eight (8) years.

In determining the terms of office for elected internal members or selected internal/external members, Governing Body shall endeavour to balance the need for incremental periodic rotation of membership with the need to ensure adequate continuity of institutional knowledge on the Governing Body during changes of membership.

Where a member of the Governing Body:

- (a) is adjudicated bankrupt,
- (b) makes a composition or arrangement with creditors,
- (c) is sentenced by a court of competent jurisdiction to a term of imprisonment,
- (d) is convicted of any indictable offence in relation to a company or any other body corporate,
- (e) is convicted of an offence involving fraud or dishonesty,
- (f) has a declaration under section 819 of the Companies Act 2014 made against him or her or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act, or
- (g) is subject or is deemed to be subject to a disqualification order, within the meaning of Chapter 4 of Part 14 of the Companies Act 2014 , whether by virtue of that Chapter or any other provision of that Act,

that individual shall thereupon cease to be a member of the Governing Body.

B.3. Powers and procedures.

B.3.a. Powers generally.

The Governing Body has, subject to the Universities Act 1997 (as amended) and any other applicable legislation, such powers as are necessary for the purposes of performing its functions.

Without limiting the foregoing, the Governing Body shall have the power under Section 18A of the Universities Act 1997 (as inserted by Section 77 of the Higher Education Authority Act 2022) to appoint a reviewer to review any matter in respect of which the Governing Body has concerns relating to the governance, or the performance of the functions of the University.

B.3.b. Co-operation and assistance. The Governing Body shall have power to require the co-operation or assistance of any teaching, research or administrative officer of the University in such reasonable ways as it may prescribe, for the better maintenance of discipline and good conduct among the students or for the general business of the University.

B.4. Committees of Governing Body.

B.4.a. In accordance with Section 18(4) of the Universities Act 1997, the Governing Body may, from time to time, appoint such and as many committees, consisting either wholly or partly of its own members, as it thinks necessary to assist it in the performance of its functions, and may assign to those committees such of its functions as it thinks fit.

B.4.b. The following principles shall be applied to all committees of Governing Body formed pursuant to section B.4.a. above:

- i. A committee of Governing Body is established primarily to assist Governing Body in its oversight role to ensure that the University's Strategic Plan is delivered, that the legal and compliance obligations to which the University is subject are adhered to and to ensure the long term sustainability of the University.
- ii. A committee of Governing Body's terms of reference shall be as approved by Governing Body from time to time and shall set out the functions, powers, responsibilities, membership and remit of the committee.
- iii. The Chair of a committee of Governing Body shall be as approved by Governing Body, on the nomination of the President and the Chair of Governing Body.
- iv. Governing Body should, where possible, delegate tasks to the Governing Body committee(s) with the relevant remit for such tasks.
- v. Unless otherwise provided in a committee's terms of reference, the Chair of a committee of Governing Body shall provide a report of the committee's activities to each meeting of Governing Body.
- vi. Attendance at meetings of a committee of Governing Body shall be monitored and a member of a committee of Governing Body who is absent from all meetings of that committee for a period of six consecutive months, unless the absence was due to illness or was approved by the Chair of the committee, shall at the expiration of that period cease to be a member of the committee in question.
- vii. Gender balance is a key element of the composition of committees of Governing Body and accordingly, the membership of a committee shall not be comprised of more than two-thirds of any one gender.

B.4.c. There shall be a Nominations Committee of Governing Body which will consist of the following members:

- Chair of Governing Body (who shall also act as Chair of the Nominations Committee);
- the President;

- Two members of Governing Body who are employees of the University; and
- Three members of Governing Body who are not employees of the University.

The Corporate Secretary shall act as secretary to the Nominations Committee.

Appointments to membership of the Nominations Committee are made by the Governing Body at the commencement of that Governing Body's term of office and shall be for the duration of that Governing Body's term of office.

The function, powers, responsibilities and remit of the Nominations Committee shall be set out in terms of reference as approved by Governing Body from time to time but shall include at a minimum:

- Analysis of skills, experience and diversity of Governing Body members and prospective members of committees of Governing Body for the purposes of making recommendations on the membership of committees of Governing Body;
- Making recommendations to Governing Body on membership of committees of Governing Body; and
- Maintain and keep under review, the written description of the role and skills required for Governing Body appointments and communicate them to the relevant appointing bodies.

Nothing in this Section B.4.c shall preclude the establishment of a Select Committee of Governing Body to assist with the transition to a new composition of Governing Body pursuant to the Higher Education Authority Act 2022 and such Select Committee shall have such powers and functions as the Governing Body may determine.

B.5. New statutes and regulations.

B.5.a. Power to make statutes. The Governing Body may make statutes for the general government of the University. However, no statute shall be altered so as to change the status, powers, or constitution of any of the authorities of the University, until such authority shall have had an opportunity of pronouncing an opinion on the proposed change. The procedure for making a new or amended statute is as follows:

- (1) the proposed statute shall be provisionally adopted at one meeting of the Governing Body;
- (2) a copy thereof shall subsequently be communicated to the Academic Council;
- (3) the Governing Body shall consider any representation on the subject thereof that may be made by the Academic Council. At least two months shall elapse from the date of such communication before the Governing Body may confirm the statute (with no account being had of the months of July and August), unless

the Academic Council, having considered the subject, expressly waives the remainder of the consultation period;

- (4) the Governing Body shall confirm the resolution to make the statute, with or without amendment, at a subsequent meeting held within three months after the former meeting, by a majority of the votes of the members of the Governing Body (but no account shall be had of the months of July and August).

A copy of the statute proposed must be sent to each member of the Governing Body at least seven days before such subsequent meeting of the Governing Body at which the resolution to make such statute is proposed to be confirmed.

B.5.b. Power to make regulations. The Governing Body may, on any matter within its powers under these statutes, express its decision in the form of a regulation. Where a proposed regulation concerns only the selection or appointment of members of the Governing Body, or the conduct of its own procedure and business, the Governing Body may enact the regulation without additional formality. On any other matter, the procedure for making a new or amended regulation is as follow:

- (1) Notice of any proposed regulation shall be sent to each member of the Governing Body and of the Academic Council. The Governing Body shall also take such other steps as it considers reasonably necessary to consult committees and members of the University directly affected by it.
- (2) At a time not less than one month and not more than nine months from the date on which the notice was sent (but no account shall be had of the months of July and August), the Governing Body may enact the regulation, with or without amendment.

B.5.a. Proposals by the Academic Council. The Academic Council may propose a statute (or regulation), in the exercise of any of its functions as defined in section C.1 below. The Governing Body may then, at its next meeting, confirm the proposal, without amendment, and it shall take effect as a statute (or regulation). Should the Governing Body so decide, a statute (or regulation) proposed by Academic Council for approval under this section may be referred back to the Academic Council for further consideration. In the event that Governing Body proposes to amend the statute or regulation proposed by Academic Council, it shall provisionally adopt the statute or regulation and refer it to Academic Council for consideration in the normal way.

Chapter C: Academic Council.

C.1. Object and functions.

The Academic Council shall, subject to the financial constraints determined by the Governing Body and to review by it, control the academic affairs of the University, including the curriculum of, and instruction and education provided by, the University. Without limiting the generality of this, the

functions of the Academic Council shall include, within those constraints and consistent with the functions of the University:

- (a) to design and develop programmes of study,
- (b) to establish structures to implement those programmes,
- (c) to promote the highest standards of teaching and learning,
- (d) to make recommendations on programmes for the development of research and more generally to promote the advancement and dissemination of knowledge,
- (e) to determine the selection, admission, retention and exclusion of students generally,
- (f) to regulate the discipline of the students of the University,
- (g) to propose the form and contents of statutes to be made relating to the academic affairs of the University, including the conduct of examinations, the determination of examination results, the procedures for appeals by students relating to the results of such examinations and the evaluation of academic progress,
- (h) to award fellowships, scholarships, bursaries, prizes or other awards,
- (i) to make general arrangements for tutorial or other academic counselling,
- (j) to perform any other functions which may lawfully be delegated to it by the Governing Body, and
- (k) to implement any statutes and regulations made by the Governing Body relating to any of the matters referred to in this subsection.

C.2. Composition.

C.2.a. *Membership.* The members of the Academic Council are:

Academic officers

- (1) the President
- (2) the Deputy President and Registrar
- (3) the Professors
- (4) the Professors (Scale 2)
- (5) the Deans of the Faculties
- (6) the Heads of School
- (7) all Heads of Department/Discipline (and, where a Department/Discipline has been closed or re-named, the Head of the unit(s) onto which the Department's responsibilities have devolved)
- (8) six non-professorial members from each of the Colleges, provided that in respect of each College, the members shall include at

least two Senior Lecturers and two Lecturers,
and at least two men and two women

Specific officers

- (9) the Bursar and Chief Financial Officer
- (10) the Corporate Secretary
- (11) the Academic Secretary
- (12) the Librarian
- (13) the Vice-Presidents
- (14) the Heads of College
- (15) the Head of Student Experience
- (16) the Director of Library Services
- (17) the Dean of Graduate Studies
- (18) the Chair of the Mitigation Committee
- (19) the Chair of the Examination Appeals Committee
- (20) the Director of Strategic Planning and Institutional Research
- (21) the Director of Information Technology Services
- (22) the Chairs of Academic Council Committees and Sub-Committees
- (23) the Director of Adult Continuing Education
- (24) the Director of the Quality Promotion Unit
- (25) the Examination Appeals Officer
- (26) the Student Advisor and Ombudsman
- (27) two representatives of the research community

Students

- (28) the President, Education Officer, Student Welfare Officer and Postgraduate Officer of the Students' Union
- (29) two undergraduate students and two post-graduate students from each College, at least one of whom shall be a man and one shall be a woman

Co-opted members

- (30) up to six members co-opted by the Academic Council

(31) up to thirty members from a panel established by Academic Council for the purpose of ensuring greater diversity and equality of representation.

C.2.b. Selection, Appointment and Term of Office. Members are appointed *ex officio* or by selection and appointment by the Academic Council. The Academic Council may use its powers under C.3.d to establish selection committees to make recommendations for membership for the categories C.2.a (27), C.2.a (29), C.2.a (30) and C.2.a (31) for approval by the Academic Council. The members for category C.2.a (8) shall be as nominated by the relevant College and approved for appointment by the Academic Council. For members of the Academic Council appointed *ex officio*, their membership ceases when they cease to hold the *ex officio* role by virtue of which they are members of Academic Council. The term of office for the members for category C.2.a (29) shall expire at the earlier of: (i) their ceasing to be a registered student of the University for any reason (including by virtue of their graduating); or (ii) three years. For all other categories of member, the term of office shall be three years.

C.3. Powers and procedures.

C.3.a. Meetings and procedures. The Academic Council may hold such meetings as it thinks necessary, and regulate its own procedures, subject to any directions of the Governing Body. The President may call a special meeting at any time, and shall call such a meeting upon a requisition addressed to him/her, signed by not less than twenty members of the Academic Council, and stating the object for which the meeting is to be called. The Academic Council shall report its decisions to the Governing Body.

C.3.b. Quorum. Twenty members of the Academic Council present at a meeting shall form a quorum. If in the course of a meeting the number of members present falls below twenty, the objection of any one of the members present to the taking of a vote shall render such a vote invalid.

C.3.c. Chair. The President shall be entitled to act as Chair at any meeting of the Academic Council, and (if s/he chooses not to do so) shall nominate a Chair. In default of such nomination, the members present shall elect a Chair. The President shall have a casting as well as a deliberative vote; any other person acting as Chair shall have a deliberative vote only.

C.3.d. Committees. The Academic Council may establish committees, to which it may delegate such of its functions as it thinks fit. Such committees shall be composed as the Academic Council thinks fit, and may include non-members. Each committee shall operate in such manner, and have such duties and powers, as the Academic Council may direct. The President shall be entitled to act as

Chair of any such committee, and (if s/he chooses not to do so) shall nominate a Chair, and may call extraordinary meetings of the committee.

C.4. Academic Board.

C.4.a. Composition. The Academic Council shall establish an Academic Board which shall consist of the President, the Registrar and such other members of Academic Council as the Academic Council shall determine.

C.4.b. Delegation of functions. The Academic Council may delegate to the Academic Board such of its functions as it thinks fit. The Academic Board shall operate in such manner as the Academic Council may direct, and its acts shall be subject to confirmation by the Academic Council, unless the Academic Council otherwise directs.

Chapter D: The President and the senior management.

D.1. The President.

D.1.a. Principal functions, powers and responsibilities. The President shall manage and direct the University in its academic, administrative, financial, personnel and other activities, and for those purposes has such powers as are necessary or expedient. The President shall be subject to the general law, to these statutes, and to such policies as may be determined from time to time by the Governing Body. The President shall be answerable to the Governing Body for the efficient and effective management of the University and for the due performance of his or her functions. The President may make proposals to the Governing Body on any matter relating to its functions. The President shall provide the Governing Body with such information (including financial information) in relation to the performance of his or her functions as the Governing Body may request.

D.1.b. Tenure. Unless s/he otherwise resigns, retires or is removed from office, the President shall hold office for such period as the Governing Body determines but the period shall not exceed 10 years from the date of the appointment of the President,. The President shall not hold any other office or position without the consent of the Governing Body.

D.1.c. Annual report. The President shall prepare an annual report to the Governing Body on the state of the University, containing such suggestions as to its improvement and advancement as s/he may think fit to make. The report shall incorporate such of the reports made to the President by University officers and others as the President may consider necessary. The President shall submit the report to the Governing Body for consideration at an ordinary meeting not later than 30th April in the succeeding academic year.

D.1.d. Delegation. The President may delegate any of his or her functions to an employee of the University. This shall include any functions delegated to the President by the Governing Body, unless they were so delegated on the condition that they should not be sub-delegated. In the exercise of this power, the President may, on occasion of absence or illness, appoint a deputy from among the Professors, who shall exercise the President's powers and discharge the President's duties for the time being within the University. The employee concerned shall be answerable to the President for the performance of those functions. Notwithstanding any such delegation, the President shall at all times remain answerable to the Governing Body in respect of the functions so delegated.

D.1.e. Incapacity of President, or vacancy. Where the President shall, through incapacity, be prevented from appointing a deputy, or where there is a vacancy in the office of President, a special meeting of the Governing Body shall be at once called by the Corporate Secretary for the purpose of making provision for the carrying on of the business of the University, and for this purpose the Governing Body shall appoint one of the Professors to discharge temporarily the duties of the President. Pending such appointment, the Registrar shall act as President.

D.1.f. The Office of President shall be a full-time post, and carry with it a part-time professorship (non-stipendiary and non-pensionable). The President may use the title 'Professor'.

D.1.g Position of former President. A holder of the Office of President, who resigns from the Office of President but does not retire [in accordance with Section F.4.d below], shall immediately be deemed to have been appointed to a Professorship, if considered by the Governing Body to be suitable to hold such an office. The Professorship shall be in a subject which shall be assigned as the Governing Body shall decide. It shall be a full-time office, held for the same term and upon the same conditions as Professorships generally within the University. The Professor shall hold office until retirement [in accordance with Section F.4.d below] unless s/he otherwise retires and shall not be continued in office thereafter. If the Governing Body considers it appropriate to do so, it may, at the absolute discretion of the Governing Body, grant the honorary title "*President Emeritus*" to a person who has served as President of the University.

D.2. Deputy President and Registrar

D.2.a. Principal functions and responsibilities. The *Deputy President and Registrar* shall be the senior officer having responsibility to the President for academic affairs and shall deputise for the President during the President's absence from campus or at the President's request. The Deputy President and Registrar shall assume the full responsibilities and authority of the President when deputising for the President.

The Office of *Deputy President and Registrar* shall be a full-time post, and carry with it a part-time professorship (non-stipendiary and non-pensionable).

The *Deputy President and Registrar* shall be eligible for selection as an internal member of the Governing Body in accordance with section B.2 above.

D.2.b. Appointment. The Governing Body shall appoint the *Deputy President and Registrar* in accordance with a Regulation established for that purpose. The procedures shall include provision for the fixing of performance criteria for renewal of the appointment under D.2.e.2 below.

D.2.c. Duties as Deputy President. In addition to the duties specified in D.2.a above the holder of the post of Deputy President acting under the general direction of the President, shall also be responsible for the development and implementation of academic strategy and policy in accordance with the Strategic Plan of the University. Further duties attaching to the post of *Deputy President and Registrar* shall be specified by the Governing Body, on the advice of the President, as part of the appointments process. The duties attaching to the role of *Deputy President and Registrar* may be varied by the President from time to time depending on the needs of the University.

In the event of absence/illness of both the President and the Deputy President from the University, the President shall delegate his/her responsibilities in accordance with Section D.1.d of this Statute.

All of the provisions of this Statute with respect to the role of Registrar below, Sections D.2.e [2-4] to D.2.g shall apply to the role of Deputy President as they apply to the role of Registrar.

D.2.d. Specific Duties as Registrar. As Registrar the post-holder shall:

- (1) act as secretary to the Academic Council; issue under the direction of the President to each member of the Academic Council the notice for its meetings, and prepare and maintain a record of the transactions of the Academic Council;
- (2) carry out the instructions of the Governing Body and of the Academic Council, in such reasonable ways as the Governing Body and Academic Council shall respectively prescribe, for the conduct of the general academic business of the University;
- (3) be responsible for policy with regard to student recruitment, admission and registration;
- (4) prepare, under the direction of the Academic Council, the programmes of all examinations, and be responsible for the conduct of such examinations;
- (5) be responsible for the maintenance of discipline and the good conduct of students, and for the establishment and implementation of appropriate disciplinary procedures in that regard;
- (6) keep the student and graduate registers of the University in such a manner and subject to such directions as may be prescribed;

- (7) perform any additional duties in accordance with D.2.c above;
- (8) do all such other acts and perform all such other duties in relation to the academic business of the University as s/he may be required by the President and by the Governing Body to do or perform from time to time.

D.2.e. Tenure. (1) The Registrar next appointed after 17 June, 2014, shall hold office until the end of the first year of the term of Office of the next President.

(2) Thereafter each Registrar shall be appointed for a period of 5 years with the possibility of renewal, once only, for a second 5-year period following a recommendation to Governing Body from the President, at or before the conclusion of that period, having regard to the performance of the holder (in accordance with the performance criteria fixed under D.2.b above). On any change of President, the appointment of the incumbent Registrar may be terminated by the President at the end of the first year of the President's term of office.

(3) The Registrar shall not serve beyond the age of 65 years, except in accordance with F.4.d (*position of "new entrants" to the public service*) and any applicable national legislation.

(4) The post of Registrar shall not be held by any one appointee for more than 10 years, except that:

(a) the Registrar appointed under paragraph (1) above shall, at the end of his/her tenure, be eligible to re-apply for the post, and if appointed may serve two full 5-year periods in accordance with paragraph (2);

(b) the 10-year term of office may be extended by the Governing Body for a period of not more than 3 months to enable an orderly transition until a new Registrar is in a position to take up the post.

D.2.f. Interim Registrar. Where the Office of Registrar is temporarily vacant or the current Registrar is temporarily unable to discharge his/her duties, the Governing Body may, on the nomination of the President, appoint a suitable person as Interim Registrar, who shall fulfil the duties and responsibilities of the post.

D.2.g. Position of former Registrar. On ceasing to hold the office of Registrar, a former Registrar shall normally at the discretion of the Governing Body be allowed to continue in office as a fulltime Professor, until the age of 65 (subject to F.4.d below).

D.3. Other senior management officers.

D.3.a. Officers to be determined by Governing Body. There shall be other senior management officers as the Governing Body may determine. These shall include (however titled) a Librarian, a Bursar and Chief Financial Officer, a Corporate Secretary, a Head of each College, and such

number of Vice-Presidents as the Governing Body considers appropriate. The duties and tenure of these offices shall be determined by the Governing Body.

D.3.b. Administrative re-organisation. Where these statutes refer to a particular officer of the University, but no such officer currently exists, the statute shall be taken to refer to the officer for the time being responsible for the relevant University function.

Chapter E: Organisation of the University.

E.1. The Colleges.

E.1.a. The four Colleges. The various academic subjects and disciplines within the University shall be grouped into Colleges, which shall in the first instance be:

- (1) the College of Arts, Celtic Studies and Social Sciences,
- (2) the College of Business and Law,
- (3) the College of Medicine and Health, and
- (4) the College of Science, Engineering and Food Science.

E.1.b. Rules. The College structure and its governance shall be set out in rules made by the Governing Body, under the procedure described in E.6 below.

E.1.c. Assignment to Colleges. In the first instance the Governing Body shall assign each subject and discipline to a College by resolution. Subsequently the Governing Body may by rules:

- (1) add new subjects or disciplines to the College structure,
- (2) re-assign an existing subject or discipline to a different College or to Colleges, and
- (3) create new Colleges, re-name or close existing Colleges, or amalgamate one College with another.

Rules may assign or re-assign staff within the University. An academic unit or member of staff may be assigned to more than one College, and there may be joint responsibility for academic programmes across Colleges.

E.2. Heads of College.

E.2.a. Responsibilities. The Head of College shall be responsible for the management of the College. S/he shall be the executive officer of the College, shall provide leadership for the College in a collegial manner, and shall work in collaboration with other Heads of College. The primary duties of the Head of College shall be:

- (1) to promote good governance within the College,
- (2) to lead the strategic development of the College in line with the University's strategic plan,

- (3) to manage the College budget,
- (4) to support the enhancement of teaching and research within the College and across Colleges,
- (5) to promote the discharge of the College's social responsibilities, and
- (6) to represent the College both within the University and externally.

E.2.b. Reporting to President. The Head of College shall be responsible to the President or the President's nominee for the performance of these duties, and of any additional duties delegated by the President or the President's nominee. The Head of College shall report at least annually to the President on the performance and accounts of the College, which report shall be made available to College members. S/he shall also report to other officers and management bodies, as directed by the President.

E.2.c. Appointment. A Head of College's term of office shall ordinarily be five years, with eligibility to be re-appointed (ordinarily, once only) by the Governing Body on the advice of the President. At the time of appointment the Selection Committee shall draw up a set of objectives/metrics to determine whether continuation in office for a second term of 5 years should be offered (See section E.2.f below). The President may appoint a member of the academic staff as Head of College or Acting Head of College, for a period or periods not exceeding one year in total. Appointment for a period greater than one year, in exceptional circumstances, shall be subject to the approval of the Governing Body.

E.2.d. Appointment to the position of Head of College shall carry with it the title of professor for so long as the appointee holds the designated position. The application of the appointed candidate, will be assessed by the Selection Committee for the position in accordance with the criteria for appointment as professor, as outlined in the Governing Body Regulation on Various Appointment Procedures, to assess whether at the end of his/her full term of office, or earlier at the discretion of the President, the candidate will be appointed to a professorship [at full Professor or Professor Scale 2] in a discipline relevant to his/her academic experience.

E.2.e Maintenance of Academic Activity. To ensure the post-holder remains competent in his/her discipline the President will agree an appropriate allocation of time for maintenance of academic activity during the period of appointment. Provision may also be made for research support and/or sabbatical leave at the end of the period of appointment to enable re-immersion in the discipline.

E.2.f Mid-term Review. In the fourth year of appointment of a Head of College the President will establish a Review Panel consisting of the President (or his/her nominee), the Registrar, and two external members at the rank of Registrar or Vice-President who hold an academic portfolio in other universities. The Review panel will adjudicate on the performance of the Head against a set of objectives/metrics established at the time of the Head's appointment to determine whether continuation in office for a second term of 5 years should be offered.

E.2.g. Executive Management Committee. Within each College there shall be an Executive Management Committee. The committee's primary function shall be to assist and advise the Head of College in the discharge of his or her responsibilities.

E.3. Academic responsibility within Colleges.

E.3.a. Responsibilities. Each College's academic responsibilities are owed to the Academic Council.

E.3.b. College bodies. Within each College there shall be a College Council and a College Assembly. The constitution of each Council and Assembly, its membership (which in the case of the Assembly shall include, amongst others, all permanent or full-time academic staff within the College), and how their Chairs shall be appointed, shall be specified in rules.

E.3.c. Relation to Faculties. Academic responsibility, including all teaching and research matters, shall initially be in the Faculties as hitherto, though the Faculties shall send their reports to the Academic Council via their College Council. The College Council's function in this case shall be to facilitate the exchange of information, to provide a forum for College-wide issues (generally, and in particular where the Academic Council has requested the view of the College), and to co-ordinate activities within the College.

E.3.d. Reduction of Faculty responsibility. Where the Governing Body makes rules defining the College framework, it may provide that a Faculty be re-named or closed, or its powers or responsibilities reduced. If a Faculty is closed, then on the first meeting of the College Council after those rules come into effect, the Faculty shall cease to exist, the College Council shall inherit its functions and responsibilities and so have responsibility within the College for academic matters within its scope, under the rules. If the powers and responsibilities of a Faculty are reduced, these powers and responsibilities removed shall be inherited by the College Council on its first meeting after the rules come into effect. However, no provision as described in this section may be made, unless the Faculty affected has passed a resolution expressly approving this.

E.4. The College framework.

E.4.a. Schools. The various subjects and disciplines within each College shall be allocated to units specified in rules. These units are referred to here as "Schools", and their heads as "Heads of School", though the rules may specify different or alternative titles for these units and Heads. The rules shall also specify the assignment of Departments, other academic units and academic programmes to Schools, and the powers of the Heads of School in relation to such programmes.

E.4.b. Heads of School. Each Head of School shall be responsible to their Head of College in management matters, and to their College Council (or Faculty, if responsibility remains there) in academic matters.

Each Head of School shall be appointed by the President from the academic staff of the School at Senior Lecturer level or above. The Headship of School may be filled by a Lecturer in the event that there is no staff member within the school at Senior Lecturer or above or where staff members at Senior Lecturer or above are ineligible or otherwise precluded from serving. In the College of Medicine and Health, clinical senior lecturers are eligible for appointment to headship of School.

The appointment process shall comply with any procedures established for it by the Governing Body and may, where so directed by the President, involve external advertising.

The Head's term of office shall ordinarily be three years, and may not exceed six years. Outgoing Heads are eligible for re-appointment and may be appointed by the President on the recommendation of the Head of College, subject to the overall 6 year limit.

E.4.c Academic Headship within a School. The academic structures within a School shall be prescribed by each College in College Rules and approved by Academic Council and Governing Body.

The College Rules shall also specify:

- a) the method of appointment to academic headship positions within a School;
- b) eligibility of academic staff to fill leadership/management roles in the structure; c) the responsibilities of heads;
- d) a statement in the College Rules that any academic heads within the School shall report to the Head of School;
- e) the categories of staff who are required to accept an offer of appointment;
- f) the term for which such appointments may be held and if they are renewable.
- g) The authority to sign off on appointment to any academic headship position within a school, shall be delegated to the Head of College by the President.

E.4.d. Integration into College structure. The various academic units shall be integrated into the new College structure as directed in rules. From the time that the first such rules come into force, each Head of unit shall work under the general direction of their Head of School. The rules shall provide for the constitution of any new units created, and their role within the College's network of reporting relationships. Such rules may also re-deploy the powers, functions, membership and staff of an academic unit, or re-locate it within the College structure, and may re-name, close, or amalgamate any academic unit(s). On such closure or amalgamation, the rules shall specify under whose general direction all members of the academic unit's academic staff shall work with respect to their academic and administrative duties.

E.4.e. Governance of College. Rules may also be made to provide for efficient and responsible governance of each of the Colleges. Such rules may provide for the creation, modification or closure of other academic units such as Research Institutes and Academic Centres, and for

additional boards, officers, committees, sub-committees, standing orders and governance structures for a College or any sub-unit within it. They may also provide for the delegation or re-delegation of responsibilities within the College or any sub-unit of the College.

E.5. Faculties.

E.5.a. Faculties and their membership. There shall be the following Faculties in the University:

Arts and Social Sciences,
Celtic Studies,
Commerce,
Engineering,
Food Science and Technology,
Law,
Medicine and Health, and Science.

The membership of the Faculties shall be determined by the Governing Body. If a Faculty ceases to exist as is provided for by these statutes, it shall thereupon be considered to have been removed from the list of Faculties above.

E.5.b. Responsibilities and procedures. Subject to approval by the Governing Body and the Academic Council, each Faculty shall be responsible for the transaction of all academic business specially pertaining to it. Each Faculty shall have the right of taking into consideration all matters bearing upon the studies within its scope. Subject to review by the Academic Council and the Governing Body, each Faculty shall have power to appoint committees for any purpose within the scope of the powers or duties of the Faculty, and to prescribe their duties and to define their powers.

E.5.c. Chair of Faculty. The President (or if the President is absent, the President's deputy), shall *ex-officio* be the Chair of each Faculty. In the absence of either, a meeting of the Faculty shall be presided over by such person as may be elected for the purpose from amongst the members present. At a meeting of a Faculty, the President shall have a casting as well as a deliberative vote. In the absence of the President, the person acting as Chair shall have a deliberative but not a casting vote.

E.5.d. Duties of Faculty. Subject to review by the Academic Council and the Governing Body, it shall be the duty of each Faculty to draft regulations as to degrees, diplomas, certificates, scholarships, and prizes falling within the province of the Faculty, and to draft the scheme of the courses of instruction and the time-tables and schemes of examinations of the Faculty. It shall also be the duty of each Faculty to report to the Academic Council on the persons to be proposed for appointment to all examinerships connected with the Faculty, before the persons to be proposed for such appointments are reported on by the Academic Council to the Governing Body.

E.5.e. Dean of Faculty. The Dean shall be the Secretary and executive officer of the Faculty. The Dean shall be elected by each Faculty from amongst its members who are Professors, Professors (Scale 2) or Senior Lecturers. A Dean shall hold office for three years, and shall be eligible for re-election for a further three years; however, upon the expiry of two successive periods of office, no Dean shall be eligible to hold office again until a further period of at least three years shall have elapsed, provided that in reckoning the said two successive periods, any period of office held following the filling of a casual vacancy shall not be reckoned. A Dean elected to fill a casual vacancy shall hold office only for the unexpired period of office of his or her predecessor.

E.6. Rules implementing the College structure.

E.6.a. Procedure for making rules. Wherever this chapter of the statutes refers to “rules”, such rules are made by the Governing Body, under the following procedure:

- (1) Any College Council may propose a draft set of rules relating to any aspect of the College’s activities. Any such proposed rules shall be referred to the University Management Team [Operations] in the first instance and thereafter shall be communicated to the Academic Council and following their advice to Governing Body. Where a College Council has not yet been established, rules establishing the College Council may be proposed under this sub-section with the assent of Faculties affected.
- (2) Alternatively, a draft set of rules may be proposed by the Governing Body, which shall immediately be communicated to the Academic Council and to affected College Councils and Faculties for comment.
- (3) The Governing Body may by resolution amend any proposal made under (1) and (2), so long as either (a) affected Colleges and Faculties have signified their consent to the amendment (such consent to be given either by those bodies themselves or by their officers authorised to do so), or (b) at least two months’ notice of the text of the amendment has been given to affected College Councils and Faculties.
- (4) At a meeting not less than two months and not more than six months from the date of the original proposal under (1) or (2) above, the Governing Body, having considered all representations received on the matter, may approve the proposal, whereupon it shall enter into force.

E.6.b. Additional rules. Where the Governing Body has power to make rules under this chapter it shall also have power, by the same procedure, to amend or revoke such rules, and to enact additional rules.

E.6.c. Responsibilities and reporting relationships. All responsibilities in management matters within the College are owed (directly or indirectly) to the Head of College. All responsibilities in

academic matters within the College are owed (directly or indirectly) either to the College Council or to the Faculty, as described above. Any reporting relationships specified in rules under this chapter shall be stated clearly, and in accordance with principles of good governance.

E.7. The Library.

The central function of the Library shall be to serve the information needs of members of the University in teaching, learning, scholarly research and scientific investigation: it shall collect and provide access to recorded knowledge; and it shall be the primary repository in the University for books, journals and other scholarly materials. The Library shall play a role in contributing to the preservation of the cultural heritage of the region. The management of the Library shall be under the direction of the Librarian, subject to ordinances approved by the Governing Body. Every member of the University shall be entitled to read in the Library at such times as the ordinances shall prescribe, provided that they comply with the ordinances made for the care and preservation of all library holdings and facilities and for the due maintenance of order.

E.8. Bord na Gaeilge.

E.8.a. Duties of An Bord. There shall be established in the University, Bord na Gaeilge (“An Bord”). The duties of An Bord shall be to make proposals to the Governing Body in relation to: (1) the provision of courses which include instruction through Irish leading to university degrees or other distinctions of the University, in subjects or disciplines in which such instruction is already provided through English;

- (2) the establishment of courses of instruction through Irish in areas or disciplines in which courses are not provided through English;
- (3) the provision of adequately trained staff who will be capable of conducting and teaching such courses through Irish; and
- (4) extending and improving the use of Irish in the University generally.

An Bord shall report to the Governing Body, and shall forward a written report to the Governing Body at least annually. The Governing Body shall consider the views of the Academic Council on all proposals made to it by An Bord.

E.8.b. Membership. An Bord shall consist of:

- (1) the President or the President’s nominee,
- (2) the Deputy President and Registrar or the Deputy President and Registrar’s nominee,
- (3) all holders of Professorships in the Irish language by whatever title known,
- (4) Oifigeach na Gaeilge of the University’s Students’ Union,
- (5) two members elected by the Governing Body,
- (6) two members elected by the Academic Council,

- (7) one representative elected by each of the Colleges, and
- (8) not more than two members who shall be co-opted by the members in categories (1) to (7).

Those members in categories (1), (2), (3) and (4) shall be *ex officio* members of An Bord. The term of office of the elected members of An Bord shall be contemporaneous and co-terminous with the term of office of the Governing Body.

E.8.c. Proceedings. The proceedings of An Bord shall be conducted through the medium of Irish. Reports to Governing Body and Academic Council shall be in both Irish and English. An Bord may establish such and so many sub-committees as it deems necessary for the proper fulfilment of its terms of reference as herein set forth.

Chapter F: University officers and employees.

F.1. Appointments.

F.1.a. Authority to appoint. All appointments within the University are determined by or under the authority of the Governing Body, and shall be made in accordance with procedures specified either in this statute or in regulations.

F.1.b. Appointment of President. For the purpose of appointing a President, the Governing Body shall approve the membership of two committees – a Search Committee and a Selection Committee. These committees shall be appointed at the same meeting of Governing Body. The membership of both committees shall be separate and distinct. No individual may be a member of both Committees apart from the Chair of the Search Committee who shall also be a member of the Selection Committee, to ensure adequate continuity and communication. Both committees shall operate in such manner as the Governing Body may direct, and shall be supported by the Secretary of Governing Body as appropriate.

The Search Committee shall include both staff and non-staff members of the Governing Body and members nominated by the Academic Council. Its duties may include selection of an external professional recruitment expert, and shall include: determination of methods of recruitment; advertisement of the post and provision of information and of the post description and details to potential candidates. The responsibilities of the Search Committee shall be conducted with due regard for the confidentiality of the enquirers. The Search Committee shall generate a long list of candidates for transmission to the Selection Committee.

The Selection Committee shall have an external Chair appointed by Governing Body and the membership shall include members external to the University, members of the Governing Body (at least one staff and one non-staff member), members of the Academic Council (nominated by the Academic Council), the Chair of the Search Committee, and one senior officer of the University. The majority of the Selection Committee shall be external members – to include external Governors or members external to the University. Its duties may include selection of an appropriate professional selection expert, and shall include: formulation of job specification and ideal profile, for consideration by the Academic Council before determination by the Governing Body; transmission of the job specification and profile of the ideal candidate to the Search Committee; formulation of proposals for interview and related evaluative processes, for approval by the Governing Body; conduct of interview and evaluative processes; recommendation of a preferred candidate to Governing Body, with a supporting report which shall include the Curriculum Vitae of the recommended candidate; and (should this candidate not be appointed) further recommendations and reports as necessary.

Following consideration of a report from the Selection Committee recommending a candidate for the position of President, the Governing Body may, based on the power conferred on it by the Universities Act, Section 24 (1), appoint the President, and approve the President's

contract at the same meeting.

F.1.c. Certain senior appointments. The following University officers shall be appointed by the Governing Body: Registrar, Bursar and Chief Financial Officer, Corporate Secretary, Librarian, Heads of College, any Vice-Presidents, and such other officers at senior management level as the Governing Body, on the recommendation of the President, shall decide.

F.1.d Academic Vice-Presidents. Appointments to the position of Academic Vice-President shall carry with it the title of professor for so long as the appointee holds the designated position. The application of the appointed candidate, will be assessed by the Selection Committee for the position in accordance with the criteria for appointment as professor as outlined in the Governing Body Regulation on Various Appointment Procedures, to assess whether at the end of his/her full term of office, or earlier at the discretion of the President, the candidate will be appointed to a professorship [at full Professor or Professor Scale 2] in a discipline relevant to his/her academic experience. At the time of appointment the Selection Committee shall also draw up a set of objectives/metrics to determine whether continuation in office for a second term of 5 years should be offered, where such continuation is provided for in the terms and conditions of the post.

To ensure the post-holder remains competent in his/her discipline the President will agree an appropriate allocation of time for maintenance of academic activity during the period of appointment. Provision may also be made for research support and/or sabbatical leave at the end of the period of appointment to enable re-immersion in the discipline.

F.1.e. Mid-term Review. In the fourth year of appointment of an Academic Vice-President, the President will establish a Review Panel consisting of the President (or his/her nominee), the Registrar, and two external members at the rank of Registrar or Vice-President who hold an academic portfolio in other universities. The Review panel will adjudicate on the performance of the Vice-President against a set of objectives/metrics established at the time of the Vice-President's appointment to determine whether continuation in office for a second term of 5 years should be offered.

F.1.f. Professor Emeritus/a. The Governing Body shall have power, on the recommendation of the Academic Council, to confer the title of Professor Emeritus/a upon any Professor or Professor (Scale 2), on or after his/her retirement, in recognition of services to the University.

The University recognises the significant value and contribution of Emeritus/a Professors to the life of the University. Professors Emeriti/ae shall, for all purposes of courtesy and on ceremonial occasions, be regarded as Professors of the University. Professors Emeriti/ae may be invited by the Head of the relevant academic unit or a senior officer of the University to continue to contribute to the academic work of the University. Any such involvement shall be in line with

University Policy. Professors Emeriti/ae shall not be entitled solely by virtue of holding the title of Professor Emeritus/a to be members of any body of the University or to assume any administrative or executive functions on behalf of the University.

Governing Body reserves the right to remove the title in the event that the activities or actions of the holder of the title create the risk of reputational damage to the University. The decision of the Governing in this regard shall be final.

F.2. Duties.

F.2.a. Duties of academic staff. The duties of the academic staff are as determined by their individual contracts of employment and as lawfully directed by, or under the authority of, the Governing Body. The duties of Professors, Professors (Scale 2), Senior Lecturers and Lecturers include the following:

- (1) to give the students attending his/her ordinary lectures assistance in their studies, by advice, by informal instruction, by occasional and periodical examination, and otherwise, as s/he may judge to be expedient; also, to make such arrangements as s/he sees fit to make to meet students who have individual queries;
- (2) to give instruction to his/her students and assist them in the pursuit of knowledge;
- (3) to engage in research and scholarship and to contribute to the advancement of knowledge;
- (4) to carry out administrative and other appropriate duties lawfully allocated to them within their department or other academic unit;
- (5) if a member of the Academic Council, to attend its meetings;
- (6) to serve upon all the committees to which s/he may be appointed by the Governing Body or the Academic Council, and to assist and co-operate with the Governing Body in such other reasonable ways as the Governing Body may prescribe, for the maintenance of discipline and good conduct among the students, or for the general business of the University;
- (7) to hold, or assist at, all University examinations in the subjects with which s/he is an examiner;
- (8) not to engage in any employment, profession or work which the Governing Body shall judge to be inconsistent with his or her duties to the University whether because of the nature of the employment, profession or work itself or because of the time or effort considered to be necessary for the employment, profession or work; and,
- (9) not to undertake systematic instruction of any kind outside the University, unless the Academic Council, on the recommendation of the

President, shall permit him or her so to do; nor shall s/he undertake any teaching in a secondary school, or in any college or institution which prepares students for school examinations.

The duties of other members of the academic staff may include duties listed above, as determined by their individual contracts of employment and as directed by, or under the authority of, the Governing Body.

F.2.b. Duties of Professors. In addition to the duties listed above, the duties of Professors include the following:

- (1) if appointed deputy to the President, to discharge the duties of the President during his or her absence, or until a successor shall have been appointed;
- (2) to demonstrate academic leadership through teaching, research and scholarship, and in any other appropriate manner;
- (3) to foster the research and scholarship of other individuals and groups within their academic unit and the University; and
- (4) to make a distinguished personal contribution to teaching at all levels, and to play an active role in the maintenance of academic standards and in the development of the curriculum within his/her subject areas.

F.2.c. Duty of residence. The President, any officer, and any full-time member of the academic staff shall reside within reasonable and convenient distance of the principal location of his/her duties, unless the Governing Body otherwise permits. The Governing Body may from time to time, after considering recommendations of the Academic Council in that behalf, determine what is for this purpose a reasonable and convenient distance.

F.2.d. Leave of absence. The Governing Body may, on the recommendation of the President, give leave to be absent for a specified period for the purpose of delivering lectures or giving instruction or undertaking special study to any member of the staff of the University on such conditions as the Governing Body shall determine.

F.2.e. Absence or vacancy. The President shall have power to appoint some suitable person to act during a vacancy in, or during the temporary absence of, the holder of any office or post in the University.

F.3. Staff job descriptions, probation and establishment.

F.3.a. Purpose of chapter. This chapter is designed to support newly-appointed staff and to ensure that they demonstrate satisfactory performance and conduct consistent with the level of position held. All procedures described in this chapter shall be implemented with due regard to fairness and academic freedom, as well as to relevant University policies in respect of discrimination.

F.3.b. The Boards. The procedures described in this chapter shall be overseen in each individual case by a Board, which is referred to throughout this chapter as “the relevant Board”. The Governing Body shall establish such and so many Boards as it considers desirable to secure proper application of this chapter to the various categories of staff to which it applies.

F.3.c. Representation. Where this chapter refers to a staff member’s right to representation, this means representation either by a colleague, or a trade union representative, or (with the consent of the relevant Board) by some other person.

F.3.d. Provision of information and assistance on appointment. Every staff member shall, on appointment, be provided with a job description and contract, to be signed both by the staff member and on behalf of the university. Where appropriate, and bearing in mind the staff member’s previous experience and any recommendation from the Board which selected him/her for appointment, the staff member’s Head of Academic Unit / Line Manager shall also:

- (1) provide, within two months of appointment, an outline of guidance and training opportunities available to the staff member, and/or
- (2) establish and implement a mentoring programme for the staff member.

It shall be the duty of the Head of Academic Unit / Line Manager to ensure ongoing support, direction and feedback to the staff member, as circumstances require.

F.3. e. Who is subject to probation, and for how long. Probation shall apply:

- (1) in the case of academic staff, to staff appointed to any position which is permanent or of more than twelve months’ duration, other than through an internal promotion process, and
- (2) in the case of other staff, to staff appointed to any position which is permanent or of more than twelve months’ duration, other than in cases of redeployment.

The period of probation shall be one year, not including any period of leave (except annual leave). In the event of any disciplinary issue arising, the matter may be dealt with under this chapter, and the university shall not be obliged to invoke the disciplinary procedure under chapters F.5-F.10. The President may, where appropriate, waive the need for probation entirely.

F.3.f. Probation – Objectives and criteria. Not later than two months from the date of appointment, the staff member shall be provided with clear objectives and criteria against which his/her performance is to be assessed for the purposes of probation. The criteria shall be agreed and signed off by the staff member and by his/her Head of Academic Unit / Line Manager.

F.3.g. Probation – First report (RP1). Not later than six months from the date of appointment, the staff member's Head of Academic Unit / Line Manager shall provide to the relevant Board an interim report on the staff member's performance and conduct. Any recommendations for improvement contained in the report shall, where possible, be agreed and signed off by the staff member also, and (in any event) any comments received from him/her shall be filed with the report.

F.3.h. Probation – Second Report (RP2). Not later than nine months from the date of appointment, the Head of Academic Unit / Line Manager shall provide a report to the relevant Board. The report shall contain a reasoned recommendation either (a) that the staff member's probation has been satisfactory, or (b) that it has been unsatisfactory, or (c) that the probation should be extended.

F.3.i. Probation – Decision of Board. On receipt of Report RP2, the relevant Board shall decide that either:

- (1) the probation has been satisfactory, with the result that the staff member is confirmed in his/her post (subject to establishment, where applicable); or
- (2) the probation has been unsatisfactory, with the result that the President (in the case of academic staff) or the Director of Human Resources (in the case of other staff) shall terminate the appointment with the notice provided for in the staff member's contract of employment (but where the staff member was already a university employee at the time of the relevant appointment, the effect shall be that the staff member reverts to his/her previous grade, except where that previous contract was a fixed-term or specified-purpose contract which has already expired), subject to the right of appeal in F.3.o below; or
- (3) the probation shall be extended for a specified period, with the result that a further report under F.3.h above (Report RP3) shall be made at a time specified by the Board, and a further decision under this section shall then be made.

The Board may not take options (2) or (3) until the staff member concerned has been given an opportunity to make their case to the Board, and to have a representative (as defined in F.3.c above) present for the purposes of so doing. The Board shall act as expeditiously as fairness and the circumstances of each case permit, but no staff member shall be deemed to have passed probation by reason of a delay of the Board or by the passage of time.

F.3.j. Who is subject to establishment, and for how long? Establishment applies to all staff appointed to permanent academic posts other than Professorships or Professorships (Scale 2), and except those who have already satisfactorily completed a term of establishment within the university. The period of establishment shall ordinarily be two years, running from

the end of probation, but not including any period of leave (except annual leave), nor any period where disciplinary proceedings against that staff member are in progress. The relevant Board, having considered any recommendation from the Board which selected the staff member for appointment, may in an appropriate case either substitute a different period of establishment (specifying when the reports in F.3.l-m below shall be submitted), or waive the need for establishment entirely.

F.3.k. Establishment – Benchmarks and objectives. Not later than two months from the start of the establishment period, the staff member shall be provided with:

- (1) Benchmarks for establishment. These benchmarks shall have been approved by the relevant Board against generic university criteria, on the recommendation of the staff member's Head of Academic Unit. The staff member shall attend a briefing on these benchmarks.
- (2) Objectives based on the benchmarks. These objectives shall have been prepared by the Head of Academic Unit, and lodged with the relevant Board. Where possible, these objectives shall be agreed and signed off by the staff member.

F.3.l. Establishment – First report (E1). Not later than nine months from the start of the establishment period, the staff member's Head of Academic Unit shall provide an interim report to the relevant Board and the relevant Head of College. The report shall outline the development of the staff member towards establishment. A copy of the report shall also be sent to the staff member concerned, and any comments received from him/her shall be filed with the report. Where relevant, it should also contain evidence on:

- (1) appropriate opportunities for training and support,
- (2) due notification in writing of any issues of poor performance and the need for improvement, and
- (3) aid and assistance provided or help towards improvement.

F.3.m. Establishment – Second report (E2). Not later than eighteen months from the start of the establishment period, the staff member's Head of Academic Unit shall provide a report to the relevant Board and the relevant Head of College. The report shall contain a reasoned recommendation whether the staff member should be established, and if not, whether it should be extended. Where relevant, the report should also contain evidence on:

- (1) appropriate opportunities for training and support,
- (2) due notification in writing of any issues of poor performance and the need for improvement, and

- (3) aid and assistance provided or help towards improvement.

F.3.n. Establishment – Decision of Board. On receipt of Report E2, and after considering all relevant circumstances (including any disciplinary proceedings against the staff member), the relevant Board shall decide either:

- (1) that the staff member should be established, with the result that the President shall establish him/her; or
- (2) that the staff member should not be established, with the result that the President shall give him/her three months' notice of termination of appointment, subject to the right of appeal in F.3.o below; or
- (3) that the staff member's period of establishment shall be extended for a third year, with the result that a further report under F.3.m above (Report E3) shall be made at a time specified by the Board, and a further decision under this section shall then be made, but without the option of a further extension.

The Board may not take option (2) or (3) until the staff member concerned has been given an opportunity to make their case to the Board, and to have a representative (as defined in F.3.c above) present for the purposes of so doing.

F.3.o. Appeals. Where a staff member has failed probation or establishment, s/he may appeal. The procedure applicable is as described in Chapter F.10 below (other than F.10.b and F.10.c), as if the failure were a disciplinary dismissal, but substituting for the Disciplinary Appeal Committee:

- (1) in the case of academic staff, the Academic Appeals Board, or
- (2) in the case of other staff, a committee consisting of three senior officers of the university,

both of which committees to be appointed by the Governing Body or under powers delegated by it. The relevant appeal committee shall act as expeditiously as fairness and the circumstances of each case permit. Continuance of the appeal process shall not operate to extend the duration of the staff member's contract of employment.

F.4. Tenure and continuance in service.

F.4.a. Officers. Each officer of the University who has successfully completed their period of establishment shall, unless otherwise provided in any contract of such officer or governing the holding of such office and subject to any statute or other law concerning such office, hold office

until s/he attains the age for the time being prescribed in law or agreed in contract as the ordinary retirement age for the holder of such office, unless:

- (1) s/he retires from office earlier, resigns, dies, or becomes incapable by reason of physical or mental infirmity from continuing in office before attaining such age; or
- (2) s/he is dismissed in accordance with procedures specified in a statute of the University before attaining such age.

For this purpose, an “officer” is the President, a permanent full-time member of the academic staff of the University, or any other employee whose position the Governing Body has for the time being determined is an office of the University. The period of establishment referred to relates only to Senior Lecturers and Lecturers, and shall be two years.

F.4.b. Other full-time employees. All other full-time permanent staff shall, subject to good conduct and the due fulfilment of their duties, be retained in the service of the University until they shall have attained the age of 65 years.

F.4.c. Continuance in service. The following may be continued in office for a further five years beyond the age of 65 (notwithstanding any statutory provision limiting their tenure to that age), provided that this continuation is approved annually by the Governing Body with the consent of the President: Professors (other than Professors of Medicine, Pathology and Surgery, and a Professor appointed under D.1.f above having served as President); Senior Lecturers; and all other full-time permanent staff.

F.4.d. Retirement: “New entrants”. Notwithstanding the previous provisions, an employee of the University who is a “new entrant” to the public service (within the meaning of the Public Service Superannuation (Miscellaneous Provisions) Act, 2004) shall not be entitled to retire before attaining the age of 65 years, and shall not be obliged to retire on the grounds of having attained the age of 65 years.

Should an appointee be a member of the Single Public Service Pension Scheme as provided for in the Public Service Pensions (Single Scheme and Other Provisions) Act 2012, then the appointee shall in accordance with the provisions of that Act, retire at the latest upon reaching the age of 70 years.

F.4.e. Termination of employment on grounds of physical or mental infirmity. Save where otherwise provided in any contract of employment with that employee, the President shall determine any question, referred to him or her by the Director of Human Resources, of whether any employee is incapable by reason of physical or mental infirmity of continuing in the employment of the University. Before determining any such question, the President shall hear any submission by the employee concerned or his or her representative, and shall consider any other information s/he considers relevant, and any advice or opinion from any medical practitioner or expert retained by

the University. If the President deems it necessary, s/he may instruct the employee concerned not to report for work pending such determination. A determination that the employee is incapable of continuing in the employment of the University must be supported by the opinion of a medical practitioner.

Where any employee is dissatisfied with the President's determination, s/he may appeal that determination within ten working days of its notification to him or her. Such an appeal will be considered by a committee comprising three external members of the Governing Body, appointed by the Governing Body for that purpose. That committee may obtain such additional information and professional advice or opinion as it considers necessary, and shall adopt such procedures as it considers appropriate. It shall notify the appellant of those procedures. The employee concerned shall not report for work pending the determination of any such appeal. The committee's determination on the appeal shall be final and binding.

F.5. Disciplinary procedure: General principles.

F.5.a. Objective of the procedure. The performance and conduct of employees is expected to contribute towards the achievement of the University's objects and functions as specified in A.2 and A.3 above. When an employee's performance or conduct is unsatisfactory (as described in F.7.a below), then the employee may be subject to disciplinary action in accordance with this procedure.

F.5.b. Informal resolution. The University's policy is to attempt to resolve issues outside this disciplinary procedure where appropriate. In such cases the University may seek, at any stage before or during the application of this procedure, to resolve informally any matter regarding employee performance or conduct which might be subject to this procedure. Where appropriate, at the discretion of the Head, this may involve a process of mediation.

F.5.c. Training and assistance in relation to performance. Where the matter at issue relates to an employee's performance of duties, the Head will ensure that before any action is taken in relation to performance, under this Statute, the University's Capability Policy, in force from time to time, shall be invoked and action under this Statute will commence only after initial meetings and opportunities for improvement in accordance with the Capability Policy have not been successful.

F.5.d. Mediation or other informal resolution instigated by Head. The Head may, at his or her discretion, on becoming aware of any matter which may be the subject of disciplinary action, discuss such matter with the employee concerned before formal disciplinary action is initiated and the Head may also, at his or her discretion, invite the employee concerned (and any other employee or person involved) to participate in a without prejudice and confidential process of mediation or other informal dispute resolution process recommended by the Director of Human Resources. The meeting at which any such discussion occurs (or any mediation or other process referred to) will be private, and no formal record of the content of the meeting will be kept. However, the Head and the employee shall both sign a note recording that a meeting has taken place in relation to a matter which may be the subject of disciplinary action. Where relevant, all employees who participate in a process of

mediation or other informal dispute resolution process shall sign a note recording that such a process has taken place in relation to a matter which may be the subject of disciplinary action. If the matter is not resolved or if it becomes clear to the Head that the matter is more serious, the University may proceed with the formal disciplinary procedure.

F.5.e. Application not to impinge on academic freedom. For the avoidance of doubt, nothing in this procedure shall authorise any action which conflicts with the preservation and promotion of academic freedom as specified in A.5 above.

F.6. Disciplinary procedure: Personnel involved.

F.6.a. Employees subject to this procedure. This procedure shall apply to all employees of the University, including officers of the University (as defined in F.4.a above), except that:

- (1) this procedure is subject to the provisions of each employee's contract of employment, to any relevant provisions of the Universities Act, 1997, and to any University statute governing the office or employment;
- (2) this procedure shall not apply to any person holding statutory office in University College Cork before 16 June 1997, unless otherwise agreed by the officer concerned; and
- (3) the application of this procedure shall not operate to renew or extend any contract of employment, or any period of probation or establishment.

F.6.b. Employee's representation. Where this procedure refers to the employee's right to have representation, then for this purpose "representation" means (in accordance with the Industrial Relations Act, 1990 (Code of Practice on Grievance and Disciplinary Procedures) (Declaration) Order, 2000 (SI 146 of 2000), schedule, para 4.4) the involvement of a colleague of an employee's choice and/or an officer or member of a representative association, but not any other person or body unconnected with the University, in representing the interests of an employee at each stage in the procedure. "Representative association" here means the trade union or entity chosen by an employee, and recognised by the University, to represent his or her interests with respect to terms and conditions of employment and staff disciplinary matters.

F.6.c. The President. All the powers of the University set out under this procedure are delegated to the President in the first instance and through the President to the Director of Human Resources (although a Head may issue a verbal warning or a written warning). However:

- (1) Where the President is the subject of this procedure, the Governing Body (which may act through a committee) shall perform the functions

or responsibilities laid out in these procedures which would otherwise have been performed by the President and/or the Director of Human Resources. In such a case, the University's power of suspension or dismissal will (where applicable) be exercised by the Governing Body.

- (2) Where the President had a material involvement in the matter which is the subject of such proceedings (as a complainant or potential witness or otherwise), or for other good reason should be excused from performing such functions in any case, an officer nominated by the Governing Body (or a committee of Governing Body designated for this purpose) shall perform the functions or responsibilities laid out in this procedure which would otherwise have been performed by the President or the Director of Human Resources. That officer (or committee) may exercise any power which would otherwise have been exercisable by the President, and the exercise of any such power is in such a case delegated to such officer (or committee). Where this section applies, any reference in this procedure to the President or the Director of Human Resources shall be deemed to be a reference to such officer (or committee).
- (3) Where the Director of Human Resources had a material involvement in the matter which is the subject of such proceedings (as a complainant or potential witness), is the subject of the proceedings or for other good reason should be excused from performing such functions in any case, an officer nominated by the President shall perform the functions or responsibilities laid out in this procedure which would otherwise have been performed by the Director of Human Resources. That officer may exercise any power which would otherwise have been exercisable by the Director of Human Resources, and the exercise of any such power is in such a case delegated to such officer. Where this section applies, any reference in this procedure to the Director of Human Resources shall be deemed to be a reference to such officer.

F.6.d. The Head. Head means the academic Head of an academic unit by whatever name titled or the Administrative/Research Head of an administrative/research unit and shall include a person acting in the capacity of Head for the purpose of this statute. Heads shall also include a Line Manager with express authority delegated by the Head to carry out the Head's duties under this statute. Where there might exist any doubt regarding the application of this definition in a particular instance, clarification should be sought from the Employee Relations Section of the Human Resources Department.

Where a Head is the subject of proceedings under this chapter, or where s/he had a material involvement in the matter which is the subject of such proceedings (as a complainant, witness or otherwise), or for other good reason should be excused from performing such functions in any case, the Director of Human Resources will nominate an appropriate person (who may be another Head or other senior officer) to perform the functions or

responsibilities laid out in these procedures which would otherwise have been performed by the Head.

F.6.e. The Director of Human Resources. In this procedure, the “Director of Human Resources” means the senior member of University staff with responsibility for Human Resources, by whatever name titled.

F.6.f The Research Integrity Officer. In this procedure, the “Research Integrity Officer” means the person appointed by the President in accordance with Section 1.16 of the University’s Code of Research Conduct and shall include any person appointed to that role on an ad hoc basis when the Research Integrity Officer cannot act in respect of a particular matter.

F.6.g Preliminary Investigation. A Preliminary Investigation for the purposes of this Statute means an investigation as to the sequence of relevant events, and whether there is demonstrated evidence of a *prima facie* case of misconduct which should be the subject of a disciplinary hearing.

F.7. Disciplinary procedure: Powers and disciplinary sanctions available.

F.7.a. Conduct/Performance which may lead to disciplinary action. Employees may be disciplined for breaching the terms of any statute or regulation applicable to their office or position, the terms of their contract of employment (including any policies of the University available in written form, breach of which is stated in such policy to be capable of leading to disciplinary sanction), for failing to meet acceptable standards of conduct within the University or in the course of employment, or for failure in performance of duties. For the avoidance of doubt, any policy the breach of which could reasonably be considered misconduct, shall for the purposes of this statute be deemed to provide for disciplinary sanction hereunder should such policy be breached.

For this purpose:

- (1) “acceptable standards of conduct” mean normative and professional behaviour of at least the minimum standard which may be reasonably expected of the employees of a University, and includes the satisfactory performance of duties, and
- (2) “performance of duties” means the performance by the employee of the duties of the employee concerned (as specified in their contract of employment or otherwise) to the minimum standard which the University may reasonably expect.

F.7.b. Power of administrative suspension pending investigation. In any case involving a complaint or allegation of misconduct of a serious nature, or on the refusal of an employee to comply with a legitimate and lawful instruction from his/her line manager, an employee may be the subject of a preliminary investigation, and the employee may be subjected to administrative suspension by the Director of Human Resources in accordance with the Universities Act, 1997, s 25(6), pending the result of such preliminary investigation and any disciplinary hearing and/or appeal thereafter. "Administrative suspension" means an employee's temporary absence from the University, with pay, where the employee is, or the employee's alleged conduct is, subject to an investigation. An employee shall be advised of any administrative suspension applied to him or her, at a meeting of which s/he shall receive at least 24 hours' notice, save that if the circumstances are immediate and pressing and the interests of the University require it, shorter notice may be given or the employee may be put on administrative suspension by way of written notification and such a meeting may be dispensed with by the Director of Human Resources. The President may review any administrative suspension, from time to time.

F.7.c. Sanctions. The disciplinary sanctions available to the University may include one or a combination of the following:

- (1) *Verbal warning:* This means a discussion between the employee and a Head (or appropriate representative of the University) regarding the employee's perceived unsatisfactory conduct or performance, how it should improve, and what consequences might ensue if it does not improve. A written record will be made of a verbal warning and placed on the employee's personnel file and shall form part of the employee's personnel record until removed. Removal will occur six [6] months after the date of the verbal warning if no further disciplinary matter arises regarding the employee during that period
- (2) *Written warning:* This means a letter issued to an employee by the University conveying that the employee's conduct or performance is unsatisfactory. Written warnings are placed on an employee's personnel file, and shall form part of the employee's personnel record until removed. Removal will occur one [1] year from the date of the first written warning, if no further disciplinary matter arises regarding that employee during that period;
- (3) *Final written warning:* This means a letter issued to an employee by the University conveying that the employee's conduct or performance continues to be unsatisfactory, notwithstanding that the employee has previously been issued with a first written warning. Final written warnings are placed on an employee's personnel file, and shall form part of the employee's personnel record until removed. Removal will occur

two years from the date of the final written warning, if no further disciplinary matter arises regarding that employee during that period;

- (4) *Disciplinary suspension:* This means the temporary suspension of an employee from the University, following the application of the disciplinary procedure, for a specified period, without pay, to impress upon the employee the serious nature of his or her misconduct or poor performance. Disciplinary suspensions may be applied progressively, ordinarily in the first instance for a period of five working days, and in the second and final instance for a period of ten working days;
- (5) *Demotion:* This means the transfer of an employee, following application of the disciplinary procedure, to an alternative position with a maximum rate of pay lower than the maximum rate of pay for the position held by the employee immediately prior to the transfer, to impress upon the employee the serious nature of his or her misconduct or poor performance; and,
- (6) *Dismissal:* This means the termination of an employee's employment with the University, following the application of the disciplinary procedure.

F.7.d. Right of employee to present case, and to notice. A disciplinary sanction will be imposed only after the employee has had an opportunity to respond to the conduct or performance issue(s) raised and to present his or her case, and after due consideration has been given to all relevant matters. A disciplinary meeting shall be held with the employee for this purpose. An employee must be given at least ten [10] working days' notice in writing of a disciplinary meeting, and must be advised by the University of his or her right to have representation at the meeting (as defined by F.6.b above). Nothing in this section will serve to restrict the power of administrative suspension vested in the Director of Human Resources under Section F.7.b above.

F.7.e. Sequence of disciplinary sanctions. Ordinarily, disciplinary sanctions shall be applied progressively, in the sequence of firstly, a verbal warning; secondly, a first written warning; thirdly, a final written warning; and fourthly, a more serious sanction, such as disciplinary suspension, demotion or dismissal. However, in an appropriate case, the University may apply any sanction[s] provided for in this procedure, whether or not a lesser sanction has previously been imposed on the employee concerned. In particular, but without limitation, if it is found that the employee has been guilty of Gross Misconduct, s/he may be dismissed without the need to apply any lesser sanction.

F.7.f Gross Misconduct means any act or omission, which may include, but is not limited, to the following:

- (1) theft, fraud or other act of dishonesty;
- (2) physical assault or intimidation;
- (3) deliberate falsification, misappropriation or destruction of primary or original documents (which includes, but is not limited to, paper records, any information or data kept on computer disks or in electronic form, and any other form of record) and includes contravention of the University's records management policy as published and for the time being in force;
- (4) being unduly under the influence of alcohol or of illegal drugs or substances in the course of one's work;
- (5) having illegal drugs, substances or materials on one's person or in one's possession, custody or control on University premises, except in cases where for research purposes permission has been granted to hold such material;
- (6) aiding others in Gross Misconduct;
- (7) misapplication or misappropriation or wilful damage to University equipment and/or property, including the use of University computers or networks to access child pornography;
- (8) bullying and/or harassment based on the application of the University's published policy on Duty of Respect and Right to Dignity for the time being in force in that regard; and
- (9) material breach of the University's code or policy covering research ethics, research integrity and/or conflict of interest following the application of the University's published code or policy for the time being in force in that regard,

provided that no such act or omission shall be considered as Gross Misconduct unless:

- (a) that act or omission occurs within the University or in the course of employment, and is so serious as to justify the University in terminating the employee's contract of employment without having to apply a lesser disciplinary sanction;
or
- (b) that act or omission is a serious criminal offence (whether or not committed within the University or in the course of employment), and the commission of such an offence undermines the University's trust and confidence in the employee's capacity to perform his or her duties;
or
- (c) that act or omission is such as to cause serious reputational damage to the University by reason of the employee's current association with the University

F.8. Disciplinary procedure: Warnings.

F.8.a. Preliminary meeting where disciplinary action appears warranted. Where it appears that an employee's conduct or performance may fall within F.7.a. above and the Head, having made such inquiries into the matter as s/he considers appropriate, forms the opinion that such conduct or performance may warrant disciplinary action, the Head shall hold a meeting with the employee in order:

- (1) to ensure that the employee is made aware of the problem;
- (2) to give the employee an opportunity to respond to the opinion of the Head and to address the matter; and
- (3) to explain to him or her how the University will deal with the unsatisfactory conduct or performance should matters not improve within a time frame defined by the Head, unless, in the opinion of the Head, the employee's response to the circumstances make it necessary to invoke the formal disciplinary process.

Such a meeting should occur promptly after the Head has formed the opinion that the employee's conduct or performance may warrant disciplinary action.

F.8.b. Record of preliminary meeting. The Head shall make notes of the meeting referred to in the preceding section. These notes shall be placed on the employee's personnel file and shall be retained for the improvement period specified under F.8.a.3. The notes shall be deleted if the improvement specified under Section F.8.a.3 is forthcoming. The notes shall be retained as a record of the meeting should matters not improve or if it is necessary to take the matter further. The Head shall send a copy of these notes to the employee within seven working days of the meeting. The employee shall be invited to accept or decline these notes as confirmation of the business of the meeting, and to respond within five [5] working days of receiving them. Should the employee fail to agree on the content of the notes any comments/views which the employee submits will be retained and appended to the Head's notes of the meeting.

F.8.c. Verbal warning. Where the employee's conduct or performance involves a failure within F.7.a above and the Head forms the opinion that a verbal warning may in the first instance be a proportionate response or where an employee's conduct or performance falls within F.7.a above and the Head, having:

- (1) held a meeting under F.8.a above,
- (2) allowed a defined time for matters to improve as referred to in F.8.a(3) above,
- (3) made such further inquiries as s/he considers appropriate, and
- (4) given the employee a further opportunity to address the matter at a further meeting, concludes that such conduct or performance warrants a verbal warning, may issue a verbal warning.

In either case the Head must meet the employee and the meeting will include the following:

- (a) an explanation of the problem (including any failure or failures) for which a verbal warning is contemplated;
- (b) an explanation of how to correct the problem;
- (c) a further opportunity for the employee to respond to the opinion of the Head and to address the matter;
- (d) a plan of action for correcting the problem, within a time frame defined by the Head, and, if deemed relevant, an offer of reasonable assistance; and
- (e) explanation/warning of further action that will be taken should the employee fail to correct the deficiency in his or her conduct or performance.

Such a meeting should occur promptly after the Head has concluded that the employee's conduct or performance may warrant a verbal warning. A senior representative of the Human Resources Department will attend the meeting, in order to ensure that this procedure is complied with, and to make a formal record of the meeting. The Head and the employee shall sign the formal record of the meeting.

F.8.d. Written warning. Where the Head, having made such inquiries (or further inquiries) into the matter as s/he considers appropriate, and having given the employee an opportunity to explain his or her conduct or performance, forms the opinion that:

- (1) the employee's conduct or performance which was the subject of a verbal warning may not have been satisfactorily addressed by the employee concerned following the issuing of a verbal warning, or
- (2) the employee's conduct or performance may involve a failure within F.7.a above to which a first written warning is in the first instance a proportionate response, in either course the Head must meet the employee and the meeting must include the following:
 - (a) an explanation of the problem (including any failure or failures) for which a written warning is contemplated;
 - (b) an explanation of how to correct the problem;
 - (c) a further opportunity for the employee to respond to the opinion of the Head and to address the matter;
 - (d) a plan of action for correcting the problem, within a reasonable time frame defined by the Head, and, if deemed relevant, an offer of reasonable assistance.

The Head will thereafter if s/he considers it appropriate to do so issue the employee with a written warning, setting out the nature of the concerns, and advising that if the situation is not satisfactorily resolved within a specified period of time, s/he will be subject to further disciplinary action.

F.8.e. Final written warning. If the Head forms the opinion that matters which were the subject of the written warning have not been satisfactorily addressed

Or

that the employee's conduct or performance involves a failure within F.7.a above to which a final written warning may be a proportionate response, and,

- (1) having made such inquiries or further inquiries into the matter as s/he considers appropriate, and
- (2) having given the employee an opportunity to address the matter at a meeting with the Head,

the Head may issue the employee with a final written warning, again setting out the seriousness of the situation and advising that should matters not be resolved within a further specified period of time, the employee will be subject to further disciplinary action up to and possibly including dismissal.

F.8.f. Duration of written warnings. The duration of written warnings shall be in accordance with section F.7.c Where a matter is resolved satisfactorily, and no further matter which may be the subject of disciplinary sanction arises during the period the warning, that warning will be removed from the employee's personnel file. When a warning is removed, the employee will be notified accordingly in writing. The University reserves the right in exceptional circumstances to extend a warning beyond the period specified in this statute. In such circumstances the staff member concerned shall be notified of the period of extension and the basis for same. A staff member may appeal the extension either directly or through their representative under Section F.8.h

F.8.g. Notification to Director of Human Resources. A Head may consult with the Director of Human Resources prior to the issuing of any warning, and shall notify the Director of every verbal warning issued and shall provide the Director with a copy of every written warning issued.

F.8.h. Appeals of verbal warnings or written warnings. Verbal warnings and written warnings may be appealed by initiating a grievance through the grievance procedure for the time being in force within the University, provided that such grievance is submitted within thirty working days [30] from the date of the disciplinary sanction concerned. Should a grievance be notified, the application of the sanction and any further action under this chapter may be suspended pending processing of the grievance.

F.9. Disciplinary procedure: Disciplinary hearings.

F.9.a. Procedures following final written warning. Where a final written warning has been issued and the Head, having made such further inquiries into the matter as s/he considers

appropriate, and having given the employee an opportunity to address the matter in a meeting with the Head, forms the opinion that the employee's conduct or performance deficiencies persist, the Head shall promptly inform the Director of Human Resources. Having considered the matter the Director of Human Resources may convene a Disciplinary Hearing Committee to conduct a disciplinary hearing.

F.9.b. Procedures following complaint or allegation of Gross Misconduct. Where the Director of Human Resources is made aware of a complaint or allegation about an employee of a matter possibly constituting Gross Misconduct (as defined in F.7.f above and having considered the matter, the Director of Human Resources, may (in addition to exercising the power of administrative suspension under F.7.b above, if appropriate) convene a Disciplinary Hearing Committee to conduct a disciplinary hearing.

F.9.c Preliminary Investigation. Where the Director of Human Resources considers it desirable in the exercise of his/her discretion, s/he may appoint any person or persons (whether members of the University or not) appearing to him or her to have suitable qualifications or experience, to conduct a preliminary investigation into a matter possibly constituting gross misconduct and to report to the Director of Human Resources within a specified time-frame (not exceeding twenty [20] working days or such longer period as may be permitted by the Director of Human Resources should the circumstances so require), an investigation as to the sequence of relevant events, and whether there is demonstrated evidence of a *prima facie* case of misconduct which should be the subject of a disciplinary hearing. The Director of Human Resources shall consider any such report received in deciding whether to convene a Disciplinary Hearing Committee.

F.9.d Preliminary Investigation of Complaints or Allegations of a breach of the University's Code of Research Integrity [by whatever name titled].

Following receipt of a complaint or allegation of potential research misconduct, the Research Integrity Officer (or an appropriate person or persons appointed by him/her for that purpose) will conduct a preliminary investigation. This investigation will be conducted in a timely manner and the Research Integrity Officer (or the person(s) nominated by him/her) will seek advice from a Preliminary Review Committee. Each College will identify two senior academic staff with extensive experience of research leadership to engage in preliminary reviews for this purpose. For each individual instance, two representatives will participate in the preliminary review: one from the College where the issue has been raised and one from another College. The College representative will, in all cases, be from a different School or Research Institute, Centre or Unit to the Respondent. The Research Integrity Officer (or the person(s) nominated by him/her) may seek the advice of other such persons, internal or external to the University as s/he or they consider appropriate having regard to the nature of the complaint or allegation.

The Research Integrity Officer may also, at his/her discretion, choose to conduct a preliminary investigation of anonymous complaints, depending on the seriousness of the issues, the credibility of the complaint, and the feasibility of confirming the complaint with credible sources.

The preliminary investigation shall be limited to determining whether there is demonstrated a *prima facie* case of misconduct which should be the subject of a disciplinary hearing or whether an issue can be resolved locally and informally either by the Research Integrity Officer or within the academic unit concerned.

Following the preliminary investigation, if the Research Integrity Officer determines that further investigation is not required, the matter may be dismissed or addressed under another applicable UCC policy or procedure. Complaints or allegations that are considered to be mistaken, frivolous, vexatious and/or malicious will be dismissed at this stage.

The Research Integrity Officer will provide the complainant and the respondent with a written determination summarising the reasons for the decision reached following the preliminary review.

Confidentiality. The preliminary investigation of a research integrity complaint or allegation must be conducted in the strictest confidence. The identity of the respondent is confidential to the Preliminary Review Committee.

If, following investigation, the Research Integrity Officer concludes that a *prima facie* case of research misconduct exists, s/he shall refer the complaint to the Director of Human Resources.

The Director of Human Resources shall consider any such report received in deciding whether to convene a Disciplinary Hearing Committee and whether to proceed in accordance with Section F.9.b above.

It shall not be necessary for the Director of Human Resources thereafter to conduct a preliminary investigation under Section F.9.c

F.9.e. Composition of Disciplinary Hearing Committee. The Disciplinary Hearing Committee will be appointed by the President and shall consist of three appropriate senior members of staff, one of whom shall be appointed by the committee to act as Chair. In the case of academic staff, such members will ordinarily hold the title Professor or Professor (Scale 2). Gender balance shall be maintained insofar as possible on all such committees. A Secretary shall be appointed by the Director of Human Resources to the Disciplinary Hearing Committee from among the administrative staff of the University.

The Disciplinary Hearing Committee may source such external, independent expert advice as the Committee deems necessary to the fulfilment of its remit.

F.9.f. Power to suspend or adjourn. The Director of Human Resources or a Disciplinary Hearing Committee, having regard to any criminal investigation arising out of the matter which is the subject

of action under this procedure, may suspend or adjourn any action or proceedings under this procedure until any such criminal investigation, and any action consequent upon it, is complete. The Director of Human Resources may maintain any administrative suspension in force under F.7.b above despite any suspension or adjournment under this section. The President may review such suspension or adjournment from time to time.

F.9.g University Representative. A University Representative, being the Head or other senior staff member appointed by the Director of Human Resources shall represent the University in making the case to the Disciplinary Hearing Committee and in defending any appeal to the Disciplinary Appeal Committee.

F.9.h. Notification of rights. As soon as practicable after the appointment of the Disciplinary Hearing Committee, the Secretary to the Disciplinary Hearing Committee shall, having consulted with the University Representative and the Head, write to the employee setting out fully the matters concerning the employee which are to be the subject of the disciplinary hearing. That letter shall notify the employee of his or her rights:

- (1) to represent himself or herself before the committee or to have representation (as defined in F.6.b above);
- (2) to call witnesses;
- (3) to question witnesses;
- (4) to make submissions himself or herself or through his or her representative to the committee; and
- (5) to apply to the committee to be represented before it by a legal representative; and, where the employee is so represented, the committee may authorise the person presenting the complaint against the employee (the University Representative) to be represented before the committee by a legal representative.

F.9.i. Notification of hearing. The Secretary to the Disciplinary Hearing Committee shall notify the employee, the Head, the Director of Human Resources and the University Representative of the place and time (which shall not be sooner than twenty [20] working days from the date of such notification) fixed for the disciplinary hearing.

F.9.j. Notification of the case against the employee. Not later than fifteen [15] working days before the date fixed for the disciplinary hearing, the University Representative shall send the employee, and the Disciplinary Hearing Committee copies of all documents in the possession of the University, relevant to the matter or matters concerning the employee which are to be the subject of the disciplinary hearing, together with the names of any witnesses to be called by the University. A report prepared under Sections F.9.c or F.9.d above shall be copied to the employee, but shall not be copied to the members of the Disciplinary Hearing Committee.

The University Representative presenting the case against the employee may not rely on any document not copied to the employee, or on any witness whose name was not so notified to the employee, unless the Committee determines that the justice of the case so requires. Where the University Representative seeks to rely on any such document or witness, the Committee may adjourn the hearing to allow the employee an opportunity to consider such document or witness.

F.9.k. Notification of the case for the employee. Not later than five [5] working days before the date fixed for the disciplinary hearing, the employee shall send to the Disciplinary Hearing Committee (and copy to the University Representative) copies of any further documents on which s/he intends to rely at the disciplinary hearing, together with the names of any witnesses s/he intends to call. However, the employee shall not be precluded from relying on any document which was not included in the material so delivered, or from calling any witness not notified provided that reasonable cause is shown for not notifying any such document or witness in advance.

F.9.l. Attendance by parties. If either the employee or the University Representative does not attend the disciplinary hearing, then the Disciplinary Hearing Committee may, in its discretion, either:

- (1) proceed to hear the matter in that person's absence, if the committee is satisfied that such person had notice of that hearing and that there is no good reason for his or her non-attendance; or
- (2) adjourn the hearing to such other date, venue and time as the committee may determine,

and the committee shall give notice of that decision both to the employee and to the University Representative.

F.9.m. Attendance by witnesses and others. It is the responsibility of each of the employee and the University Representative to ensure that the witnesses whom they intend to call are present at the disciplinary hearing. The Disciplinary Hearing Committee may, on the written request of either party or in its own discretion, request any person to attend at the disciplinary hearing.

F.9.n. Control of proceedings. A Disciplinary Hearing Committee may in its discretion grant extensions of time, adjournments and postponements where it considers it fair and proper to do so.

F.9.o. Legal assistance for the committee. A Disciplinary Hearing Committee may, where it considers it necessary or desirable, instruct a solicitor and brief counsel. The sole purpose of the legal advisor[s] is to assist in ensuring the fair and proper conduct of the disciplinary hearing.

F.9.p. Procedure at the hearing. Unless the Disciplinary Hearing Committee permits otherwise:

- (1) The University Representative shall first summarise the substance of the complaint, and then present the materials and witnesses produced in support of the complaint. Any witness may be questioned first by the person presenting the complaint, then by or on behalf of the employee. The members of the committee may question any such witness.
- (2) When all of the material on which the University Representative intends to rely has been presented, the employee or his or her representative may make a statement or address to the committee in response, and shall then present the materials and witnesses produced in his or her defence. Any witness may be questioned first by or on behalf of the employee, then by the University Representative. The members of the committee may question any such witness.
- (3) The University Representative may then again address the committee to sum up the matters supporting the complaint, to comment on the materials and witnesses presented by the employee, and to make any submission on the matter.
- (4) The employee or his or her representative may then finally address the committee to comment on the materials and witnesses presented in support of the complaint, to sum up the matters raised in his or her defence, and to make any submission.

F.9.q. Report of the Disciplinary Hearing Committee. Having heard and considered the case, the Disciplinary Hearing Committee will report to the Director of Human Resources. The committee's report will be presented to the Director of Human Resources and copied to the employee concerned within fifteen [15] working days of the completion of the hearing, although the Chair may extend this period where s/he considers that the report cannot practicably be completed within this period.

F.9.r. Determination by Director of Human Resources. The Director of Human Resources, having considered the Disciplinary Hearing Committee's report, will determine what disciplinary sanction, if any, is to be pursued. Such determination shall, where practicable, be made within five working days of receiving the committee's report. In determining what disciplinary sanction, if any, is to be taken, the Director of Human Resources may meet, or request more information from, either or both of the committee and/or the employee, before issuing his or her decision.

- (1) *Decision to suspend:* If, having considered the report of the Disciplinary Hearing Committee, the Director of Human Resources is of the view that the employee has committed a serious breach of conduct (short of Gross Misconduct), or that the employee has not responded to progressive disciplinary sanction and that the employee should be subject to a disciplinary suspension, by reason of his or her conduct or performance, the

Director of Human Resources, having consulted with the relevant Head, may suspend the employee.

- (2) *Decision to demote:* If, having reviewed and considered the report of the Disciplinary Hearing Committee, the Director of Human Resources is of the view that the employee has committed a serious breach of conduct (short of Gross Misconduct), or that the employee's conduct or performance has consistently failed to meet expected standards or has failed to respond to progressive disciplinary sanctions, the Director of Human Resources, having consulted with the relevant Head, may demote the employee. The Director of Human Resources may review, at any time, the situation of an employee who has been demoted, and reverse that demotion if in his or her opinion the employee's subsequent conduct or performance warrants it.
- (3) *Decision to dismiss:* If, having considered the report of the Disciplinary Hearing Committee, the Director of Human Resources is of the view that the employee has not responded to progressive disciplinary sanctions, or where the nature of the employee's misconduct (including Gross Misconduct) or failure to perform duties is so serious that it merits dismissal, and that the employee should be dismissed, the Director of Human Resources, having consulted with the relevant Head, may dismiss the employee.

In each case, the Director of Human Resources' determination shall be issued in the form of a letter to the employee, which shall also set out the reasons for, and the circumstances which led to, the employee's suspension, demotion or dismissal, and the date on which it is to take effect. The letter shall also advise the employee of his/her right of appeal as set out in the following chapter, and the disciplinary suspension, demotion or dismissal shall not take effect until the period for bringing an appeal has expired. A copy of this letter shall be placed on the employee's personnel file, and will be retained there permanently, except in the event of a successful appeal by the employee under F.10 below.

F.10. Disciplinary procedure: Appeals from disciplinary hearings.

F.10.a. Notification of appeal. An appeal against disciplinary suspension, demotion or dismissal shall be notified in writing to the Corporate Secretary within fifteen [15] working days of the confirmation to the employee of the disciplinary suspension, demotion or dismissal.

F.10.b. Suspension of sanction pending decision on appeal. In the case of a disciplinary suspension or demotion being appealed, the appellant will remain in his or her then current position pending the outcome of the appeal. In the case of a dismissal, an appellant shall remain within the employment of the University while his or her appeal is being determined (subject to F.6.a.3 above), but will be neither required nor permitted to report for work beyond the

date on which the dismissal was to take effect, pending the outcome of the appeal. In the event of an appeal, any administrative suspension in place on the date of decision by the Director of Human Resources in accordance with Section F.9.q above will continue until the determination of the appeal by the Disciplinary Appeal Committee.

F.10.c. Composition of Disciplinary Appeal Committee. The appeal will be decided by a Disciplinary Appeal Committee drawn from the Disciplinary Appeal Panel nominated from time to time by the Governing Body (and comprising only external members of the Governing Body). The Disciplinary Appeal Committee will be a sub-committee of the Governing Body, and shall be convened on the request of the Corporate Secretary. Where the Governing Body exceptionally considers it necessary, it may invite one or more suitably qualified and experienced persons unconnected with the University to be a member of the Disciplinary Appeal Committee, either together with, or instead of, external members of the Governing Body. The Disciplinary Appeal Committee will appoint a Chair from amongst its membership.

F.10.d. Rights of employee. The employee shall have the right:

- (1) to represent himself or herself before the Disciplinary Appeal Committee or to have representation (as defined by F.6.b above);
- (2) to make submissions himself or herself or through his or her representative to the Disciplinary Appeal Committee; and
- (3) to apply to the Disciplinary Appeal Committee to be represented before it by a legal representative; and, where the employee is so represented, the committee may authorise the University Representative to be represented before it by a legal representative.

F.10.e. Time and place of hearing. The Disciplinary Appeal Committee shall notify the appellant, the Director of Human Resources and the University Representative of the time (which shall not be sooner than fifteen [15] working days from the date of such notification) and place fixed for the appeal hearing. The appeal hearing shall be conducted promptly and in any event within thirty [30] working days of the receipt by the Corporate Secretary of notification of the appeal, although the Chair of the Disciplinary Appeal Committee may extend this period where s/he considers that the appeal cannot fairly and practicably be determined within this period.

F.10.f. Notification of documents. Not later than five [5] working days before the date fixed for the appeal hearing, the Director of Human Resources shall send the Disciplinary Appeal Committee, and copy to the appellant and to the University Representative, copies of all documents which were before the Disciplinary Hearing Committee, a copy of that Committee's report, and any other record of the proceedings before it.

F.10.g. Grounds of appeal. Not later than five [5] working days before the date fixed for the appeal hearing, the appellant shall (if s/he has not already done so) submit a statement in writing to the Disciplinary Appeal Committee, with a copy to the Director of Human Resources and the University Representative, clearly setting out the grounds of the appeal.

F.10.h. Without leave, no new documents and no witnesses. Neither the appellant nor the University Representative may rely on any document or witness which or who was not before the Disciplinary Hearing Committee, unless the Disciplinary Appeal Committee determines that consideration of such document or witness is necessary to fairly decide the matter and that there is a sufficient reason why such document or witness was not before the Disciplinary Hearing Committee. The Disciplinary Appeal Committee may adjourn the hearing to allow the other party an opportunity to consider such document or witness.

F.10.i. Consultation with Disciplinary Hearing Committee. The Disciplinary Appeal Committee may seek such information as it considers appropriate from the Disciplinary Hearing Committee in regard to the appeal, and shall copy such information, when provided, to the appellant and to the University Representative.

F.10.j. Attendance by parties. If the appellant or the University Representative does not attend the appeal hearing, then the Disciplinary Appeal Committee may, in its discretion, either:

- (1) proceed to hear the matter in that person's absence, if the committee is satisfied that such person had notice of that hearing and there is no good reason for his or her non-attendance; or
- (2) adjourn the hearing to such other date, venue and time as the committee may determine, and the committee shall give notice of that decision to the appellant and to the University Representative.

F.10.k. Control of proceedings. A Disciplinary Appeal Committee may in its discretion grant extensions of time, adjournments and postponements where it considers it fair and proper to do so. The committee, having regard to any criminal investigation arising out of the matter which is the subject of action under this procedure, may suspend or adjourn any action or proceedings under this procedure until any such investigation, and any action consequent upon it, is complete.

F.10.l. al assistance for the Committee. A Disciplinary Appeal Committee may, where it considers it necessary or desirable, instruct a solicitor and brief counsel. The sole purpose of the legal advisor[s] is to assist in ensuring the fair and proper conduct of the appeal process.

F.10.m. Procedure at the hearing. Unless the Disciplinary Appeal Committee permits otherwise:

- (1) the appellant shall first summarise his or her grounds of appeal, and then present the materials by reference to the proceedings before the Disciplinary Hearing Committee in support of the appeal;

- (2) when all of the material on which the appellant intends to rely has been presented, the University Representative may address the committee in response, and shall then present the materials produced in defence of the appeal;
- (3) the appellant or his or her representative may then finally address the committee in response.

F.10.n. Procedures and fairness. In determining the appeal, the Disciplinary Appeal Committee shall consider the procedures followed by the Disciplinary Hearing Committee (and where relevant, by the Head), and the fairness of the decision made.

F.10.o. Decision on appeal. The Disciplinary Appeal Committee shall allow or dismiss the appeal, and shall so inform the Director of Human Resources, the University Representative and the appellant. Where the committee allows the appeal on the grounds that the sanction imposed was too severe, it may recommend a lesser sanction than that originally imposed. Where the committee dismisses an appeal, it may not recommend a sanction beyond that originally imposed.

F.10.p. Speed of decision. Where possible, the decision of the Disciplinary Appeal Committee shall be notified to the Director of Human Resources, the University Representative and to the appellant concerned within fifteen [15] working days of the hearing of the appeal, though the Chair of the committee may extend this period where s/he considers that the decision cannot fairly and practicably be made within this period.

F.10.q. Implementation of decision. The Director of Human Resources shall take the necessary action to implement the Disciplinary Appeal Committee's decision. Such action shall, where practicable, be taken within five [5] working days of receiving the committee's report, and shall be notified in writing to the appellant employee and to the person defending the appeal.

F.10.r. Finality of decision. The Disciplinary Appeal Committee's decision shall be final and binding, and there shall be no further right of appeal within the University.

Chapter G: Students and Graduates.

G.1. Student membership of the University.

G.1.a. Membership. All registered students are members of the University.

G.1.b. Fees. The Governing Body may determine the fees to be paid by the students of the University.

G.1.c. Scholarships, prizes etc. The Governing Body shall make provision for scholarships, prizes, and other rewards, and shall prescribe the number, value, and tenure of the scholarships and the conditions on which they may be awarded and retained, and the prizes and other rewards to be offered to students of the University.

G.1.d. Academic Council: Power to make rules. The Academic Council shall (subject to review by the Governing Body) make rules for the maintenance of discipline and good conduct among the students, both within and without the University precincts, in cases not provided for by the statutes, and shall prescribe the penalties for the violation of the same.

G.1.e. Academic Council: Powers on breach of rules. The Academic Council shall, when necessary, determine all cases of violation of such rules in accordance with procedures set down in the rules made under the previous section. The Academic Council may sanction any student who shall not observe those rules, or shall be guilty of any offence within or without the University, contrary to discipline and good order, with expulsion, temporary exclusion, or any lesser penalty. Provided that deprivation of scholarship or other prize shall in all cases be referred to the decision of the Governing Body.

G.2. Examinations.

G.2.a. Rules and standards. All University examinations shall be conducted in accordance with rules and standards approved by the Academic Council. The rules and standards shall include both general provision for the conduct of examinations and specific provision for each award. The general provision shall be reviewed annually by the Academic Council.

G.2.b. Conduct of examinations. The Deputy President and Registrar, under the direction of the Academic Council, shall be responsible for the conduct of all examinations. Examinations shall be

conducted and managed by the relevant Head of Academic Unit or Programme Director, or their nominee, under the direction of the Deputy President and Registrar.

G.2.c. Examiners. There shall be two categories of Examiners, namely Internal Examiners and External Examiners.

- (1) Internal Examiners shall consist of relevant academic staff as defined in rules under G.2.a above.
- (2) External Examiners shall be recommended by the Academic Council for ratification by the National University of Ireland, as required. Internal procedures for the consideration of nominations shall be set out in rules under G.2.a above.

G.2.d. Examination Boards. The terms of reference and constitution of Examination Boards, including the role and responsibilities of members and the Chair, shall be set out in rules under G.2.a above. The President or his/her nominee shall be entitled to chair any Examination Board meeting. In the case of examinations for taught awards, the Deputy President and Registrar or his/her nominee may attend any Examination Board meetings, and shall appoint the secretaries of such Boards.

G.2.e. Results. The results of all examinations shall be determined by the Deputy President and Registrar and the Academic Secretary or by the Academic Board based upon the decisions of the University Examination Boards.

G.2.f. Review. Either the Academic Council (acting on the advice of the Deputy President and Registrar), or the Examinations Appeals Committee established by the following section, may request that an Examination Board review student(s) results where there is evidence of procedural error or maladministration which places the standards of the University's award(s) in jeopardy. The procedure governing such a review shall be set out in rules under G.2.a above.

G.2.g. Examination Appeals Committee. The Academic Council shall establish an Examination Appeals Committee, to consider student appeals in relation to the results of examinations. The Committee, the Chair of which shall be appointed by the President, shall act in accordance with rules under G.2.a above. The Committee shall consider each appeal on the grounds on which it is based. In coming to a decision on an appeal the Committee may consult with Internal Examiners, External Examiners and other persons as appropriate.

G.3. Revocation of Awards

G.3.1. National University of Ireland Statute 86 empowers the Senate of the National University of Ireland, on the proposal of the Governing Body of any Constituent College

(now university), to deprive any graduate of the National University of Ireland, who, in the opinion of the Senate, is guilty of scandalous conduct, of any degree or diploma conferred by the Constituent College on behalf of the National University of Ireland and of all the privileges enjoyed as such graduate or diplomate.

G.3.2. Chapter G.3 of this Principal Statute provides for the processing, within the University, of what may become a proposal to the Senate of the National University of Ireland to deprive a graduate of University of such a degree or diploma where the scandalous conduct concerned was connected to the award of the degree or the diploma. If any officer of the University on whom the exercise of a function under this Statute rests is precluded from doing so by reason of personal involvement in the matter, or any prior involvement in the matter or by reason of conflict of interest, he or she shall disclose same to the President (or, if the President has had some such involvement or conflict, to the Chair of the Governing Body) who shall designate some other officer of the University to discharge that function.

Scandalous Conduct

G.3.3. If the University, whether by reason of a disclosure made to it by a third party or of its own motion, discovers that there may have been some scandalous conduct in the nature of Academic Misconduct or Fraud or Research Misconduct involved in meeting the degree or diploma requirements, and, consequently, the awarding of a degree or diploma of the National University of Ireland in conjunction with the University, the Deputy President & Registrar or their nominee may invoke this Statute.

G.3.4. In this Chapter G.3 of this Principal Statute, “*Academic Misconduct*” includes, but is not limited to, dishonest practices such as fabrication of data, cheating, plagiarism, or uttering by a student of false statements relating to academic work leading or contributing to the award of a degree or diploma to that student who, in consequence, became a graduate of the University.

G.3.5. In this Chapter G.3 of this Principal Statute, “*Fraud*” includes, but is not limited to, altering transcripts or other official documents relating to admission or student records, misrepresenting one’s credentials, impersonation or creating or altering letters of reference leading or contributing to the award of a degree or diploma to that student who, in consequence, became a graduate of the University.

G.3.6. In this chapter 3.G. of this Principal Statute, “*Research Misconduct*” means an infraction of the University’s Code of Research Integrity (by whatever name called) in force at the time of the conduct of research, which wholly or in part was adjudged to meet the requirements of and by reference to which a degree or diploma was awarded to a student who, in consequence, became a graduate of the University or conduct which constitutes Academic Misconduct or Fraud with reference to any such research.

Preliminary Review

G.3.7. If any unit of the University receives or otherwise becomes aware of information regarding the possibility of Academic Misconduct or Fraud, which, if proven, might warrant depriving a graduate of a degree or diploma, a written statement setting out the information will be forwarded

to the Deputy President & Registrar who will designate a person or persons to conduct a preliminary review and report thereon. The report on the preliminary review should, where possible, be completed within three months of the commencement of the review.

G.3.8. If, after considering the report of the preliminary review, the Deputy President & Registrar decides that the evidence does not support a charge of Academic Misconduct or Fraud, all documents related to the case will be destroyed.

Charge of Academic Misconduct, Fraud or Research Misconduct

G.3.9. If the Deputy President & Registrar is satisfied that the report of the preliminary review supports a charge of Academic Misconduct or Fraud on the part of a graduate, which, if proven, might warrant depriving the graduate of a degree or diploma obtained by reason of or in connection with that Academic Misconduct or Fraud, the Deputy President & Registrar will appoint a person to act as the Prosecutor in the case and will appoint a Hearing Committee.

G.3.10. If, following an investigation under the University's Code of Research Integrity (by whatever named called), the Research Integrity Officer determines that there is an established case of Research Misconduct, as defined at paragraph *G.3.6.* of this Statute, on the part of the graduate which might warrant depriving the graduate of a degree or diploma obtained by reason of or in connection with the research to which the Research Misconduct relates, the Deputy President & Registrar will appoint a person to act as the Prosecutor in the case and will appoint a Hearing Committee to which the Research Integrity Officer will furnish an investigation report.

Hearing Committee

G.3.11. The Hearing Committee shall consist of three Professors or Officers of the University, two of whom shall be drawn from the relevant College or academic or administrative unit within the University and one of whom shall be drawn from another College or academic or administrative unit within the University. The members of the Hearing Committee will select a Chair for the Committee. The Prosecutor shall give the Hearing Committee copies of all written material relevant to the charge. In all cases the Hearing Committee should proceed in accordance with the rules of procedural fairness. In cases where the Hearing Committee has received a report on a case investigated under the University's Code of Research Integrity under paragraph *G.3.10.* of this Principal Statute, the Hearing Committee will accept the report of the Research Integrity Officer and proceed to consider only whether the Research Misconduct is such as to warrant a recommendation that the graduate be deprived of a degree or diploma obtained by reason of or in connection with the research to which the Research Misconduct relates.

Contact with Graduate/Hearing

G.3.12. The Prosecutor will contact the graduate by registered post to inform him or her that there is a charge of Academic Misconduct or Fraud or Research Misconduct and that a hearing before a Hearing Committee assembled for this purpose is to be held to decide the matter.

G.3.13. The graduate will be informed of the following;

- (i) the evidence on which the charge is based, including a copy of all documents related to the charge;
- (ii) the requirement that the graduate respond to the charge within 40 (forty) days of receipt of the notice;

- (iii) the option of informal discussion with the Prosecutor to address the charge without a hearing;
- (iv) the date, time and location of the hearing and the right to have representation at the hearing, and to seek legal advice;
- (v) the right to provide a written submission regarding the charge and to appear before the Hearing Committee;
- (vi) the right of the Hearing Committee to hear the charge and proceed in the graduate's absence, if the graduate does not respond within the time allowed and does not request an extension by written application with satisfactory reasons; and
- (vii) that if, following the hearing, there is a finding by the Hearing Committee of Academic Misconduct or Fraud or Research Misconduct, the sanction may include a proposal to the Senate of the National University of Ireland that it deprive the graduate of the degree or diploma concerned.

G.3.14 If, after hearing the evidence, the Hearing Committee decides that the evidence does not support the claim of Academic Misconduct or Fraud or Research Misconduct, the graduate will be informed that the matter has been withdrawn and is closed.

G.3.15. If, after hearing the evidence, the Hearing Committee finds that the evidence does support the charge of Academic Misconduct or Fraud or Research Misconduct, the Hearing Committee will determine the sanction, if any. The Hearing Committee may recommend that the graduate be deprived of the degree or diploma to which Academic Misconduct or Fraud or Research Misconduct relates. The graduate, the Deputy President & Registrar, the Research Integrity Officer and the Corporate Secretary will be informed of the decision. The graduate also will be informed of the right to appeal the decision to the Governing Body by notice in writing to the Corporate Secretary within 21 days of the decision of the Hearing Committee.

No Contact with Graduate

G.3.16. If the University is unable to contact the graduate, (i.e. the University is unable to confirm that the graduate received the information), the matter will be noted by the Deputy President & Registrar and any further proceedings will be held in abeyance. If, at any time, the Deputy President & Registrar or any other University unit becomes aware of current contact information for the graduate, the Deputy President & Registrar again will attempt to inform the graduate of the charge and of the procedure for responding to the charge. If the graduate thereafter initiates contact with the University (for any reason), the Deputy President & Registrar shall use the contact information provided by the graduate to inform him or her, of the charge and of the procedure for responding to the charge.

G.3.17. If the graduate receives the correspondence and acknowledges/responds to the charge, the procedure in paragraphs *G.3.12.* to *G.3.15.* of this Principal Statute shall be followed.

G.3.18. If the graduate receives the correspondence and does not respond within 40 (forty) days of the date of the letter, a hearing will be scheduled by the Committee. The graduate shall be provided reasonable notice of the hearing date including a statement that if he or she does not attend the hearing, the Hearing Committee may proceed in the graduate's absence and the graduate will not be entitled to any further notice of the proceeding.

Governing Body

G.3.19. If the graduate does not appeal the decision of the Hearing Committee, the Governing Body shall accept and adopt the recommendation of the Hearing Committee without debate and, if same includes a recommendation that the graduate be deprived of the degree or diploma, the Governing Body shall forward same, together with all relevant documents, to the Registrar of the National University of Ireland with a request that the graduate be deprived of the degree or diploma for the reasons set out.

Appeal of Hearing Committee Decision

G.3.20. If the graduate lodges an appeal to the Governing Body, the Governing Body shall thereafter establish an Appeal Committee of the Governing Body to hear and deliberate on the appeal and the response of the Prosecutor thereon. Paragraphs F.10.e to F.10.n of this Principal Statute shall apply to the deliberations of the Appeal Committee as if the references therein to

- (i) the “Disciplinary Appeal Committee” were references to the “Appeal Committee”,
- (ii) the “employee” were references to the “graduate”,
- (iii) the “Director of Human Resources” were references to the “Deputy President & Registrar”,
- (iv) the “University Representative” were references to the “Prosecutor”, and
- (v) the “Disciplinary Hearing Committee” were references to the “Hearing Committee”.

The Appeal Committee shall decide whether to affirm the decision of the Hearing Committee or uphold the appeal of the graduate. The Appeal Committee shall notify the Deputy President & Registrar and the Corporate Secretary of its decision, which will be noted thereafter by the Governing Body. If the Appeal Committee upholds a recommendation of the Hearing Committee, that the graduate should be deprived of the degree or diploma concerned the Governing Body shall forward same, together with all relevant documents, to the Registrar of the National University of Ireland with a request that the graduate be deprived of the degree or diploma for the reasons set out.

Senate of National University of Ireland

G.3.21 In any case where the Senate of the National University of Ireland is considering a recommendation from the Governing Body of the University that a graduate be deprived of a degree or diploma by reason of scandalous conduct, the Deputy President & Registrar, any other officer or employee of the University who has had any involvement in the case, and who is a member of the Senate, will recuse themselves from the Senate’s consideration of the matter.

Chapter H: Dispute Resolution.

H.1. Dispute resolution procedures.

H.1.a. Purpose of procedures. The procedures hereby established by the Governing Body in accordance with the Act are for the resolution of disputes which may arise in the University, other than disputes which are dealt with through industrial relations structures operating in the University, or appeals by students relating to the results of examinations, and other matters for which express provision is made by the University.

H.1.b. The Governing Body shall appoint a Disputes Resolution Committee whose terms of reference shall be to report to Governing Body on measures to resolve disputes arising in the University which fall within its remit.

H.1.c Reference of an issue. An employee or student member of the University may refer an issue for resolution under these procedures, but only after every effort has been made to resolve the dispute using other established procedures. Notice of referral shall be served on the Corporate Secretary.

H.1.d. Assessment Panel: Appointment. Within 21 days of receipt of referral, the University shall appoint an Assessment Panel, which shall comprise three members, appointed by the President.

Should the President be a party to the dispute, or otherwise involved in an earlier attempt to resolve it, the Assessment Panel shall be appointed by a person nominated by the Chairperson of the Governing Body.

H.1.e. Assessment Panel: Procedure. The University member referring an issue shall submit a statement in writing to the Assessment Panel, containing:

- (1) an account of the relevant facts and circumstances of the dispute,
- (2) information sufficient to enable the Assessment Panel to determine whether the matter is one which falls within the remit of the Dispute Resolution Committee described below, and
- (3) an account of the processes within the University which have been used to endeavour to resolve the dispute.

H.1.f. Assessment Panel: Determination. The Assessment Panel shall determine whether the dispute falls within the remit of the Dispute Resolution Committee, and in the light of that determination may:

- (1) Refer the dispute to that Committee, or
- (2) Declare that the dispute is not one which falls within the remit of the dispute resolution procedure, or should be referred to another forum.

H.1.g. Dispute Resolution Committee: Membership. The members of the Dispute Resolution Committee shall not be members of the University. The membership shall comprise:

- (1) a Chair nominated by the Governing Body;
- (2) a second member nominated by the Governing Body; and
- (3) a member who shall be a nominee of the Chancellor of the National University of Ireland.

H.1.h. Dispute Resolution Committee: Procedures. The members of the committee shall meet, adjourn and otherwise regulate their proceedings as they deem fit, subject to the following rules:

- (1) The quorum for all meetings shall be two members. Questions arising shall be decided by majority vote (or, if only two members are present, by unanimous decision).
- (2) All hearings before the committee shall be held in private, and no person shall be entitled to attend a hearing before the committee without the committee's leave.
- (3) The committee shall have before it the written submission which will have been considered by the Assessment Panel. The committee shall, in the first instance, review this statement. It may seek an additional statement or statements from the University members involved, and/or may seek statements from any other parties to the dispute or from any other parties whom the committee considers may be concerned.
- (4) The committee shall call all parties to the dispute to appear before it (by whatever means appear to the committee to be appropriate), and shall hear an account of the matter from each party to the dispute. A party appearing before the committee shall be entitled to be accompanied by a friend or colleague, or any other representative acceptable to the committee.
- (5) Refusal or failure of any party to attend the proceedings or to comply with any time limits determined by the committee shall not invalidate the proceedings, which may, at the discretion of the committee, continue upon evidence that all other procedures stipulated by the statutes have been properly followed.
- (6) The committee shall consider all the evidence, oral and written, presented to it and may, if it sees fit, seek further information, by way of oral or written evidence, from members of the University and from others, as it deems fit.
- (7) The committee shall be entitled to seek such external professional advice as it deems necessary from the professional advisors to the University or others.
- (8) If, at any stage during the hearing of matters relating to the dispute, the parties to the dispute voluntarily agree measures to resolve the dispute, they shall so inform the committee and, if the committee approves the measures agreed upon by the parties to the dispute, it shall terminate consideration of the dispute.

H.1.i. Dispute Resolution Committee: Recommendations. After due deliberation, the committee may:

1. conclude that the matter[s] in dispute cannot be resolved through the process; or
2. provide a report to the Governing Body as to the resolution of the dispute

The committee shall report accordingly to Governing Body which will make a final determination on the matter[s].

1.1. The National University of Ireland.

1.1.a Role of NUI. The University is a constituent university of the National University of Ireland.

1.1.b University representation on NUI Senate. The membership of the Senate of the National University of Ireland shall include two men and two women elected by the Governing Body, in accordance with the provisions of this chapter. The persons so elected shall hold office for a period not exceeding five years, and a member whose term of office has expired shall be eligible to be re-elected.

1.1.c Election meeting. The President shall appoint the date for the holding of the election meeting. The election shall take place at a meeting of the Governing Body. Six weeks' notice of the meeting shall be given to each member of the Governing Body, and the notice shall state that the election of members of the Senate of the NUI is the purpose, or one of the purposes, of the meeting.

1.1.d Time limits. The election meeting shall be held not more than four weeks before the date at which the period of office of the persons last elected by the University as members of the Senate shall expire. In the event of the University failing to elect within the prescribed time the full number of persons which it is entitled to elect, the vacancies which are not filled shall be deemed to be casual vacancies, to be filled under H.3.j below.

1.1.e Nominations. Each nomination of a person whom it is proposed to elect shall be made on a nomination paper signed by two members of the Governing Body, and accompanied by the written consent of the candidate to his or her nomination, and shall be submitted to and received by the Corporate Secretary at least four weeks before the day appointed for the election meeting. The nomination paper shall also indicate whether the person nominated is a man or a woman. No more than one nomination paper will be accepted in respect of any one candidate; in the event of more than one nomination paper being received, the first only such paper shall be accepted. A nomination which fails to satisfy any or all of these conditions shall be invalid and null.

1.1.f Uncontested election. If at the expiration of the period for nominations precisely two men and two women have been duly nominated, the persons so nominated shall be deemed to have been duly elected. If only one man (and/or one woman) is duly nominated, the nominated candidate(s) shall be deemed to be elected, and a casual vacancy shall exist which shall be filled in accordance with the provisions of H.3.j below.

1.1.g Contested election. If more than two men, or more than two women, have been duly nominated there shall be a ballot at the election meeting in respect of the positions for which more than two nominations have been received. Should a ballot take place, there shall be deemed to be elected (1) those two male candidates who have obtained the greatest number of valid votes, and/or (2) those two female candidates who have obtained the greatest number of valid votes.

1.1.h Contested election: Equality of votes. If there shall be an equality of votes for two or more candidates, and the number of candidates (if any) who have obtained a greater number of votes together with the number of candidates having such an equality of votes is greater than the number which the University is entitled to elect, the election, as between the candidates having such an equality of votes, shall be determined by lot drawn by the Chair at the meeting; this provision shall apply separately in respect of the male candidates and of the female candidates.

1.1.i Declaration of result. The Chair shall declare the candidate or candidates whose election has been so determined to have been duly elected. When any person shall have been declared to have been duly elected, the Corporate Secretary shall forthwith notify the Registrar of the National University of Ireland accordingly in writing.

1.1.j Casual vacancies. Whenever a casual vacancy shall occur among the members of the Senate elected by the University, the Corporate Secretary shall give notice in writing thereof to the Registrar of the National University of Ireland. The election of a person to fill the vacancy shall take place at a meeting of the Governing Body, held not more than four months after such notice has been given. A person elected to fill a casual vacancy shall hold office for the remainder of the term of office of the member whose ceasing to hold office occasioned the casual vacancy. The filling of any casual vacancy arising in respect of a person elected pursuant to this chapter shall not alter the gender balance of the four elected members, as set forth H.3.b. above.