

**University College Dublin
National University of Ireland, Dublin**

Consolidated Governing Statute

Statute 32: Governing Statute is updated to 19 July 2024

**Consolidation of Statute 25 as amended,
conformance with the Universities Act 1997 (as
amended by the Higher Education Authority Act
2022) and establishment of a Consolidated Governing
Statute**

Universities Act, 1997

This Consolidated Governing Statute is an administrative consolidation of Statute 32: Governing Statute. It is prepared in accordance with the requirements of Chapter 22 of this Statute.

Disclaimer: While every care has been taken in the preparation of this Consolidated Statute, the University Secretariat can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to govauth@ucd.ie.

STATUTE 32: GOVERNING STATUTE
Made by the Governing Authority with effect from 09 May 2024

1. Background:

- i. Statute 25 consolidated the amendments made to Statute 6 by Statutes 7, 8, 9, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 into one single document and updated Statute 6 with the amendments to academic titles as approved by the University's Academic Titles Referendum.
- ii. Subsequently Statute 25 has been amended by Statutes 26, 28 and 29.
- iii. The Higher Education Authority Act 2022 amended the Universities Act 1997 such that various provisions in Statute 25 are now in conflict with that legislation and must be amended.
- iv. Any future amendments to the Governing Statute will be made to this Statute 32.
- v. An annotated administrative version of the Governing Statute ("Consolidated Governing Statute") will be published together with Statute 32. As amendments are made to this Statute 32, the Consolidated Governing Statute will be updated to include all changes and published such that the then current statutory position is accessible in a single published document. The updating of the Consolidated Governing Statute will not require separate approval by the Governing Authority.

2. Statute 25 is hereby amended and consolidated into Statute 32, which may be referred to as the Governing Statute. Statute 25 is hereby revoked. Statute 32 reads as follows:

Statute 32: Governing Statute

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CHAPTER 1 THE UNIVERSITY

1. In accordance with the provisions of the Universities Act, 1997 (**Act**) University College Dublin has been constituted a University and by Order of the Minister for Education and Science, on 19th November 1998 and the University is named University College Dublin, National University of Ireland, Dublin.
2. The degrees, diplomas and other qualifications awarded by University College Dublin, National University of Ireland, Dublin shall be qualifications of the National University of Ireland and shall be so designated.
3. The objects and functions of the University shall include those designated in sections 12 and 13 of the Act.

Universities Act, Section 12, Objects of university

The objects of a university shall 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.*

Universities Act, Section 13, Functions of university

- (1) The functions of a university are to do all things necessary or expedient in accordance with this Act and its charter, if any, to further the objects and development of the university.*
- (2) Without limiting the generality of subsection (1), a 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 trusts and conditions, if any, not in conflict with this Act, specified by the donor.*

4. In the performance of its functions the University shall have the right and responsibility to preserve and promote the traditional principles of academic freedom in accordance with section 14(1) of the Act.

Universities Act, Section 14, Academic Freedom

(1) A university, in performing its functions shall—

- (a) 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*
- (b) 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—*
 - (i) the promotion and preservation of equality of opportunity and access,*
 - (ii) the effective and efficient use of resources, and*
 - (iii) its obligations as to public accountability,*

and if, in the interpretation of this Act, 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.

5. A member of the academic staff shall have the freedom, within the law, to exercise their academic freedom in accordance with section 14(2) of the Act without being disadvantaged, or subject to less favourable treatment by the University, for the exercise of that freedom.

Universities Act, Section 14, Academic Freedom

(2) A member of the academic staff of a 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.

6. Save and except in the case of Statutes 27, 30 and 31 of University College Dublin, National University of Ireland, Dublin the Statutes of the University passed since Statute 25 came into force on 12 December 2018 are hereby revoked.

7. The provisions of paragraph 7 of Chapter 1 of Statute 1 which are in the following terms are hereby affirmed and continued in full force and effect.

"The statutes of University College Dublin are hereby revoked but such

revocation shall not affect any appointment made, right acquired, liability incurred or act done under any previous statutes. Notwithstanding the generality of the foregoing, any provisions of the statutes of University College Dublin referred to (expressly or impliedly) in this statute shall not be affected by such revocation."

CHAPTER 2 MEMBERSHIP OF THE UNIVERSITY

1. The President of the University, the members of the Governing Authority, the members of the Academic Council, the staff, the students and the graduates of the University and such other persons as the Governing Authority may appoint to be members are the members of the University for the time being and constitute the body corporate of the University.
2. All students of University College Dublin on whom a degree of the National University of Ireland was conferred as a result of their studies at the College before the commencement of the Act shall be regarded as graduates of the University.
3. In accordance with the provisions of the Act and with the policy of the University, equality of opportunity shall be afforded to all members of the University.

CHAPTER 3 THE PRESIDENT

1. The President is the Chief Officer of the University and a member of the Governing Authority.
2. The President shall be *ex officio* a member of the Academic Council.
3. The President shall be entitled to hold office for a period determined by the Governing Authority of up to ten years, save in the event of the retirement, resignation or removal from office of the President before the completion of the term of office. The President shall not hold any other office or position without the consent of the Governing Authority.
4. A President shall be appointed by the Governing Authority in accordance with procedures specified in the Statutes of the University.
5. A President may be removed from office in accordance with procedures determined by the Statutes of the University.
6. The Governing Authority may, subject to such conditions as it thinks fit, delegate to the President any of the functions of the Governing Authority or the University relating to the appointment of employees of the University and the determination of selection procedures.

Universities Act, Fourth Schedule, Chief Officer

1. *The chief officer of a university shall, subject to this Act, 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.

2. *In performing his or her functions the chief officer shall be subject to such policies as may be determined from time to time by the governing authority and shall be answerable to the governing authority for the efficient and effective management of the university and for the due performance of his or her functions.*
3. (1) *A chief officer may delegate any of his or her functions to an employee of the university, including any functions delegated to the chief officer in accordance with section 25 (2), unless they are so delegated to the chief officer subject to the condition that they shall not be sub-delegated, and the employee shall be answerable to the chief officer for the performance of those functions.*
(2) *Notwithstanding any such delegation, the chief officer shall at all times remain answerable to the governing authority in respect of the functions so delegated.*
4. *A chief officer shall not hold any other office or position without the consent of the governing authority.*
7. In accordance with the Fourth Schedule of the Act, the President shall, subject to the Act, 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.
8. The President shall be the accounting officer for the University and shall prepare and submit to the Governing Authority an Annual Report on the state of the University.
9. The President shall reside in the official residence provided during the President's term of office.
10. If the Governing Authority considers it appropriate to do so, a person who, having served as President for the full term of office and not having attained the age at which he or she is otherwise required to retire may, at the absolute discretion of the Governing Authority, be offered a Professorship in an appropriate subject/discipline by the Governing Authority upon the conditions applicable to Professorships of that type within the University.
11. At the discretion of the Governing Authority, the honorary title "*President Emeritus*" may be granted to a person who has served as President of the University.

CHAPTER 4 APPOINTMENT OF A PRESIDENT

1. In the event of the death or removal from office of the President, or on receipt of notice of the President's intention to resign from office, or at any time not less than one year before the expiry of the term of office of the President, the Governing Authority shall determine the arrangements for the appointment of the next President.

These arrangements shall be designed to ensure the participation in the selection process of candidates of the highest quality, including candidates from outside the University, and shall include the appointment by the Governing Authority of a Search Committee and a Selection Committee.

2. The Search Committee, having considered the opinions of members of the University and appropriate persons external to the University, shall determine the qualities and qualifications required of candidates for the office of President and the criteria to be employed in assessing the suitability of candidates for the office. The Search Committee shall then arrange for the international advertisement of the forthcoming vacancy and invite applications from suitably qualified candidates for appointment by the Governing Authority to the office of President.
3. The Selection Committee shall consider all applications received for appointment to the office of President and, having regard to the criteria set down by the Search Committee, shall take appropriate measures to assess the suitability of candidates and to determine which, if any, of the candidates is suitable for appointment to the office of President.
4. In the event that the Selection Committee determines that one or more candidates is suitable, it shall recommend to the Governing Authority the candidate which it deems to be most suitable for appointment to the office of President.
5. The Governing Authority may appoint the candidate recommended by the Selection Committee to the office of President. If the Governing Authority determines that the recommended candidate is not suitable for appointment to the office of President, the Selection Committee shall be requested to recommend another suitable candidate.
6. The Selection Committee may, if one or more of the remaining candidates is considered suitable, recommend to the Governing Authority another candidate for appointment to the office of President.
7. The Governing Authority may appoint to the office of President an alternative candidate recommended by the Selection Committee. The Governing Authority shall not appoint to the office of President a candidate who has not been recommended by a Selection Committee set up in accordance with the provisions of this Statute.
8. In the event that the Selection Committee decides that no candidate is suitable for appointment to the office of President, or the Governing Authority decides that no candidate recommended by the Selection Committee is suitable for appointment, or a candidate offered appointment by the Governing Authority declines to accept the appointment, the Governing Authority shall recommence the procedures set out above from any stage which, having regard to all the circumstances, the Governing Authority determines to be appropriate.
9. There shall be an Acting President in the event that the term of office of the incumbent President expires before a new President has been appointed by the Governing Authority, or before the person appointed to the office of

President by the Governing Authority has assumed office or if, for any other reason, the office of President is temporarily vacant or the current President is unable for the time being to discharge the duties of the office of President. The Deputy President shall hold office as Acting President until such time as a President appointed in accordance with the procedures set out in this Statute assumes office and when the President is unable or unavailable to hold office.

10. In the event that the Deputy President is unable or unwilling to assume the office of Acting President or to continue in office as Acting President, the Governing Authority shall appoint a suitable person to the office of Acting President.
11. For the duration of his or her term of office, the Acting President shall, subject to the Act and the Statutes of the University, have all of the powers and responsibilities of the President.

CHAPTER 5 THE GOVERNING AUTHORITY

1. The Governing Authority of the University shall be established in accordance with the Act and the functions of the University shall be performed by or on the direction of the Governing Authority. All acts and things done by the Governing Authority, or in the name of or on behalf of the University with the express or implied authority of the Governing Authority, shall be deemed to have been done by the University.
2. The Governing Authority shall direct the form, custody and use of the Common Seal of the University.
3. Regulations shall be made by the Governing Authority relating to the selection, election, nomination or appointment of members of the Governing Authority as it thinks fit and shall include procedures for the filling of casual vacancies. Such Regulations must be approved by the Minister in accordance with section 16(6) of the Act.

Universities Act, Section 16, Composition of governing authority

(6) A governing authority shall, with the approval of the Minister, make such regulations relating to the selection, election, nomination or appointment of members of the governing authority as it thinks fit, and their selection, election, nomination or appointment shall be carried out in accordance with those regulations.

4. No act or proceeding of the Governing Authority shall be invalidated by any vacancy amongst its members, or by any defect in the election of or appointment of any of its members which may subsequently be discovered.
5. Within the constraints of its budget and in pursuance of the objects of the University, the Governing Authority shall perform its functions in accordance with sections 18(1), (1A) and (1B) of the Act and any other functions imposed on it by the Charter or any other Act.

Universities Act, Section 18, Functions of governing authority

- (1) *The functions of the governing authority of a university shall be, in pursuance of the objects of the university under section 12 but within the constraints of its budget under section 37 —*
- (a) to control and administer the land and other property of the university,*
 - (b) to appoint the chief officer and such other employees as it thinks necessary for the purposes of the university,*
 - (c) subject to this Act and its charter, if any, statutes and regulations, to determine the membership from time to time of the governing authority, and*
 - (d) to perform such other functions as are imposed on it by or under this or any other Act or by its charter, if any, statutes and regulations.*
- 1A) *The governing authority of a university 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 strategic development plan under section 34,*
 - 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 chief officer.*
- (1B) *Without prejudice to the generality of subsections (1) and (1A), the governing authority of a university 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) review and oversee the implementation of major plans of action and provide strategic direction;*

- (h) *manage the financial affairs of the university to ensure value for money and its financial viability;*
- (i) *account to An tÚdarás for funding provided to the university by An tÚdarás.”,*

6. The Governing Authority has, subject to the Act or any other Act or its Charter such powers as are necessary for the performance of its functions.
7. In accordance with the provisions of the Act, the Governing Authority shall appoint an external member to be Chair, Deputy Chair or, in their absence, to chair every meeting of the Governing Authority.
8. Subject to the Act and to the Charter, the Governing Authority may, and where required to do so by the Act, shall make Statutes for the general governance of the University and may also make Regulations. The exercise of such powers shall be subject to the consideration of any representation on the subject thereof after consultation with the Academic Council in making a Statute relating to the academic affairs of the University including the curriculum of, and instruction and education provided by the University and with the trades unions and staff associations representing such staff of the University as may be affected by the provisions of a Statute relating to terms and conditions of employment.
9. No resolution for making a new or amended Statute shall have effect unless a notice of motion to make or amend the Statute shall have been given to the members of the Governing Authority and a copy of the Statute proposed shall have been sent to each member of the Governing Authority at least seven days before the meeting at which the motion is to be considered, provided that the Academic Council or other appropriate body has had an opportunity of pronouncing an opinion on it.
10. The Governing Authority as soon as it is practicable shall determine the terms of reference for, and appoint both a Finance, Remuneration and Asset Management Committee and an Audit and Risk Management Committee.
11. The Finance, Remuneration and Asset Management Committee will have a maximum membership of nine members, the majority of whom will not be employees or current students of the University. The membership shall include a minimum of two external members of the Governing Authority (as defined in section 16(8) of the Act), the President and the Bursar. Up to two additional members may be selected from the internal members and student members of the Governing Authority (as defined in section 16(8) of the Act). Up to three additional members may be appointed in such manner as the Governing Authority may determine, who may be external members of the Governing Authority or appropriately qualified individuals who are not employees or students of the University or current members of the Governing Authority.

Universities Act, Section 16, Composition of governing authority

(8) *In this section and in sections 16A, 17 and 23A —*

‘external member’, in relation to a governing authority, means a member of the governing authority other than an internal member or a student member thereof;

'internal member', in relation to a governing authority, means a member of the governing authority who is a member of the academic council of the university, an employee of the university or a person who is remunerated under a contract with the university and, in the case of Trinity College, including fellows of Trinity College;

'student member', in relation to a governing authority, means a member of the governing authority who is a student of the university".

12. The Chair of the Finance, Remuneration and Asset Management Committee shall be an external member of the Governing Authority and shall be appointed by the Governing Authority on the nomination of the President.
13. The Finance, Remuneration and Asset Management Committee will oversee the financial affairs of the University and advise the Governing Authority on any matter relating to the financial performance or management of the University. Any additional duties of the Finance, Remuneration and Asset Management Committee shall be specified in its terms of reference as approved by the Governing Authority and it will exercise all powers delegated to it by the Governing Authority in the approved Schedule of Reserved Decisions and Delegated Authority. Such terms of reference may include responsibilities in relation to capital expenditure and disposal, the performance of subsidiary companies and the impact of national pay and pension agreements and policies on the University's strategy and finances.
14. The Audit and Risk Management Committee will have a maximum membership of six individuals, none of whom may be an employee or current student of the University. The President shall nominate no more than four external members of the Governing Authority (as defined in section 16(8) of the Act), excluding the Chair of the Governing Authority, and no more than three appropriately qualified individuals who are not employees of the University or current members of the Governing Authority for appointment by the Governing Authority to this Committee, subject to the maximum membership.
15. The Chair of the Audit and Risk Management Committee shall be an external member of the Governing Authority and shall be appointed by the Governing Authority on the nomination of the President
16. It shall be the duty of the Audit and Risk Management Committee to advise the Governing Authority on the audit of the resources of the University, to review the annual financial statements of the University and their format and to advise the Governing Authority on risk management issues. Any additional duties of the Audit and Risk Management Committee shall be specified in its terms of reference as approved by the Governing Authority and it will exercise all powers delegated to it by the Governing Authority in the approved Schedule of Reserved Decisions and Delegated Authority. Such terms of reference may include responsibilities in relation to internal audit, external audit, internal controls and the Annual Governance Statement.
17. The period of office of members of both the Finance, Remuneration and

Asset Management Committee and of the Audit and Risk Management Committee shall be determined by the Governing Authority.

18. The Governing Authority may appoint a Remuneration Committee to monitor the University's implementation of human resources, remuneration and pay policy. The Remuneration Committee shall have a membership and terms of reference as laid down by the Governing Authority.
19. The Governing Authority may from time to time appoint such and as many committees consisting either wholly or partly of members of the Governing Authority as it thinks necessary to assist in the performance of its functions and may delegate to these committees any matters it may think proper.
20. Subject to the Act and the Statutes the Governing Authority shall determine its procedures and business including arrangements for the convening of extraordinary meetings.

CHAPTER 6 THE ACADEMIC COUNCIL

Chapter 6, paragraph 1 was inserted by Statute 29 – operative as of 26 March 2020

1. There shall be an Academic Council which shall consist of the President, the Registrar, and:
 - a) the senior member of Faculty having responsibility to the President for each academic discipline, [School or Department] as the Governing Authority determines.
 - b) members from what, in the opinion of the Governing Authority, is an appropriate range of levels of other Faculty from an appropriate range of academic disciplines, and
 - c) an appropriate number of students.

The composition of each category of Academic Council membership will be set out in terms of reference to be approved by the Governing Authority from time to time.

2. The Academic Council shall, subject to the financial constraints determined by the Governing Authority and to review by the Governing Authority, and subject to the traditional principles of academic freedom, control the academic affairs of the University including the curriculum of, and instruction and education provided by, the University. The functions of the Academic Council shall include:
 - a) encouraging excellence in research and scholarship;
 - b) promoting the highest standards of teaching and learning;
 - c) advising the Governing Authority on academic matters and proposing to the Governing Authority the form and content 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 results of such

- examinations and the evaluation of academic progress;
- d) advising the Governing Authority in relation to academic appointments;
 - e) designing and developing courses of study and establishing structures to implement these courses;
 - f) making recommendations relating to the selection, admission, retention and exclusion of students generally
 - g) determining the results of examinations and authorising the awarding of degrees and other awards;
 - h) making recommendations for the awarding of scholarships and prizes;
 - i) reviewing the procedures for considering appeals by students relating to the results of an examination;
 - j) regulating the discipline of the students of the University and imposing penalties for breaches of discipline, subject to such right of appeal, if any, as may be provided for in the relevant procedures;
 - k) advising the Governing Authority on procedures for quality assurance aimed at improving the quality of education and related services provided by the University;
 - l) implementing any Statutes and Regulations made by the Governing Authority relating to any of the matters referred to in this Chapter; and
 - m) such other functions as the Governing Authority or the Academic Council, with the approval of the Governing Authority, may determine.
3. The Academic Council may delegate any function ascribed to it by this Statute to the Registrar, to an officer or to a committee established in accordance with the Act and Academic Council or its relevant committees shall review the function, operation and decisions of such committees or officers on a regular basis.
4. The Academic Council shall determine and publish the regulations establishing and governing effective processes for the design, development, approval and monitoring of programmes of study.
5. Ordinary meetings of the Academic Council shall be held at such times as the Academic Council shall determine, provided that at least two Ordinary Meetings of the Academic Council shall be held during each session. A Special Meeting may be called by the President under such conditions as the Academic Council may determine.
6. The Academic Council may determine procedures for the convening and conduct of its meetings or the conduct of its functions, provided that procedures which relate to membership of the Academic Council shall have the approval of the Governing Authority.

CHAPTER 7 ASSESSMENT

1. Under the direction of the President, the Registrar shall be responsible for the conduct of all assessment and the transmission of results for consideration by the Academic Council or its appropriate committee. The Academic Council or its appropriate committee shall make all University awards, taking into account the decisions of meetings of Examination Boards.
2. Assessment shall be conducted under the regulations and codes of practice approved by Academic Council for programmes of study.
3. Subject to the Act:
 - a) there shall be two categories of Examiners, Intern Examiners and Extern Examiners;
 - b) the Intern Examiners shall be those persons who have been approved by the Academic Council, together with those who are Examiners by virtue of their appointment by the University or by the National University of Ireland;
 - c) the Academic Council shall nominate Extern Examiners for appointment by the National University of Ireland; and
 - d) the Senate of the National University of Ireland shall appoint such and so many Extern Examiners to the University as the University shall from time to time recommend, and the functions of those external examiners shall be determined by the Senate, with the concurrence of the University.
4. Subject to the Act, the Academic Council may determine any other matter related to the conduct of assessments.

**CHAPTER 8
APPEALS IN RELATION TO THE RESULTS OF EXAMINATIONS**

1. The Academic Council shall establish a committee to consider appeals in relation to the results of examinations.
2. The Academic Council shall determine the procedures to be followed by the committee where considering appeals by students relating to examination results.

**CHAPTER 9
OFFICERS OF THE UNIVERSITY**

1. In addition to the President, Full Professors, Professors, Associate Professors and Assistant Professors (also known as Lecturers), there shall be a Registrar, a Bursar, a Librarian and such other officers of the University as the Governing Authority may from time to time determine.

**CHAPTER 10
THE REGISTRAR**

1. Subject to the overall authority of the President, the Registrar shall be the senior academic officer of the University and shall hold the offices of Deputy President and Vice-President for Academic Affairs.
2. The Registrar shall be entitled to hold office for a period of up to ten years as determined by the Governing Authority on the recommendation of the

President, save in the event of the retirement, resignation or removal from office of the Registrar before the completion of the term of office. The Registrar shall be eligible for reappointment for a period of up to ten years, as recommended by the President and approved by the Governing Authority.

3. With due regard to fair procedures, the Governing Authority, upon recommendation of the President, may remove the Registrar from office.
4. The Registrar shall be a member of the Academic Council in accordance with Chapter 6 of this Statute and the major roles and responsibilities of the Registrar are as follows:
 - a) the Registrar shall be responsible for the meetings of the Academic Council, shall prepare and issue the summons for its meetings, shall be responsible for its business, records and correspondence, shall act as secretary to the Academic Council and shall act as Chair when requested to do so by the President;
 - b) the Registrar shall be responsible for administrative matters relating to academic courses including quality of academic programmes;
 - c) the Registrar shall be responsible for student recruitment, registration and conferring and for the maintenance of records in such manner and subject to such directions as may be prescribed;
 - d) the Registrar shall prepare and forward, under the direction of the President, all documents in relation to the National University of Ireland which the Chancellor or the Senate may require, and shall preserve copies of the same;
 - e) the Registrar shall have general responsibility for student affairs;
 - f) the Registrar shall carry out the instructions of the Governing Authority in such reasonable ways as the Governing Authority shall prescribe, and as are consistent with the responsibilities of the Academic Council, for the maintenance of discipline and good conduct in Students, and for the general business of the University; and
 - g) the Registrar shall preserve all books, records, or documents committed to his/her care by the President or by the Academic Council.
 - h) In addition the Registrar shall undertake such other duties as required or delegated from time to time by the President.

CHAPTER 11 APPOINTMENT OF A REGISTRAR

1. In the event of the death or removal from office of the Registrar, or on receipt of notice of the Registrar's intention to resign from office, or at any time not less than one year before the expiry of the term of office of the Registrar, the Governing Authority shall determine the arrangements for the appointment of the next Registrar. These arrangements shall be designed to ensure the participation in the selection process of candidates of the highest quality, including candidates from outside the University, and shall include the

appointment by the Governing Authority of a Search Committee and a Selection Committee.

2. The Search Committee, having sought the opinions of members of the University and appropriate persons external to the University, shall determine the qualities and qualifications required of candidates for the office of Registrar and the criteria to be employed in assessing the suitability of candidates for the office. The Search Committee shall then arrange for the international advertisement of the forthcoming vacancy and invite applications from suitably qualified candidates for appointment by the Governing Authority to the office of Registrar.
3. The Selection Committee shall consider all applications received for appointment to the office of Registrar and, having regard to the criteria set down by the Search Committee, shall take appropriate measures to assess the suitability of candidates and to determine which, if any, of the candidates is suitable for appointment to the office of Registrar.
4. In the event that the Selection Committee determines that one or more candidates is suitable, it shall recommend to the Governing Authority the candidate which it deems to be most suitable for appointment to the office of Registrar.
5. The Governing Authority may appoint the candidate recommended by the Selection Committee to the office of Registrar. If the Governing Authority determines that the recommended candidate is not suitable for appointment to the office of Registrar, the Selection Committee shall be requested to recommend another suitable candidate. The Selection Committee may, if one or more of the remaining candidates is considered suitable, recommend to the Governing Authority another candidate for appointment to the office of Registrar. The Governing Authority may appoint to the office of Registrar an alternative candidate recommended by the Selection Committee. The Governing Authority shall not appoint to the office of Registrar a candidate who has not been recommended by a Selection Committee set up in accordance with the provisions of this Statute.
6. In the event that the Selection Committee decides that no candidate is suitable for appointment to the office of Registrar, or the Governing Authority decides that no candidate recommended by the Selection Committee is suitable for appointment, or a candidate appointed by the Governing Authority declines to accept the appointment, the Governing Authority shall recommence the procedures set out above from any stage which, having regard to all the circumstances, the Governing Authority determines to be appropriate.
7. There shall be an Acting Registrar in the event that the term of office of the incumbent Registrar expires before a new Registrar has been appointed by the Governing Authority, or before the person appointed to the office of Registrar by the Governing Authority has assumed office or if, for any other reason, the office of Registrar is temporarily vacant or the current Registrar is temporarily unable to discharge the duties of the office of Registrar.
8. The Governing Authority shall, on the nomination of the President, appoint a suitable person to the office of Acting Registrar.
9. For the duration of his or her term of office, the Acting Registrar shall, subject to

the Act and the Statutes of the University, fulfil the duties and responsibilities associated with the post of Registrar.

CHAPTER 12 THE BURSAR

1. Subject to the overall authority of the President and by appointment of the Governing Authority, the Bursar shall be the Chief Financial Officer and an officer of the University.
2. The Bursar shall be the Chief Adviser to the President and to the Governing Authority on the financial management of the University.
3. The Bursar shall be answerable to the President and the Governing Authority for the management of the financial and physical resources of the University; for treasury and asset management; for resource allocation, financial planning and budgeting; for the management of the pension and other trust funds; for keeping proper records of the financial affairs of the University; for monitoring and supervising of subsidiary and associate companies of the University and for the negotiation and approval of all financial and commercial contracts on behalf of the University. The Bursar shall undertake such other reasonable duties as are delegated from time to time by the President. Nothing herein shall prevent the University from assigning any financial, capital or budgetary function to any staff member other than the Bursar on such terms as it may decide.
4. The Bursar shall *ex officio* be a member of the Finance, Remuneration and Asset Management Committee of the University and shall attend meetings of the Governing Authority when required to do so by the President or by the Chairperson of the Governing Authority.
5. The Bursar shall be entitled to hold office for a period of up to ten years save in the event of the retirement, resignation or removal from office of the Bursar before the completion of the term of office. The Bursar shall be eligible for reappointment for a period of up to ten years, as recommended by the President and approved by the Governing Authority.
6. With due regard to fair procedures, the Governing Authority, upon recommendation of the President, may remove the Bursar from office.

CHAPTER 13 VICE-PRESIDENTS

1. On the nomination of the President, the Governing Authority may appoint one or more Vice- Presidents
2. The term of office of a Vice-President shall be determined by the Governing Authority on the recommendation of the President.
3. Subject to the foregoing, if for any reason the office of President is temporarily vacant or the current President is for the time being unable to discharge the duties of the office of President, Vice-Presidents shall continue in office.
4. For the duration of their appointment Vice-Presidents shall be answerable to the President or the President's nominee. The duties of a Vice-President shall be as

delegated from time to time by the President, with the approval of the Governing Authority.

5. Vice-Presidents shall attend meetings of the Governing Authority when required to do so by the President or by the Chairperson of the Governing Authority.

CHAPTER 14 ACADEMIC STRUCTURES

1. The University, to further its objectives in research, teaching and learning, shall be organised into Subjects, Schools and Colleges.
2. Subject to section 4 below, the School shall be the fundamental academic unit of the University. Subjects are organised to facilitate learning and teaching. The Academic Council may establish criteria for the recognition of subjects of the University and shall maintain a register of the subjects of the University. This register will provide for subjects to be primarily affiliated with one School. The academic activities of the School may include research, scholarship, teaching and learning, the education and training of undergraduates, postgraduates, professionals and such other activities as further the objects of the University.
3. The College shall be the entity responsible for aligning the activities of individual Schools with the overall strategic objectives of the University and each School shall be affiliated with one College.
4. Where a College is created without an affiliated School, the College will encompass the role and responsibilities of both College and School; sections 1, 2, 3, 4, 11, 12 and 13 of Chapter 17 (Schools) shall be interpreted so as to also apply to a College without an affiliated School; and the Head of College (by whatever name known) shall have the role and responsibilities of both Head of College and Head of School.
5. The Registrar shall keep a register of the Colleges of the University together with the Schools affiliated with each College. The Governing Authority may, by resolution, amend the said register but no amendment shall have effect unless and until the Academic Council, the appropriate College(s) and School(s) have had an opportunity of pronouncing an opinion upon the proposed change.
6. The Governing Authority, having consulted the Academic Council and the appropriate College(s) and School(s), may by resolution amend the register to retitle a College or School, to establish or abolish a College or School, to merge two or more existing Colleges or Schools or to alter or assign the College affiliation of a School.
7. The Governing Authority may, on the recommendation of the President and having consulted the Academic Council, establish Research Institutes (by whatever name known) which shall have the particular objectives of conducting and promoting research, including research-based postgraduate and postdoctoral education and training.
8. The Governing Authority, on the recommendation of the President and having consulted with the Academic Council, may establish Academic

Centres, where this is necessary to further specific educational and/or research objectives of the University.

9. Each programme of study (programme) shall have a Governing Board (by whatever name known) established by the Academic Council, the composition and governance structure of which shall follow the policies and procedures approved by Academic Council. Where it is necessary to co-ordinate and promote specific academic objectives of the University, such boards may be created outside the remit of Schools and Colleges.
10. Where programmes of study, approved by the university, are offered by an agency of the university or a company controlled by the university or a third party, they shall be subject to oversight and review by the Academic Council or its appropriate committee.

CHAPTER 15 THE COLLEGES

1. Subject to the Statutes and Regulations of the University, the resources available to the University and such policies as may be determined by the Governing Authority and, where appropriate, the Academic Council, the function of a College shall be to support its constituent Schools in their research, educational and other activities. Without prejudice to the generality of these functions, the functions of a College shall include:
 - a) encouraging research and scholarly activity by members of the College and promoting the implementation of such policies on research and scholarship as the University may, from time to time, determine;
 - b) preserving and promoting within the College an environment conducive to teaching and learning, and promoting the implementation of such policies on teaching, learning and assessment as the University may, from time to time, determine;
 - c) ensuring there is effective cross-School collaboration;
 - d) making recommendations to the Academic Council on the academic content and regulations of the courses and programmes leading to the degrees and other awards of the College;
 - e) making recommendations on the academic content and regulations of courses and programmes of another College when requested to do so by the Academic Council or the Registrar;
 - f) recommending to the Academic Council the policies, procedures and standards for the examination and assessment of students registered for the courses and programmes of the College; and
 - g) making recommendations on the admission of students to the undergraduate and postgraduate programmes of the College.
2. The management of a College shall be carried out by the Head of College in accordance with the Head of College's functions set down in section 8 of Chapter 16 (Heads of Colleges).

3. Each Full Professor, Professor, Associate Professor and Assistant Professor (also known as Lecturer) with tenure shall be a voting member of the College to which their School is affiliated.
4. All other academic staff shall be non-voting members of the College to which their School is affiliated.
5. Students who represent a College on the Academic Council shall be non-voting members of that College.
6. Other members of the University or individuals who are not employees of the University who make an important contribution to the teaching or research activities of the College may, at the discretion of the College, be invited to attend and be heard at meetings of the College.
7. Each College shall appoint an Executive Committee whose functions shall be to advise the College on the development and implementation of policies and procedures and to assist the Head in managing the activities of the College. Membership of the Executive Committee shall be representative of the membership of the College and shall include the Associate Heads of College and Heads of School.
8. Each College shall hold such and so many meetings of the College as it deems necessary for the conduct of its business.
9. The President shall be entitled to preside at every meeting of a College or to nominate an individual to preside at any meeting of a College. Subject to this provision, the Head of College will preside at the meeting.
10. Subject to the Statutes and Regulations of the University, a College may make such regulations as it considers necessary for the conduct of its business.
11. The College may establish such committees as it considers necessary to assist in the performance of its functions. The College may, from time to time, delegate any of its functions to the Head of College, the Executive Committee or to any other committee established by the College.

CHAPTER 16 HEADS OF COLLEGES

1. Heads of Colleges, by whatever name known, shall be appointed by the Governing Authority, on the recommendation of the President.
2. The procedures for appointment, which shall be determined by the Governing Authority after consultation with the College, shall ensure the participation in the selection process of candidates of the highest quality, which may include candidates from inside and/or outside the University. The Governing Authority shall, on the recommendation of the President, decide on the composition of the search board (if any), selection board or interview board and shall provide for representation of the College in so doing.
3. In special circumstances, the President may nominate any Professor, Associate Professor or Assistant Professor (also known as Lecturer) to be a Head of College for such period not exceeding twelve months as the

Governing Authority may determine. The Academic Council shall be informed of such a decision by the Governing Authority.

4. With due regard to fair procedures, the Governing Authority, upon recommendation of the President, may remove a Head of College from office.
5. The term of office of a Head of College shall ordinarily be five years and a Head of College shall be eligible for re-appointment by the Governing Authority on the recommendation of the President following consultation with the Heads of School within that College for a period no longer than five years.
6. The Head of College shall provide academic leadership for the College and be responsible for leading and overseeing the strategy and development of the College in accordance with the University's strategy.
7. The Head of College shall oversee the academic, administrative, financial and other activities of the College and its constituent Schools (if any), overseeing alignment with University policies and strategy and shall be responsible to the President for ensuring proper performance of these functions.
8. Without prejudice to the generality of the foregoing paragraphs, and subject to the President's power of delegation under Chapter 3 above, the functions of the Head of College shall normally include:
 - a) in consultation with Heads of School and other members of the College, preparing a strategic plan for the development of the College, and overseeing the development of strategic plans for its constituent Schools and units;
 - b) in consultation with Heads of School and other members of the College, developing a strategy for research and teaching within the College;
 - c) preparing a budget for the College and overseeing the preparation of the budgets of constituent Schools in accordance with approved budgetary principles;
 - d) ensuring, as far as is practicable, the appropriate use of the financial and other resources allocated to the Schools and other activities of the College in accordance with approved budgets;
 - e) providing such information as is required to prepare rep011s on the finances and other resources of the College when required to do so by the Bursar, President or the Governing Authority;
 - f) as far as is practicable, ensuring that all academic and other activities of the College are carried out in accordance with the Statutes, Regulations and other written policies and procedures of the University, the policies and procedures determined by the Governing Authority and the Academic Council and the regulations and other written procedures of the College; and
 - g) presiding at meetings of the Executive Committee.

9. The Head of College, in consultation with the Heads of Schools of that College (if any), may appoint Associate Heads of College by whatever name known. The appointment of an Associate Head shall be for a period not exceeding five years and shall terminate on the resignation or retirement of the Head of College. However, if an individual has been appointed Associate Head during the two years preceding the termination of the Head of College's term of appointment, the President or his/her nominee shall have the authority to reappoint that same individual as Associate Head and the term of office of the reappointed individual shall not exceed the term of the successor Head of College. Associate Heads, by whatever name known, shall be members of the College Executive Committee.
10. The Head of College shall, with the approval of the College, present an annual report to the President on the activities and strategic development of the College.
11. Heads of Schools or other staff of the College shall make such information available to the Head of College as may be required for the effective performance of the functions delegated to the Head of College by the President.

CHAPTER 17 SCHOOLS

1. A School shall embrace the academic disciplines and subjects of any Schools, Departments, Centres or other academic units merged to make up the School.
2. The President shall assign or reassign each Full Professor, Professor, Associate Professor and Assistant Professor (also known as Lecturer) or other member of the staff of the University with full-time or part-time academic duties as being a member of one School and that member of staff is then responsible to the Head of that School for the satisfactory performance of his or her duties. In cases where a member of staff is appointed to more than one School, one of the Schools shall be identified as the primary one.
3. A Full Professor, Professor, Associate Professor or Assistant Professor (also known as Lecturer) or other member of the staff with full-time or part-time academic duties and membership of one School of the University may, with the consent of the relevant Heads of School, become affiliated with another School or Schools; however, no rights accrue to the member of staff as a consequence of such affiliation.
4. A Full Professor, Professor, Associate Professor and Assistant Professor (also known as Lecturer) or other member of the staff of the University with full-time or part-time academic duties and membership of a School may, with the consent of the Head of School and of the relevant Director or Directors, become affiliated to one or more Research Institutes, and in so doing shall assume the duties and obligations and acquire the rights associated with membership of that Research Institute.
5. The President may, from time to time, assign other members of the staff of the University to a College, School, Academic Centre or Research Institute.

6. Each School shall be affiliated to a College for the purposes of deriving its financial and other resources.
7. Upon the recommendation of the Head of College, the President, having consulted the Academic Council, shall appoint the Head of School, by whatever name known. The Head of College shall consult with the members of the School and take all reasonable steps to determine their views and where possible achieve consensus on the appointment of the Head of School before making a recommendation to the President. Where the Head of College, having consulted with the members of the School, determines that the post of Head of School should be advertised inside and/or outside the University, the School shall be represented on any search, selection or interview panel.
8. Appointment to the Headship of a School shall normally be for five years, but the President may make appointments for terms of different duration provided such appointments are not greater than five years. Heads of School shall be eligible for re-appointment.
9. In special circumstances, the President may nominate any Full Professor, Professor, Associate Professor or Assistant Professor (also known as Lecturer) to be Head of a School for such period not exceeding twelve months as the Governing Authority may determine. The Academic Council shall be informed of such a decision by the President.
10. The Head of a School shall manage the research, teaching and learning, administrative, financial and other activities of the School and shall have such delegated powers and authority as the President, having consulted the Head of College, deems necessary for the performance of these functions. A Head of School is responsible for all matters relating to the design, delivery, grading and quality assurance of subjects and modules within their School. While specific tasks may be assigned to module co-ordinators or other employees, responsibility remains with the Head of School.
11. A Head of Subject shall be appointed from within the members of the School by Academic Council for all subjects for which the School is responsible. The Head of Subject shall be responsible for such tasks as outlined in the academic regulations and/or policies approved by Academic Council from time to time and for such other tasks as may be determined by the Head of School. The role of the Head of Subject is primarily to support the Head of School (or nominee) by providing academic leadership in the relevant subject area. Where appropriate and subject to the approval of Academic Council a Head of School may act as Head of Subject(s).
12. Each School shall have a School Committee whose membership shall include all Full Professors, Professors, Associate Professor and Assistant Professors (also known as Lecturers) with tenure who are members of the School. The Head of School may invite other members of the staff and representatives of the student body of the School to attend and be heard at meetings of the School Committee. The function of the School Committee shall be to advise the Head of School on academic, financial and other matters relating to the management of the School. The School Committee shall meet as often as

necessary for the performance of its functions, but not less than three times in each academic session.

13. Each School shall have an Executive Committee whose functions shall be to advise on the development and implementation of School policies and procedures and to assist the Head in managing the resources of the School. Membership of the Executive Committee shall be representative of the membership of the School.
14. The Full Professors, Professors, Associate Professors and Assistant Professors (also known as Lecturers) and other staff who are members of a School shall carry out their duties in accordance with such policies and procedures as the Head of School, having consulted the School Committee, may determine.
15. The Academic Council may, on the recommendation of a College, make a recommendation to the Governing Authority to change the title of a School, establish or abolish a School or merge two or more Schools.

CHAPTER 18

RESEARCH INSTITUTES AND ACADEMIC CENTRES

1. The Governing Authority, on the recommendation of the President, and having consulted the Academic Council, may establish Research Institutes and, having done so, shall put in place such arrangements as are necessary for the proper governance, management, development, financing and other resourcing of the Institutes.

The President, or any person delegated by the President to manage the Institute shall appoint a Full Professor, Professor, Associate Professor or Assistant Professor (also known as Lecturer) or other suitably qualified person to be Director and to manage the activities of the Research Institute. The Director shall have such delegated powers and authority as the President deems necessary for the performance of his/her duties and shall be responsible to the President or his/her nominee for the performance of these functions.

2. The Governing Authority, on the recommendation of the President, and having consulted the Academic Council and the Head of the relevant College, may establish Academic Centres and shall appoint a Full Professor, Professor, Associate Professor or Assistant Professor (also known as Lecturer) or other suitably qualified person to be Director and to manage the activities of the Centre. Academic Centres will be associated with a College or a School for the purpose of deriving their resources. The staff of the University associated with an Academic Centre shall retain their primary affiliation and responsibility to a School.
3. The Governing Authority may, upon the recommendation of the President, retitle or abolish a Research Institute, or merge two or more existing Research Institutes
4. The Governing Authority may, with the approval of the President and having consulted Academic Council, retitle or abolish an Academic Centre, or merge two or more existing Centres.
5. The Governing Authority may, upon the recommendation of the President,

merge two or more existing Research Institutes and Academic Centres.

CHAPTER 19 FACULTY

1. The Academic Staff of the University (Faculty) shall comprise Full Professor, Professor, Associate Professor, Assistant Professor (or Lecturer). The Professors of the University shall comprise Full Professors and Professor.
2. The Governing Authority, having due regard to the resources available to the University, may approve the appointment of such and so many Faculty members as it deems necessary to carry out the academic activities of the University.
3. The Registrar shall keep a register of those appointed as Full Professor or Professor (Professorships) which shall contain the name of the current holder of each professorship. Academic Council may amend the register to add new Professorships, amend the title of a Professorship or delete a vacant Professorship.
4. Faculty shall be appointed on the basis of proven excellence in research, scholarship or teaching in their disciplines and in accordance with the procedures established by this Statute.
5. Faculty shall carry out their duties with due regard to the Statutes and Regulations of the University and the policies and procedures determined by the Governing Authority and shall engage in research and scholarship, shall instruct students of the University and shall perform such other appropriate duties as the President, Head of College, Head of School or Research Institute Director or such other senior member of staff to whom the President has delegated the appropriate authority may reasonably assign to them. Faculty shall serve on such committees and perform such administrative functions as may be required.
6. The duties of Faculty shall include:
 - a) supporting the Head of School in the development and administration of the School;
 - b) supporting the Head of Subject in the development of their subject area through research, scholarship, teaching and administration; providing academic leadership and contributing to the development of their disciplines through research, scholarship and teaching;
 - c) serving as members of such Colleges as the Academic Council may determine and contributing to the planning, development of the research, educational and other activities of the College or Colleges;
 - d) contributing to the planning, development and regulation of the academic affairs of the University;
 - e) representing the University on external bodies when so appointed by the Governing Authority or the President.
7. The Governing Authority, on the recommendation of Academic Council, has approved a policy and procedure for the award of tenure to Faculty members.

8. Subject to the Act, Faculty shall be officers of the University and, unless otherwise specified in a Statute, shall enjoy tenure of office until they retire in accordance with the terms of their contract of employment or resign, die, are dismissed in accordance with the procedures established by Statute or become incapable by reason of physical or mental infirmity from continuing in office.
9. The Governing Authority may, with the approval of the Academic Council, determine that other members of the staff of the University or its teaching hospitals shall be titled Full Professor, Professor, Associate Professor, Assistant Professor or Professor of Practice but the provisions of this Statute shall not apply to such persons by reason only of their title. Distinguished persons who are not employees of the University shall be titled Adjunct Professor but the provisions of this Statute shall not apply to such persons by reason only of their title.
10. Notwithstanding anything contained in this Statute, Full Professors appointed by the National University of Ireland to Professorships of University College Dublin before the commencement of the Act shall be Professors of the University until they retire or resign, die, are dismissed in accordance with the procedures established by this Statute or otherwise or become incapable by reason of physical or mental infirmity from continuing in office and they shall continue to enjoy terms and conditions of service no less beneficial than those enjoyed immediately before the commencement of the Act and which terms and conditions shall, unless they are varied by agreement, continue to apply to such Professors and shall be exercised or imposed by the University or the President as may be appropriate while such Professors are employed by the University.
11. Full Professors, Professors, Associate Professors may be appointed either as a result of promotion or competition. Assistant Professors shall be appointed by competition.
12. The processes and procedures for promotion shall be approved by Governing Authority, following consultation with Academic Council. The Governing Authority shall review the promotions process from time to time and receive regular reports on its operation.
13. The Governing Authority shall approve from time to time the procedures for making appointments to posts which are to be filled by competition. Such procedures shall be in accordance with the law, be designed to ensure the appointment of high-quality candidates, shall involve the establishment of an assessment board which shall consist of suitably qualified persons, shall involve internationally recognised experts in the subject who are not employees of the University and shall include international public advertisement of the appointment.
14. The remuneration of staff of the University shall be as determined, from time to time, by the Governing Authority on the advice of the Finance, Remuneration and Asset Management Committee and in accordance with the Act and any relevant local and national agreements.

15. All staff shall carry out their duties with due regard to the Statutes and Regulations of the University and the policies and procedures determined by the Governing Authority and subject to the authority of the President or of a Head of School or such other senior member of staff to whom the President has delegated the appropriate authority.
16. The Governing Authority, on the recommendation of the Academic Council, may confer the title of "Emeritus" upon any Full Professor, Professor, Associate Professor, Assistant Professor (or Lecturer) on or after retirement, in recognition of meritorious services to the University. The title of "Emeritus" shall be held only as long as the person concerned does not hold another office of a similar character. An Emeritus appointee shall not be entitled to membership of the Academic Council.

CHAPTER 20 DISCIPLINARY PROCEDURES

Chapter 20 was inserted by Statute 28 - operative as of 20 February 2020

General Principles

1. All employees of the University should be managed appropriately, fairly and consistently in all aspects of their work. Most problems relating to performance and conduct can be dealt with before reaching the point at which disciplinary action is contemplated by University management within normal management procedures. Failure to deal with problems of underperformance and misconduct is liable to undermine the effective operations of the University and places an unfair burden on other employees. UCD will ensure that all employees who may be required to carry out a disciplinary process in accordance with this Chapter will be adequately trained to do so.
2. Where performance and conduct problems cannot be resolved informally, they must be managed in accordance with these Disciplinary Procedures, set out in this Chapter in a manner that protects the dignity of the employee concerned and of all members of the UCD community
3. Misconduct encompasses a breach of standards of conduct in the workplace or in the course of employment, failure in performance of duties and may include the failure to follow relevant University policies and procedures. Misconduct may also include inappropriate behaviour outside the workplace which has an impact or could reasonably be likely to have an impact within the workplace.
4. Where disciplinary action is proposed the University must ensure that employees, against whom disciplinary action is proposed are dealt with in a fair and equitable manner in accordance with the Universities Act 1997, and the Industrial Relations Act 1990 (Code of Practice on Grievance and Disciplinary Procedures) (Declaration) Order, 2000, which has these general principles:
 - 4.1. details of any allegations or complaints are put to the employee concerned;
 - 4.2. the employee concerned is given the opportunity to respond fully to any such allegations or complaints;

- 4.3. the employee concerned is given the opportunity to avail of the right to be represented during the procedure; and
- 4.4. the employee concerned has the right to a fair and impartial determination of the issues concerned, taking into account any representations made by, or on behalf of, the employee and any other relevant or appropriate evidence, factors, or circumstances.
5. A member of the academic staff of the University shall have the freedom, within the law, in their 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, consistent with section 14(2) of the Universities Act 1997.
6. It is essential for the operation of these Disciplinary Procedures set out in this Chapter that all employees cooperate fully in any disciplinary process in a timely manner. An employee who fails to co-operate in a disciplinary process shall be in breach of the employee's terms of employment and subject to appropriate disciplinary action.
7. These Disciplinary Procedures apply to all UCD employees except any employee who is within their probationary period. Employees within their probationary period will be managed appropriately through the University's probation policy. These Disciplinary Procedures will not operate to deprive any employee of any of their entitlements which continue by reason of section 25(8) of the Universities Act 1997.

Suspension of Employee

8. In certain cases, the University may have to consider suspending an employee with pay pending the conclusion of an investigation and/or a disciplinary process. Any suspension shall be neutral in nature and not imply any wrongdoing on the part of the suspended employee nor shall it influence or imply any finding of the investigation. The suspension should be kept under review during the investigation and should not be unnecessarily protracted. The decision to suspend an employee as a precautionary measure should depend on the seriousness of the situation. Employees may be suspended where there are legitimate concerns relating to a range of issues, such as, but not limited to, the employer's reputation; the safety, health and welfare of employees; the potential for intimidation or interference with witnesses or evidence, etc. This list is illustrative only, and cases should be assessed on their own merits. Prior to deciding to suspend an employee, the employee should, where circumstances reasonably allow, be advised of the reasons why suspension is being considered. The employee should be given the opportunity, if the employee wishes, to respond to that proposal and afforded the right of representation by a colleague of their choice or a whole-time official of a recognised union. As an alternative to suspension, an employee may be given the option of taking voluntary leave. Suspension can occur at any stage during the disciplinary process.

9. During any period of suspension, an employee shall not be permitted to attend at the University's premises and/or make contact with employees or students of the University regarding University business, or matters relating to their suspension, without the prior written consent of the University and should ordinarily not be permitted, unless the University consider it feasible, to have access to the University information technology systems. Any employee being placed on suspension must confirm their non-UCD email address prior to access to University IT systems being denied.

Assignment of Functions

10. In this Chapter where "President" or "Director of Human Resources" appears in the text, the term should be taken to include any other employee of appropriate seniority to whom relevant functions have been assigned by the President or Director of Human Resources as appropriate. In the case of dismissal, the nominee must be a member of Senior Management. In this Chapter when reference is made to a "Line Manager" the function may be exercised by the employees designated manager or by the designated manager's manager. For academic staff, this function will be carried out by the relevant Head of School, College Principal and then the President or Director of Human Resources. When issues concerning a potential conflict of interest arise, the University will be responsible for ensuring that the decision-maker is an objective party in the disciplinary process. If a decision-maker resigns from their post but remains in UCD or completes their term of office (e.g. Head of School) they will complete the disciplinary process that has commenced. If the decision-maker resigns and leaves UCD or is incapacitated, then a 'de novo' hearing will take place.

Disciplinary Sanctions

11. In this Chapter, the term "disciplinary sanction" means action taken by reason of, or as a consequence of a finding that the employee concerned has failed to perform their duties to an adequate or appropriate standard or has been guilty of misconduct, irregularity, neglect or unsatisfactory behaviour. Disciplinary sanctions may comprise one or more of the following actions:

- 11.1. formal warnings;
- 11.2. deferral of an increment for the period of the incremental cycle;
- 11.3. reducing the employee to a specified lower grade or rank on a temporary or permanent basis; or
- 11.4. dismissal.

The sanctions referred to at 11.2 to 11.4 will be imposed at the conclusion of Stage 4 of the disciplinary process. The disciplinary sanctions referred to at 11.1 to 11.3 may be suspended or deferred at the discretion of the Director of Human Resources, or nominee, if the employee concerned is absent from work for any reason. Upon the employee's return to work, the sanction(s) may be reinstated or resumed.

12. The outcome of an investigation under the University's Dignity and Respect

Policy, Research Integrity Policy, Child Protection or other policies may result in referral to this Disciplinary Process. The investigation report will constitute a finding of fact and any subsequent disciplinary process will be carried out by the line manager/Head of School. If it is determined by the line manager/Head of School following a disciplinary hearing that a serious infringement or act of gross misconduct may have occurred, then the matter will be referred to the Director of Human Resources as per paragraph 30 of this Chapter.

Acts of gross misconduct are construed as being deliberate acts by the employee, or the neglect/failure of the employee to act, to the detriment of UCD.

Examples of gross misconduct are as follows:

- Gross incompetence/negligence
- Physical violence or threatening behaviour
- Bullying/harassment/intimidation/discrimination
- Sexual harassment
- Falsifying university documents
- Deliberate disregard for health and safety precautions likely to endanger any person

This list is not exhaustive, see Appendix 1 to this Chapter.

General Management of Conduct and Performance

13. It is expected that, if the conduct or performance of an employee is not of a standard required by the College/School/Unit or any other recognised area, the line manager/Head of School should bring this to the employee's attention at the earliest opportunity. Wherever possible, this should be carried out informally with the employee being informed of the matter and given the opportunity to offer explanation and comment before any decision to invoke the disciplinary process is taken. The line manager/Head of School should ensure that the employee understands in what way their performance/conduct has fallen below reasonable expectations. Where an improvement might be effected without recourse to disciplinary action, guidance should be provided as appropriate.
14. Where it has not proved possible or where by reason of the gravity of the matter it is not appropriate to deal with misconduct, irregularity, neglect, omission or unsatisfactory behaviour informally to the satisfaction of management, the matter shall be dealt with under the Formal Disciplinary Procedures set out in this Chapter.

Formal Disciplinary Procedures

15. Where an employee's conduct and/or performance does not meet the required standard (despite informal discussion where appropriate), the matter shall be dealt with as set out in paragraphs 19 - 36 below. The University may commence the disciplinary process other than at Stage I (Verbal Warning) and

thereafter may escalate beyond what would otherwise be the next Stage. This should only be done when, in the reasonable opinion of the decision-maker, the circumstances of the case justify such escalation. Having instituted formal disciplinary proceedings at a particular stage, the decision-maker may, at their absolute discretion, decide to issue a disciplinary sanction at a stage lower than those in which the proceedings were originally instituted.

16. Employees need to give at least three days' notice if they are unable to attend the scheduled hearing and three days' notice of any intention to be accompanied by a third party to the hearing.
17. If any party, including an employee, is not available to fully engage in the disciplinary process for any reason, the Director of Human Resources, or nominee, may postpone or defer the disciplinary process in the interests of thoroughness and fair procedures for a reasonable period.

Failure of an Employee to Cooperate with Formal Disciplinary Procedures

18. Employees are required to attend disciplinary hearings and cooperate with all aspects of the disciplinary processes detailed in this Chapter. Disciplinary hearings may be conducted, and sanctions may be imposed on an employee, notwithstanding the employee's failure to attend a disciplinary hearing(s) and/or cooperate with these disciplinary procedures.

Stage 1 - Verbal Warning

19. If an issue of conduct or performance arises in respect of which a Verbal Warning may be appropriate, a formal disciplinary investigation meeting with the employee should be conducted by the line manager/Head of School or a nominee of the Director of Human Resources. The line manager/Head of School may be accompanied by an appropriate HR representative. The employee should be given at least five working days' notice of the meeting. The notice should state the purpose of the meeting and a clear statement of the areas where the employee's conduct and/or performance is considered unsatisfactory. The employee must confirm attendance at the hearing at least three days before the scheduled hearing date. The employee may be accompanied at any such meeting by a colleague of their choice or by a whole-time official of a recognised union. The line manager/Head of School conducting the disciplinary hearing will determine what witnesses, if any, will be called. The employee can submit suggestions for witnesses, which will be considered by the line manager/Head of School.

At the meeting, the employee will be given an opportunity to respond. This response may involve written evidence, including witness statements, in support of their case. Full consideration shall be given to the employee's responses. The outcome of the disciplinary investigation meeting should ordinarily be communicated to the employee within ten working days of the conclusion of the meeting. Where a Verbal Warning is given, it should state the improvement required, where appropriate the timescale for improvement, and the consequences of failure to improve. The warning should inform the employee that further sanction(s) may be considered if there is no sustained,

satisfactory improvement. A record of the Verbal Warning shall be retained on the employee's HR file. This record shall be removed from the file after six months, subject to satisfactory improvement and/or no reoccurrence during this period. The six-month period relates to a continuous period of the employee being at work and any period of absence arising from sick leave will be discounted during this period. If in the opinion of the line manager/Head of School or a nominee of the Director of Human Resources, following the holding of the disciplinary investigation meeting, there is no basis for the issue of a Verbal Warning, then the person concerned may decide that no further action should be taken in the matter, no record of the investigation proceedings shall be held on the employee's record in this instance. Hearings may be conducted, and disciplinary sanctions may be imposed on an employee notwithstanding the employee's failure to attend hearings or cooperate with the investigation process.

20. The line-manager/Head of School should ensure that the employee is made aware of their right to appeal any disciplinary sanction imposed within 10 working days. This appeal will be considered without prejudice.

Stage 2 - Written Warning

21. If, during the currency of a Verbal Warning, an employee fails to make the necessary improvement or if the matter is such as to possibly merit a Written Warning, whether or not there was previously a Verbal Warning, the matter will ordinarily proceed to or commence at Stage 2. A formal disciplinary investigation meeting with the employee shall be conducted by the line manager/Head of School or a nominee of the Director of Human Resources. The line manager/Head of School may be accompanied by an appropriate HR representative. The employee shall be given at least five working days' notice of any meeting. The notice should state the purpose of the meeting and a clear statement of the areas where the employee's conduct and/or performance is considered unsatisfactory. The employee must confirm attendance at the hearing at least three days before the scheduled hearing date. The employee may be accompanied at any such meeting by a colleague of the employee's choice or by a whole-time official of a recognised union. The line manager/Head of School conducting the disciplinary hearing will determine what witnesses, if any, will be called. The employee can submit suggestions for witnesses, which will be considered by the line manager/Head of School.
22. At the meeting, the employee shall be given an opportunity to respond. This response may involve written evidence, including witness statements, in support of their case. Full consideration shall be given to the employee's responses. The outcome of the disciplinary investigation meeting should ordinarily be communicated to the employee within ten working days of the conclusion of the meeting. Where a Written Warning is given, it should state the improvement required, where appropriate the timescale for improvement and the consequences of failure to improve. The warning should inform the employee that further sanction(s) may be considered if there is no sustained, satisfactory improvement. A record shall be retained of the Written Warning in the employee's HR file. The Written Warning shall be removed from the HR file

after 12 months, subject to satisfactory improvement and/or no reoccurrence during this period. If in the opinion of the line manager/Head of School or a nominee of the Director of Human Resources, following the holding of the disciplinary investigation meeting, there is no basis for the issue of a Written Warning, then the person concerned may decide that no further action should be taken in the matter, no record of the investigation proceedings shall be held on the employee's record in this instance. Hearings may be conducted, and disciplinary sanctions may be imposed on an employee notwithstanding the employee's failure to attend hearings or cooperate with the investigation process.

23. The line-manager/Head of School should ensure that the employee is made aware of their right to appeal any disciplinary sanction imposed within 10 working days. This appeal will be considered without prejudice.

Stage 3 - Final Written Warning

24. If, during the currency of a Written Warning, an employee fails to make the necessary improvement or if the matter is such as to possibly merit a Final Written Warning, whether or not there was previously a Verbal and/or Written Warning, a formal disciplinary hearing with the employee shall be conducted by a more senior manager (original line manager's manager/College Principal) or a nominee of the Director of Human Resources. The decision-maker may be accompanied by an appropriate HR representative. The employee shall be given at least five working days' notice of any hearing; the notice should state the purpose of the hearing and a clear statement of the areas where their conduct and/or performance is considered unsatisfactory. The employee must confirm attendance at the hearing at least three days before the scheduled hearing date. The employee concerned may be accompanied at any such hearing by a colleague of the employee's choice or by a whole-time official of a recognised union. The decision-maker conducting the disciplinary hearing will determine what witnesses, if any, will be called. The employee can submit suggestions for witnesses, which will be considered by the decision-maker.
25. At the hearing, the employee shall be given an opportunity to respond. This response may involve written evidence, including witness statements, in support of their case. Full consideration shall be given to the employee's response. The outcome of the disciplinary hearing should ordinarily be communicated to the employee within ten working days of the conclusion of the hearing. Where a Final Written Warning is given, it should include full details of the unsatisfactory conduct or performance, it should state the improvement required, where appropriate the timescale for improvement and the consequences of failure to improve and should inform the employee that failure to modify their conduct or performance should lead to further disciplinary action up to and possibly including dismissal. A record shall be retained of the Final Written Warning in the employee's HR file. The Final Written Warning shall be removed after 12 months, subject to satisfactory improvement and/or no reoccurrence during this period. If in the opinion of the senior manager or nominee of the Director of Human Resources, following the holding of the disciplinary hearing, there is no basis for the issue of a final

Written Warning, then the person concerned may decide that no further action should be taken in the matter, no record of the investigation proceedings shall be held on the employee's record in this instance. Hearings may be conducted, and disciplinary sanctions may be imposed on an employee notwithstanding the employee's failure to attend hearings or cooperate with the investigation process.

26. The decision-maker should ensure that the employee is made aware of their right to appeal any disciplinary sanction imposed within 10 working days. This appeal will be considered without prejudice.

Stage 4 - Further Disciplinary Action up to and including Dismissal and Gross Misconduct

27. Where an employee has failed to make adequate improvements to their behaviour, conduct or performance, or continues any act(s) or omission(s) that has resulted in disciplinary sanction(s) being issued under paragraphs 19 to 26, further disciplinary sanctions, as provided for in paragraph 11.2 to 11.4, up to and including dismissal, may be taken in accordance with the procedures in paragraphs 28 to 36 below.

28. Gross misconduct (which is further detailed in Appendix 1 to this Chapter) is a serious breach of the University's rules and procedures or of recognised and accepted standards of behaviour which results in a breakdown of the relationship of trust and confidence between the University and the employee concerned. The line manager/Head of School will determine what constitutes a 'serious breach' as per paragraph 12 of this Chapter. Gross misconduct shall justify disciplinary action set out in these Disciplinary Procedures, up to and including dismissal, in accordance with the procedures in paragraphs 29 to 35 below, without giving verbal or written warnings as provided for in paragraphs 19 to 26 above.

29. Where further disciplinary action up to and including dismissal, as described in paragraph 27, is contemplated, or an allegation of gross misconduct, as described in paragraph 28, has occurred, the Director of Human Resources, or nominee, may give effect to the process set out in paragraphs 30 to 36 below.

30. Where a disciplinary investigation:

- 30.1. has not already occurred and where an allegation or suspicion of gross misconduct has been raised against an employee, or a Final Written Warning in relation to misconduct, irregularity, neglect, unsatisfactory behaviour or underperformance has failed to result in an improvement, and further disciplinary action is contemplated, the Director of Human Resources, or nominee, shall consider the matter and shall cause an investigation to be undertaken. Any investigation shall be carried out by such a person or persons as may be appointed by the Director of Human Resources, or nominee, from inside or outside the University. The investigation should be a fact-finding exercise; it should not make any binding decisions on the imposition of sanctions or the outcome of the disciplinary process.

- 30.2. has been carried out by the line manager/Head of School following findings of fact of a breach of the UCD Dignity and Respect Policy, Research

Integrity Policy, Child Protection Policy or any other UCD policy and they have concluded that a serious infringement or act of gross misconduct may have occurred, then the matter will be referred to the Director of Human Resources for consideration under paragraph 32.

- 30.3. has not already occurred and where the employee has admitted to wrong-doing which may constitute gross misconduct, the Director of Human Resources, or nominee, may, at their absolute discretion, having invited written representations from the employee and considered same, decide whether or not an investigation is necessary and shall advise the employee accordingly. Should the Director of Human Resources, or nominee, decide that an investigation is not necessary, they shall consider the matter under paragraph 32 below.
31. Any investigation carried out under paragraph 30 will be carried out under Terms of Reference (which may provide for an oral hearing) on which the employee will be consulted and will be completed as soon as possible. Employees are required to cooperate fully with all investigations and attend hearings as required. Hearings may be conducted, and disciplinary sanctions may be imposed on an employee notwithstanding the employee's failure to attend hearings or cooperate with the investigation process. It is not expected that investigations should take longer than forty working days after being commissioned by the Director of Human Resources or nominee but there may be cases where, because of the circumstances, the timeline for the investigation is extended by the Director of Human Resources, or nominee, in the interests of thoroughness and fair procedures.
32. Where the Director of Human Resources, or nominee, is satisfied on the basis of their consideration of the matter and such investigation or further investigation, if any, as they have had undertaken that further disciplinary action as provided for in these Disciplinary Procedures may be warranted, they shall furnish the employee with:
- 32.1. the probative material gathered in the course of any investigation supporting the allegation or suspicion (including but not limited to an investigation under paragraph 30 above) which they should take into account when considering their decision;
- 32.2. a statement of the potential penalty which, having regard to the matters at issue, they consider may be appropriate; and
- 32.3. a copy of this Chapter 20.
33. The employee concerned shall submit a response in writing to the matters at issue, to be received no later than ten working days from the date of issue to the employee of the material in paragraph 32 above.
34. The employee concerned may include, in the employee's response, a request for meeting with the Director of Human Resources, or nominee, to consider the allegation in the light of the material gathered in the course of the investigation. In the event of such a request, the Director of Human Resources, or nominee, shall arrange a meeting with the employee within ten working days of the expiration of the ten-day period referred to in paragraph 33 above. The employee concerned may be accompanied at any such meeting by a

colleague of their choice or by a whole-time official of a recognised union or a third party of the employee's choice.

35. Having considered any response by the employee concerned, and any written or oral representations made by or on behalf of the employee concerned, the Director of Human Resources, or nominee, shall decide whether circumstances warranting disciplinary action has been established. The Director of Human Resources, or nominee, shall inform the employee concerned in writing not later than ten working days after the ten working day period referred to in paragraph 33, or where a meeting has taken place, as described in paragraph 34, not later than ten working days after the date of the meeting, of the decision reached and of the action that it is proposed to be recommend to the President. At the same time, the employee should be informed that the employee may make written representations to the President.
36. Where termination of employment or other disciplinary action as provided for in paragraph 11.2 to 11.3 above is proposed under Stage 4 and/or Gross Misconduct proceedings, the Director of Human Resources, or nominee, shall make a recommendation to the President and provide the President with a written report on the circumstances of the case. A decision to dismiss an employee, or impose any other sanctions shall be made by the President following their consideration of the report and recommendation made to the President and written representations (if any) made by the employee concerned. The decision shall be communicated to the employee in writing. Where the decision to dismiss is made other than for reasons of gross misconduct, notice of termination shall be given in accordance with the employee's terms of employment. Where the President decides to impose a sanction(s) other than dismissal, a record of the sanction shall be retained in the employee's HR file. This record shall be removed after the specified time appropriate to the relevant sanction, subject to satisfactory improvement and/or no *reoccurrence* during the relevant period.

Appeals

37. The right to appeal a sanction is applicable at all stages of the disciplinary process. Where a decision has been made to impose on an employee a disciplinary sanction(s) as set out in paragraphs 11.1 to 11.3 of these Disciplinary Procedures, an appeal on one or more of the grounds specified in paragraph 39 below may be notified to the Director of Human Resources, in writing, within ten working days of the communication of the decision concerned. The Director of Human Resources or nominee shall consider the appeal and convene an appeal hearing where possible within 28 working days of the date on which the appeal was filed. The Director of Human Resources, or nominee, shall communicate the outcome of this appeal no later than ten working days after the conclusion of the appeal hearing. The nominee will be a senior manager with no conflict of interest in respect of the disciplinary process. The employee concerned may be accompanied at any such hearing by a colleague of the employee's choice or by a whole-time official of a recognised union.
38. Where a decision has been made to dismiss an employee as provided for in

paragraph 11.4 of this Chapter, an appeal may be made to the Disciplinary Appeal Board, as described in paragraph 39, within ten working days of notification of that decision to the employee concerned.

39. An employee may appeal a disciplinary sanction on one or more of the following grounds:
 - 39.1. the provisions of this Chapter were not adhered to;
 - 39.2. all the relevant facts were not ascertained in the course of the disciplinary process;
 - 39.3. all the relevant facts were not considered, or not considered reasonably in the course of an investigation or disciplinary process;
 - 39.4. the employee concerned was not afforded a reasonable opportunity to answer the matter(s) at issue;
 - 39.5. the employee concerned could not reasonably be expected to have understood that the performance, conduct, act or omission concerned would attract disciplinary action; and/or
 - 39.6. the sanction recommended is disproportionate to the performance or conduct concerned.
40. If notification of an appeal is not received from the employee concerned within the period of ten working days the Director of Human Resources, or nominee, or President as appropriate may proceed to impose the disciplinary sanction proposed.

Disciplinary Appeal Board

41. The Disciplinary Appeal Board (the Board) shall operate independently and shall comprise:
 - 41.1. a Chairperson and Deputy Chairperson appointed by the Governing Authority; and
 - 41.2. a panel of independent external experts, nominated by the Governing Authority.
42. A Secretary to the Board shall be appointed by the Chairperson of the Board and shall be responsible for the management of the work of the Board on the advice and instruction of the Chairperson or Deputy Chairperson of the Board. Where the Chairperson of the Board considers it necessary or beneficial for the effective operation of the Board's proceedings, they may appoint an independent expert(s) as an advisor to the Board.
43. The composition of a Board, in any case, should be decided by the Chairperson of the Board and shall be the Chairperson or Deputy Chairperson of the Board and two members of the panel appointed by the Governing Authority.
44. No member shall be appointed to the Board to consider a case referred to the Board if that person has had any prior interest or involvement in or dealings with that particular case.
45. Where an employee appeals to the Board, the following submissions shall be

made:

- 45.1. a written statement by the employee concerned of the ground(s) of appeal, as set out in paragraph 39 of this Chapter, must be furnished to the Board and the Director of Human Resources within ten working days of the submission of the request for an appeal referred to in paragraph 39 above;
 - 45.2. a written response by the Director of Human Resources, or nominee, must be submitted to the Board and the employee concerned within ten working days of the receipt by the Director of Human Resources, or nominee, of the employee's statement, referred to in paragraph 45.1 above; and
 - 45.3. any other submission which the Board may request from the employee concerned or from the Director of Human Resources, or nominee, must be furnished in such form and within such time as the Board may specify in its request.
46. The Board, having considered the submissions made under paragraph 45 above, shall set a date for hearing within thirty working days of receipt by the Board of the appeal, or such a longer period as the Board may prescribe.
 47. The Board may, at its sole discretion, invite any person to give evidence orally or in writing. The Board shall consider and decide on any request from a party to the procedure to give evidence orally or in writing.
 48. The employee making an appeal is entitled, if the employee wishes, to make oral submissions to the Board, either in person or through a colleague of the employee's choice, a whole-time official of a recognised union or another third party of the employee's choice.
 49. Where the Board meets for the purpose of taking oral evidence or hearing oral submissions the following are entitled to be present:
 - 49.1. the employee concerned;
 - 49.2. any person in accordance with paragraph 45 above who is entitled to make submissions on behalf of the employee concerned;
 - 49.3. the Director of Human Resources, or nominee, and a person appointed by the Director of Human Resources to assist the Director of Human Resources, or nominee, and/or to present the case on behalf of the Director of Human Resources; and
 - 49.4. any other person whom the Board agrees may be present.
 50. Having made such enquiries as it considers necessary, and having considered all matters put before, the Board shall form an opinion as to whether or not a case has been made out on one or more of the grounds set out in paragraph 39 above and shall make a decision within ten working days of the conclusion of the hearing and communicate same to the Director of Human Resources, or nominee, the employee concerned and their representative.
 51. Where that decision is to the effect that such a case has been made out by the employee concerned, the Board may, at its sole discretion, decide as the case may be that:
 - 51.1. no further action should be taken in the matter;

- 51.2. the disciplinary sanction decided upon by the Director of Human Resources, or nominee, or President should be amended in a specified manner; or
- 51.3. the case should be considered by the University so as to address a specified deficiency in the disciplinary proceedings to ensure that the employee's rights are vindicated (in which case the provisions of this Chapter shall continue to apply). Where that decision is to reject the appeal such that the decision appealed against should be upheld the disciplinary sanction concerned shall be applied by the University and the decision of the Board will be final.

Appendix 1 - Gross Misconduct

Examples of gross misconduct include, but are not limited to:

1. serious criminal behaviour (including conviction in respect of or pleading guilty to any criminal offence(s)) and/or knowingly acting in an illegal way which is prejudicial to the University's interests or reputation;
2. serious and/or repeated non-adherence to the University codes of practice/policies;
3. serious and/or repeated non-adherence to the University's e-mail, internet, IT, telephone policies;
4. serious breaches of health and safety rules/policies, fighting and/or assault on another person;
5. serious and/or repeat incapability through alcohol or being under the influence of illegal drugs or misuse of prescribed medication, possession and/or sale of illegal drugs;
6. serious and/or repeated acts of negligence which causes unacceptable loss, damage and/or injury;
7. serious and/or repeat disruptive/offensive behaviour;
8. serious and/or repeat misrepresentation or misuse of authority abuse of position;
9. serious breaches of research integrity requirements and/or policies;
10. breaches of child protection policies;
11. deliberate falsification of records, and/or violation(s), misuse and/or improper sharing of confidential information and/or serious misuse of organisational property, material or equipment;
12. theft, fraud, embezzlement, misappropriation of funds, bribery and/or corruption;
13. unauthorised entry/access to computer and/or other confidential records/files;
14. discrimination, bullying, harassment, sexual harassment or other conduct of a sexual nature;
15. unauthorised absence/unacceptable attendance levels and/or repeat failure to comply with sick leave policies;
16. failure to disclose potential and/or actual serious conflicts of interest including where such conflicts include family members or connected persons;

17. improper influence, to make personal gain (including financial gain) and improper influence to make gain (including financial gain) for family and other connected persons;
18. acceptance of improper gifts/hospitality, e.g. from commercial organisations.

CHAPTER 21 GENERAL INTERPRETATION AND LEGAL REFERENCES

1. In the interpretation of the Statutes and Regulations of the University the following words and expressions shall have the meaning hereby assigned to them, except where the context otherwise requires;

"Academic Council" means the Academic Council of the University constituted under the Universities Act, 1997.

"Act" means the Universities Act, 1997.

"Bursar" means the Chief Financial Officer of the University.

"Charter" means the Charter of University College Dublin and shall include any Supplemental Charter.

"Chief Officer" means -

- a) the person appointed in accordance with the Universities Act, 1997
- b) the President of the University continued in office for the purpose of the Universities Act, 1997 and includes a person acting in the office or performing the duties of a Chief Officer.

"Employee" means a person employed by the University in any capacity, and includes an officer of the University.

"College" includes reference to Faculties.

"Examination" means any test of learning or skill prescribed by Statute or Regulation as a qualification for any degree or other academic distinction.

"Financial Year" means the date from which the financial year shall be fixed by the Governing Authority.

"Functions" includes powers and duties.

"Governing Authority" means the Governing Authority of the University.

"Graduate" means a graduate of the National University of Ireland who is a member of the University and includes all students of University College Dublin on whom a degree of the National University of Ireland was conferred as a result of their studies in University College Dublin.

"Higher Education Authority" means the body established by the Higher Education Authority Act, 1971 as amended.

"Minister" means the Minister with responsibility for higher education.

"National University of Ireland" means the University by that name in Dublin, constituted and founded by Charter in pursuance of the Irish Universities Act,

1908.

"Officer" includes:

- c) a permanent full-time member of the academic staff of the University;
- d) the Chief Officer;
- e) a person who immediately before the commencement of Part I of the Act is an officer of University College Dublin; and
- f) such other employees as the Governing Authority may from time to time determine.

"President" means the Chief Officer of the University.

"Registrar" means the senior academic officer of the University.

"Regulations" means regulations made at the discretion of the Governing Authority under or pursuant to any provision of the Universities Act, 1997, the Charter or the Statutes.

"Senate" means the Senate of the National University of Ireland.

"Session" means the academic year commencing on a date determined by the Governing Authority.

"Statutes" means the statutes from time to time in force for the regulation of the affairs of the University made by the Governing Authority in pursuance of the Universities Act, 1997 and includes statutes of University College Dublin continued in force by the aforesaid Act.

"University" means the University College Dublin, National University of Ireland, Dublin, a constituent University of the National University of Ireland

"Visitor" means the Visitor to the University or a person appointed under section 19 of the Universities Act, 1997 to be a Visitor for any purpose under the Act.

2. Words importing the masculine gender shall include the feminine gender and likewise words importing the feminine gender shall include the masculine gender.
3. Words in the singular include the plural, and words in the plural shall include the singular.

Chapter 22
CONSOLIDATED GOVERNING STATUTE

Statute 32 will be reproduced and published in an administrative document called the Consolidated Governing Statute, together with relevant sections of the Act and notes detailing the amendments to Statute 25 which have been consolidated by this Statute. Any amendments of the relevant sections of the Act and any future amendments made to Statute 32 will be incorporated into the Consolidated Governing Statute as soon as is reasonably practicable after they have been made, such that the Consolidated Governing Statute will provide the complete Statute 32 in a single document. The Consolidated Governing Statute shall not be approved by the Governing Authority nor

sealed by the University.

Chapter 23
DATE OF COMMENCEMENT

Statute 32 hereby consolidates the amendments made to Statute 25 by Statutes 26, 28 and 29.

Statute 32 shall come into operation on 9 May 2024. It may be cited as Statute 32 or the Governing Statute of University College Dublin, National University of Ireland, Dublin.

Statutes 25, 26, 28 and 29 are hereby revoked.

Chapter 24
DATE OF ENACTMENT

Given under the Common Seal
Of University College Dublin, National University of
Ireland, Dublin

On 9 May 2024

