

THE NATIONAL UNIVERSITY OF IRELAND, MAYNOOTH

STATUTES

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CHAPTER I

GENERAL

A. INTERPRETATION AND APPLICATION

1. Definitions

In these Statutes:

“**academic staff**” means the Professors, Associate Professors, Senior Lecturers, Lecturers, Junior Lecturers, the Registrar, and such other employees or classes of employees of the University as the Governing Authority may determine from time to time.

“**the Act**” means the Universities Act, 1997 and every statutory modification, re-enactment or extension thereof, including all statutes and regulations which are to be construed as one with the Universities Act, 1997.

“**Excluded Disputes**” for the purposes of Statute K herein means disputes to be dealt with through normal industrial relations structures operating in the University or appeals conducted in accordance with Section 27(2)(e) of the Act, namely the procedures for appeals by students relating to the results of examinations and the evaluation of academic progress.

“**external member**” for the purposes of Statutes B and C herein shall mean a member of a Selection Board appointed by the Academic Council or by a Selection Board Authority (as defined in Statute C.2(A)) or of a Search Committee or Selection Committee appointed by the Governing Authority, as the case may be, who is not a member of the Governing Authority or of the Academic Council and who is not an employee or a student (including a post-graduate student) of the University.

“**President**” means the chief officer of the University for the purposes of the Act.

“**University**” means the National University of Ireland, Maynooth.

2. Interpretation

Except as otherwise defined in these Statutes or where the context otherwise requires, all words and expressions which are defined in the Act shall have the same meaning when used in these Statutes.

3. No Conflict

In the event of any ambiguity or inconsistency or conflict arising between any of the provisions of these Statutes and any of the provisions of the Act, the provisions of the Act shall prevail.

4. Application

All members of the University shall be bound by these Statutes.

5. Delegation of functions by the President

The President may delegate to an employee of the University any of the President's functions pursuant to, or which are delegated to the President by the Governing Authority pursuant to, these Statutes save in any case where a function is delegated to him or her by the Governing Authority pursuant to these Statutes subject to the condition that such function shall not be sub-delegated. Any employee to whom the President delegates any of his or her functions as aforesaid shall be answerable to the President for the performance of those functions and the President shall at all times remain answerable to the Governing Authority in respect of any functions so delegated.

6. Effective Date and Repeal

These Statutes as adopted by the Governing Authority on 14 February 2000, shall come into force on 1 March 2000 and the Statutes of St Patrick's College, Maynooth, as adopted on 2 October 1962, are, in so far as they have been applicable to the University, repealed in their entirety with effect from that date.

CHAPTER II

APPOINTMENT PROCEDURES FOR EMPLOYEES

B. PROCEDURE FOR APPOINTMENT OF THE PRESIDENT

Any appointment to the post of President shall be made in accordance with the procedures described in this Statute B.

1. Initiation of Procedure

In any case where the President (“the incumbent”) continues to hold office, the procedure described in Statute B.2-5 below shall, unless the Governing Authority shall otherwise determine, be initiated no later than six months before the expiry of the incumbent’s full term in office or as soon as practicable thereafter for the appointment of the President to hold office after the incumbent has ceased to hold office. In any case where, before such procedure has been initiated as aforesaid, the incumbent either gives notice of intention to retire prior to completion of a full term in office or ceases for any reason whatever to hold office, such procedure shall be initiated as soon as practicable after the incumbent has given such notice or has ceased to hold office.

2. Committees

The Governing Authority shall appoint a Search Committee and a Selection Committee (each a “Committee”, together “the Committees”) to participate in the manner set out below in the procedure for an appointment to the post of President. Membership of the Committees shall be mutually exclusive and each Committee shall comprise:

- (a) two members of the Academic Council;
- (b) two members of the Governing Authority neither of whom is a member of the Academic Council and at least one of whom is not an employee or a student (including a post graduate student) of the University;
- (c) two external members; and
- (d) a Chairperson who is an external member and who, in the opinion of the Governing Authority, has expertise relevant to the function of the relevant Committee.

The two members of the Academic Council who shall be appointed by the Governing Authority to be members of each Committee shall be the two persons who shall have been elected by the Academic Council for that

purpose. Each such election shall be carried out within such period, not being less than 14 days from the date on which the Secretary to the Governing Authority requests the Academic Council to conduct such elections, as the Governing Authority may determine from time to time. All members of the Academic Council, whether or not they are members of the Governing Authority, shall be eligible for election.

3. Function of Search Committee

- (A) The function of the Search Committee shall be to take such steps as will in its opinion best ensure participation in the selection process by high quality candidates for the post of President from both within and outside of the employees of the University. It shall arrange for the post to be advertised in such form and in such publications as the Search Committee may consider to be appropriate. The Search Committee may retain on behalf of the University any one or more providers of such professional services as it considers to be appropriate.
- (B) The Search Committee shall carry out its function subject to any directions of the Governing Authority from time to time provided that, unless and save to the extent that the Governing Authority otherwise directs, the acts of the Search Committee shall not be subject to confirmation by the Governing Authority.
- (C) The Chairperson of the Search Committee shall have a casting vote in the event of an equality of votes on any issue before the Search Committee.

4. Function of Selection Committee

- (A) The function of the Selection Committee shall be to make a report in writing to the Governing Authority proposing to the Governing Authority the candidate (if any) for the post of President that the Selection Committee considers to be the most suitable for such post or, if the Selection Committee is of the opinion that an offer of appointment should not be made to any candidate, stating such opinion. Before making any such proposal the Selection Committee shall obtain the consent of the candidate to his or her being proposed as a candidate for the post of President as aforesaid. For the purposes of carrying out its function the Selection Committee shall:
 - (i) consider all applications received for the post of President;
 - (ii) shall shortlist candidate(s) for interview; and
 - (iii) carry out one or more interviews of the shortlisted candidate(s)and may engage in such other selection procedures (including, without

limitation, the taking up of references) as it shall consider appropriate.

- (B) The Selection Committee shall carry out its function subject to any directions of the Governing Authority from time to time provided that, unless and save to the extent that the Governing Authority otherwise directs, the acts of the Selection Committee shall not be subject to confirmation by the Governing Authority.
- (C) The Chairperson of the Selection Committee shall have a casting vote in the event of an equality of votes on any issue before the Selection Committee.

5. Appointment

Following consideration of the report made to it by the Selection Committee, the Governing Authority shall decide whether or not it wishes to make an offer of appointment to the post of President to the candidate thereby proposed by the Selection Committee. If:

- (a) the Governing Authority decides that it does not wish to make such an offer to the candidate thereby proposed; or
- (b) the Governing Authority makes an offer of appointment to the candidate thereby proposed and such candidate does not accept such offer; or
- (c) the Selection Committee has stated its opinion that an offer of appointment should not be made to any candidate

the Governing Authority shall take such steps as it may consider appropriate which steps may include (without limitation) the following steps:

- (i) the Governing Authority may, if the Selection Committee has proposed a candidate, request the Selection Committee to propose from the shortlisted candidates another candidate that the Committee considers suitable for the post of President; and/or
- (ii) the Governing Authority may recommence the procedure set out in this Statute B.

C. PROCEDURE FOR APPOINTMENT OF OTHER EMPLOYEES

1. Permanent Academic Staff

Any appointment to a post as a member of Permanent Academic Staff (in this Statute C.1, a "Relevant Post") shall be made in accordance with the procedures described in this Statute C.1.

(A) **Selection Board**

The Academic Council shall establish a Selection Board to participate in the manner set out below in the procedure for the appointment of a person to fill a Relevant Post. A Selection Board may be established to participate in the procedure for the appointment of persons to fill more than one Relevant Post and in such event the provisions below shall apply to the Selection Board in respect of each such Relevant Post.

The Selection Board shall, unless otherwise directed by the President, have a minimum of five and a maximum of eight members, at least two of whom shall be external members, and one of whom shall be the President or a person nominated by him, provided that:

- (i) any member of the Selection Board who is an employee of the University shall not be employed in a post which is at a grade lower than the grade applicable to the Relevant Post unless the President otherwise determines; and
- (ii) any member of the Selection Board who is an external member shall, in the opinion of the Academic Council, have relevant expertise.

The President or a person nominated by him as set out above shall act as the Chairperson of the Selection Board.

(B) **Advertisement**

The Relevant Post shall be advertised in such form and in such publications as the President may consider to be appropriate in order to best ensure participation in the selection process by high quality applicants for the Relevant Post from both within and outside of the employees of the University.

(C) **Function of Selection Board**

- (i) The function of the Selection Board shall be to make a report in writing recommending, in order of merit in the opinion of the Selection Board, a list of one or more candidates for the Relevant Post that the Selection Board considers to be suitable for such Post or, if the Selection Board is of the opinion that an offer of appointment should not be made to any candidate, stating that opinion. For the purposes of carrying out its function the Selection Board:
 - (a) shall consider all applications received for the Relevant Post;

- (b) shall shortlist candidate(s) for interview; and
- (c) shall carry out one or more interviews of the shortlisted candidate(s),

and may engage in such other selection procedures (including, without limitation, the taking up of references) as it shall consider to be appropriate.

- (ii) The Selection Board shall carry out its functions subject to any directions of the President from time to time.
- (iii) The Chairperson of the Selection Board shall have a casting vote in the event of an equality of votes on any issue before the Selection Board.
- (iv) The Selection Board shall furnish its report to the President who, in the case of a Relevant Post at a grade above that of lecturer, shall forward a copy to the Secretary of the Governing Authority.

(D) Appointment

In the case of any Relevant Post the President shall, following the receipt of the Selection Board's report, make an offer or consecutive offers of appointment in accordance with the recommendation contained in such report or shall refer the matter to the Governing Authority which shall take such steps as it may consider appropriate. The President shall inform the Governing Authority of each offer made for a Relevant Post and whether it has been accepted. The Governing Authority may take such steps as it may consider appropriate in respect of any Relevant Post in respect of which no offer is accepted.

2. All other Permanent Staff

Any appointment to a post as a member of Permanent Staff other than Permanent Academic Staff (in this Statute C.2, a "Relevant Post") shall be made in accordance with the procedures described in this Statute C.2.

(A) Selection Board

The President or (without prejudice to or limitation of the generality of Statute A.5) such senior officer responsible for the area to which the Relevant Post relates as the President may appoint for such purposes ("the Selection Board Authority") shall establish a Selection Board. The Selection Board shall participate in the manner set out below in the procedure for the appointment of a person to fill the Relevant Post. A Selection Board may be established to participate in the procedure for

the appointment of persons to fill more than one Relevant Post and in such event the provisions below shall apply to the Selection Board in respect of each such Relevant Post.

The Selection Board Authority shall determine the size and composition of the Selection Board, subject to agreed procedures if any.

The Selection Board Authority shall nominate the person who shall act as the Chairperson of the Selection Board.

In this Statute C.2 the expression "Appointing Body" shall mean in any case where the Relevant Post is at a salary grade equivalent to or lower than the salary grade of a senior administrative officer iv, the President and in any case where the Relevant Post is at a salary grade which is above the salary grade of senior administrative officer iv, the Governing Authority.

(B) Advertisement

The Relevant Post shall be advertised in such form and in such publications as the Selection Board Authority may consider to be appropriate in order to best ensure participation in the selection process by high quality applicants for the Relevant Post from both within and outside of the employees of the University.

(C) Function of Selection Board

(i) The function of the Selection Board shall be to make a report in writing recommending, in order of merit in the opinion of the Selection Board, a list of candidates for the Relevant Post that the Selection Board considers to be suitable for such post or, if the Selection Board is of the opinion either that only a single candidate would be suitable for such post or that an offer of appointment should not be made to any candidate, stating that opinion. For the purposes of carrying out its function the Selection Board:

- (a) shall review all applications received for the Relevant Post;
- (b) shall shortlist candidate(s) for interview; and
- (c) shall carry out one or more interviews of the shortlisted candidate(s),

and may engage in such other selection procedures (including, without limitation, the taking up of references) as it shall

consider to be appropriate.

- (ii) The Selection Board shall carry out its function subject to any directions of the Appointing Body from time to time provided that, unless and save to the extent that the Governing Authority otherwise directs, the acts of the Selection Board in any case in which the Governing Authority is the Appointing Body shall not be subject to confirmation by the Governing Authority.
- (iii) The Chairperson of the Selection Board shall have a casting vote in the event of an equality of votes on any issue before the Selection Board.
- (iv) The Selection Board shall furnish its report to the President who, in the case of a Relevant Post at a salary grade above that of a senior administrative officer iv, shall forward a copy to the Secretary of the Governing Authority.

(D) Appointment

- (i) In the case of any Relevant Post at the grade of senior administrative officer iv or a grade which is equivalent to or lower than the grade of senior administrative officer iv the appointment shall be made by the President, having considered the report made by the Selection Board. The President may decide to make an offer or consecutive offers of appointment to the first ranked or any other candidate listed in the report or to reject all such candidates.
- (ii) In the case of any Relevant Post which is at a grade above that of senior administrative officer iv the President shall, following the receipt of the Selection Board's report, make an offer or consecutive offers of appointment in accordance with the recommendation contained in such report or, with the approval of the Governing Authority, shall take such other steps in respect of the Relevant Post as the President considers appropriate.
- (iii) The President shall inform the Governing Authority of each offer made for a Relevant Post and whether it has been accepted. The Governing Authority may take such steps as it may consider appropriate in respect of any Relevant Post in respect of which no offer is accepted.

3. All Other Staff

All staff, other than those referred to in the foregoing sections C.1-2 of this Statute, shall be appointed by the President. Such appointments shall be

made in accordance with such procedures, which may include interview and/or other selection procedures, as are deemed appropriate by the President.

D SUPPLEMENTAL PROVISIONS FOR THIS CHAPTER

1. Report not to be binding

An obligation pursuant to Statute B or Statute C to consider a report from a Selection Committee or Selection Board before making an appointment shall not include nor impose nor be deemed to include or impose an obligation to implement or give effect to or to adopt any recommendation(s) which may be contained in the report.

2. Relationship to a Candidate of a Member of a Committee or Selection Board

Notwithstanding any other provision of the Statutes, any member of a Search Committee, a Selection Committee or a Selection Board pursuant to any provision of Statute B or Statute C who is related to a person who is a candidate for any appointment to a post as an employee of the University with which the relevant Committee or Board is concerned shall disclose to that Committee or Board and the body appointing the members to the relevant Committee or Board ("the relevant appointing body"), the fact of the relationship and its nature and such person shall, if the Committee or Board so decides, take no part in any act, decision or deliberation of the relevant Committee or Board, or any aspect of the carrying out of its function, in respect of the relevant appointment.

3. Proceedings of Selection Committee or Selection Board

A Selection Committee or Selection Board may, if the Chairperson so thinks fit, act in the discharge of its function notwithstanding that any member may not be present at a meeting thereof, provided that at least half of its members are present at such meeting.

4. Delegation of certain work of Selection Board

A Selection Board may arrange, in such manner as the Chairperson thereof may determine, for the review of applications received for a Relevant Post and/or the selection from among those applications of a shortlist of candidates to be interviewed to be carried out by some number of its members, provided that in the case of any Selection Board which includes external members at least one of such number shall be an external member. Any member of a Selection Board may participate in such review and selection if he or she informs the Chairperson of his or her wish to do so.

5. Substantial Compliance with Appointment Procedures

A determination for the purposes of this Statute D.5 may be made by the Governing Authority in the case of Statute B or Statute C.1 or by the Appointing Body in the case of Statute C.2 or by the President in the case of any offer of appointment made by him or her pursuant to Statute C.1(D) or C.2(D). If, through error or inadvertence, the procedures set out in Statute B or Statute C are not complied with in any respect in relation to any appointment it may be determined that there has been substantial compliance in all material respects with such procedures, and if such a determination is made then any such non-compliance shall not affect the validity of the procedures followed or of any appointment made on foot of such procedures.

6. Medical Report

Any offer of appointment to any post as an employee of the University that is made by the Governing Authority or by the President on behalf of the University pursuant to these Statutes may be subject to receipt of a medical report in respect of the relevant candidate which the Governing Authority or the President (as the case may be) considers to be satisfactory.

7. Secondment

Nothing in these Statutes shall prevent the secondment of an employee of the University nominated by the President to another post in the University for a fixed period of time. A period of secondment may be extended for a further fixed period at the discretion of the University.

CHAPTER III

EMPLOYEE DISCIPLINARY MATTERS, TERMINATION OF EMPLOYMENT AND TENURE OF OFFICERS

E. INTRODUCTION

1. Grounds for Discipline, Suspension or Dismissal

The disciplinary procedure set out in this Chapter III (Statutes E - J inclusive) applies to all employees of the University. Employees may be disciplined by a warning or warnings, by suspension without pay, by dismissal, or by any other form of sanction considered appropriate by the University. Examples of matters which may result in disciplinary proceedings being taken by the University against an employee include, but are not limited to:

- (a) Incompetence or unsatisfactory work performance;
- (b) Serious or persistent misconduct;
- (c) Failure to carry out reasonable instructions;
- (d) Poor attendance record;

In respect of dismissal for disciplinary reasons, and subject to 3. following, an employee may be dismissed from his/her post in the University where there are substantial grounds justifying the dismissal.

2. Non-disciplinary terminations

Employees of the University may also be subject to dismissal in accordance with the terms of their respective contracts of employment, whether express or implied, by virtue of non-disciplinary matters including, without limitation, the expiry of the term of those contracts.

3. Termination during or at conclusion of Probationary Period

An employee's employment may be terminated by the University at any time during or at the conclusion of any probationary period provided for in the employee's contract of employment.

F. PERFORMANCE AND MISCONDUCT (OTHER THAN SERIOUS MISCONDUCT)

1. Disciplinary Procedures

Where, in the opinion of the University, an employee's conduct or performance warrants disciplinary action, the procedures contained in this Statute F will apply, except in respect of serious misconduct, or in respect of allegations which, in the opinion of the University, would, if substantiated, constitute serious misconduct. In such circumstances the procedure contained in Statute G below will apply.

- (a) **First Verbal Warning:** Should a matter arise which, in the opinion of the University, warrants disciplinary action, the employee will be given a first verbal warning by the University.
- (b) **Second Verbal Warning:** Should a further matter arise which, in the opinion of the University, warrants disciplinary action, the employee will be given a second verbal warning by the University.
- (c) **Verbal Warnings:** The employee shall be told that this constitutes a verbal warning as described in the Disciplinary Procedures in the Statutes.
- (d) **First Written Warning:** Should a further matter arise which, in the opinion of the University, warrants disciplinary action, the employee will be issued with a formal written warning by the University.
- (e) **General:** In the case of a first verbal warning, a second verbal warning, or a first written warning.
 - (i) the warning will be recorded on (or in the case of a written warning, a copy will be placed on) the employee's personnel record;
 - (ii) the employee will be advised by the University of any areas of his or her performance or conduct which require improvement, and that failure to improve such performance or conduct may give rise to further disciplinary action;
 - (iii) the employee will be advised that the warning constitutes the first stage or as the case may be the second stage or the third stage of the disciplinary procedures.
- (f) **Final Written Warning/Suspension:** Should a further matter arise which, in the opinion of the University, warrants disciplinary action, the employee will be given a final formal written warning by the University. A copy of this warning will be placed on the employee's personnel

record. At this stage of the procedure the employee may be suspended from his or her employment, without pay, by the University, on such terms and for such period(s) as the University considers appropriate. The employee will be advised in writing by the University of any areas of his or her performance or conduct which require improvement, and that failure to improve such performance or conduct may give rise to further disciplinary action.

The employee will also be advised that this final written warning and where applicable suspension constitutes or constitute the penultimate stage of the disciplinary procedure and that should a further matter arise which, in the opinion of the University, warrants disciplinary action the employee may be dismissed by the University from his or her post in the University.

- (g) **Dismissal:** If, following a period of suspension and/or a final written warning, a further matter arises which, in the opinion of the University, warrants disciplinary action, the employee may be dismissed by the University from his or her post in the University, and the University may make a payment in lieu of notice to the employee.

Any warning or suspension recorded, or copy warning placed, on an employee's personnel record (all or any of which are hereafter referred to as a "disciplinary record") will have effect for a period of 12 months immediately following the date of the warning or, as the case may be, of the cessation of the suspension, after which period such disciplinary record shall be deemed to be spent and ineffective except:

- (i) in circumstances where the matter giving rise to the establishment of the disciplinary record warrants, in the view of the University, that the disciplinary record should not be disregarded for future disciplinary purposes; in any such case the disciplinary record will state that such record will not be disregarded for such purposes and the employee will be advised accordingly; or
- (ii) in circumstances where three or more disciplinary records have been recorded or placed on an employee's personnel record, whether or not under the foregoing provisions such records would otherwise have been considered to be spent, and a further matter arises which, in the opinion of the University, warrants disciplinary action, such further matter may, if the University considers it appropriate, be dealt with as though any or all of the earlier disciplinary record was not spent. The employee will be advised accordingly.

Subject as aforesaid, where a disciplinary record is deemed to be spent, without the relevant employee having been before the date it is spent the subject of further disciplinary proceedings and thereafter a further matter arises which, in the opinion of the University, warrants disciplinary action,

such further matter will be dealt with as though any relevant warning had not been issued or any relevant suspension had not been made.

2. Standards Applicable to Procedures under Statute F

In connection with the procedures at 1.(a) to (g) above:

- (a) in respect of any allegation against an employee of conduct or performance which warrants disciplinary action under this Statute F the University will, except in circumstances where the employee admits the conduct or performance in question, carry out an investigation into any matter which, in the opinion of the University, requires investigation and the employee will, if requested by the University, co-operate fully with any such investigation;
- (b) the employee will be made aware of the complaint against him or her;
- (c) the employee will be given an opportunity of stating his or her case before a decision is made; and
- (d) the employee will have the right to be accompanied by a union representative, or by a fellow employee of his or her choice, at any meeting between the University and the employee.

G. SERIOUS MISCONDUCT

1. Summary Dismissal

Where, in the opinion of the University, an employee's conduct constitutes serious misconduct, the employee may be dismissed summarily by the University from his or her post in the University without notice to the employee.

2. Examples of Serious Misconduct

The following are examples of serious misconduct:

- Assault;
- Theft;
- Wilful damage to University property;
- Breach of trust.

3. Investigation of Serious Misconduct

In respect of any allegation of serious misconduct against an employee, the

University will, except in circumstances where the employee admits such serious misconduct, carry out an investigation into any matter which, in the opinion of the University, requires investigation. The employee against whom an allegation is made may be suspended with pay by the University on such terms as the University considers appropriate, and for such period as appears to the University to be reasonable in the circumstances. The employee will, if requested by the University, co-operate fully with any investigation.

4. Standards applicable to procedures under this Statute

The University will determine all matters relating to the procedure to be adopted in the course of the investigation. However, as part of that procedure, the University will adhere to the following arrangements:

- (a) The employee will, as soon as practicable, be informed in writing of an allegation of serious misconduct made against him/her.
- (b) The employee will be entitled to attend, as appropriate, and to be appropriately accompanied at any investigation.
- (c) The employee will have the right to invite a person or persons who have relevant knowledge of the matter under investigation to speak at the investigation. If the employee decides to do so the University will have the right to question any such person(s).
- (d) The University will have the right to invite a person or persons who have relevant knowledge of the matter under investigation to speak at the investigation. If the University decides to do so the employee will have the right to question any such person(s).
- (e) The University will impartially hear the employee's response to the allegation and the employee will be afforded a reasonable opportunity of having his or her case fully heard and given due consideration.

5. Decision

Following the procedure outlined in Statute G.4, the University will decide to what extent, if any, the allegation against the employee has been substantiated. If the University decides that the allegation against the employee has been substantiated, in whole or in part, the University will then consider what penalty, if any, is appropriate in the circumstances. In reaching a decision in relation to this matter, the University will also take account of any other matters which it considers relevant. These matters will include:

- (a) any mitigating circumstances; and
- (b) the employee's employment record.

Where it is decided that a penalty is appropriate, such penalty may include, but will not be limited to, one or more of the following sanctions:

- dismissal
- suspension without pay
- demotion
- transfer to other duties

6. Notification

The University will advise the employee in writing of the outcome of the procedure outlined in Statute G.5, including any decision to impose a penalty.

Where a decision has been reached to impose a penalty, the University will impose such penalty on the employee by letter addressed to the employee. Where the penalty is dismissal of the employee, the University will defer implementation of the decision to dismiss, in order to allow the employee an opportunity to appeal the decision in accordance with the procedure outlined in Statute H. The University may suspend the employee without pay or continue any suspension made under Statute G.3, but without pay. If the employee does not appeal in accordance with the procedure outlined in Statute H, or, having so appealed, withdraws his or her appeal or is, in the opinion of the University, responsible for the discontinuance of the appeal process, the University will implement the decision to dismiss the employee.

H. INTERNAL APPEAL PROCEDURE

1. Notification of Appeal

An employee may appeal to the Governing Authority against a decision to dismiss him or her from his or her employment. In order for an appeal to be heard, written notification of the employee's appeal, specifying the grounds of appeal, must be received by the Secretary of the Governing Authority not later than two weeks from the date of notification to the employee of his or her dismissal.

2. Appointment of Appeals Officer

The Governing Authority, having received a proper notification of appeal, shall appoint an Officer of the University to hear the appeal (hereinafter referred to as the "Appeals Officer"). Such Officer will decide the appeal and report to the President on the outcome of the appeal.

3. Access by Appeals Officer

In conducting the appeal, the Appeals Officer will have access to all relevant material relating to the investigation, including the decision of the University to dismiss the employee.

4. Standards applicable to procedures under this Statute

The Appeals Officer will determine all matters relating to the procedure to be adopted in the course of the appeal. However, as part of that procedure, the Appeals Officer will adhere to the following arrangements:

- (a) The employee will be entitled to attend, as appropriate, at any appeal hearing, and to be appropriately accompanied at such hearing.
- (b) The employee will have the right to invite a person or persons with relevant knowledge of the matter under investigation to speak at any appeal hearing. If the employee decides to do so, the University will have the right to question any such person(s).
- (c) The University will have the right to invite a person or persons with relevant knowledge of the matter under investigation to speak at any appeal hearing in connection with the employee's grounds of appeal. If the University decides to do so the employee will have the right to question any such person(s).
- (d) The Appeals Officer will impartially conduct the appeal hearing, and the employee will be afforded a reasonable opportunity of having his or her grounds of appeal fully heard and given due consideration.

5. Decision of Appeals Officer

Having heard the appeal, the Appeals Officer will decide, and will advise the President in writing, whether:

- (a) the appeal has been upheld; or
- (b) the appeal has been rejected,

and if the appeal has been upheld what penalty, if any, should be imposed in substitution for dismissal.

6. Notification of Decision

On receipt of this decision, the President will convey the decision to the Governing Authority and notify the employee in writing of the decision. This decision will be final, save that the employee may avail of any legal remedy available to him or her. Where the appeal has been upheld and the Appeals Officer has notified the President in accordance with Statute H.5 that a penalty should be imposed in substitution for dismissal, the University will impose such penalty on the employee by letter addressed to the employee. Where the appeal has been rejected the University will implement the decision to dismiss the employee.

I. TENURE OF OFFICERS

Subject to the satisfactory completion of any probationary period provided for in an Officer's contract of employment that Officer of the University shall have tenure and these Statutes shall be construed accordingly.

J. INTERPRETATION OF THIS CHAPTER

1. "Conduct or Performance"

"Conduct or Performance" and either of those terms shall be interpreted broadly so as to cover any matter or matters relating to the employee's employment which could reasonably be the subject of disciplinary action.

2. A “Further Matter”

A reference in Statute F.1 to “a further matter” which may arise will be interpreted to include, without limitation, a continuation, or recurrence, of any misconduct and/or issue relating to performance which warrants disciplinary action, and in respect of which a warning or warnings has or have already been given.

3. “Appropriately Accompanied”

The term “appropriately accompanied” in Statute G.4(b) and Statute H.4(a) shall mean that an employee may be accompanied at the investigation or appeal hearing as the case may be by a union representative or by an employee of the University of his or her choice or such other person as the employee may request and the University may approve for such purposes.

4. Delegation of relevant functions of University to President

Subject to Statutes A.5 and J.5, all the functions of the University under Statutes E-H inclusive are delegated to the President, save in respect of the functions of the Governing Authority under Statute H above relating to the appointment of an Appeals Officer, and receipt from the President of the decision of an Appeals Officer.

5. President Subject to Disciplinary Proceedings

Where the President is himself or herself the subject of disciplinary proceedings, the University, through its Governing Authority, will retain its power of suspension and dismissal, and the procedures contained in Statutes F - H will be appropriately adapted by the Governing Authority to reflect the fact that the President is himself or herself the subject of such disciplinary proceedings.

CHAPTER IV

DISPUTE RESOLUTION

K PROCEDURES FOR THE RESOLUTION OF DISPUTES WHICH ARISE IN THE UNIVERSITY OTHER THAN EXCLUDED DISPUTES.

1. Referral of Dispute

Where a dispute arises in the University, other than an Excluded Dispute, which has not been resolved following reasonable efforts at resolution by one or more of the parties involved in the dispute, the issues in dispute may be referred in writing to the President by one or more of the parties to the dispute setting out clearly:

- (a) the nature of the issues in dispute;
- (b) the parties to the dispute;
- (c) the efforts made to resolve the dispute, including the utilisation of any internal University mechanism, whether formal or informal;
- (d) a request to the President for assistance in resolving the dispute.

2. Decision of President

The President shall consider any such request for assistance within a reasonable time and, if he or she considers it appropriate,

- (a) having met with the parties to the dispute;
- (b) having obtained from the parties any further information which he or she may require, and
- (c) having conducted such inquiries as he or she considers necessary,

may decide:

- (i) that the dispute is outside the scope of the procedures, or
- (ii) that the dispute is frivolous and/or vexatious, or
- (iii) that all reasonable efforts have not been made by one or more of the parties to resolve the dispute, or

(iv) that resolution of the dispute would benefit from consideration by an independent person or persons, or

(v) to take such other measures as he or she considers appropriate,

and upon any such decision being taken the supplementary provisions of Statute K.3 below shall apply.

3. Supplementary Provisions for Decision of President

(A) If the President decides that the dispute is outside the scope of the procedures the President will write to the party/parties who has/have referred the dispute advising the party/parties of his or her decision in this regard and the reasons for his or her decision.

(B) If the President decides that the dispute is frivolous and/or vexatious the President will write to the party/parties who has/have referred the issues in dispute advising the party/parties of his or her decision in this regard.

(C) If the President decides that all reasonable efforts have not been made by one or more of the parties to resolve the dispute the President will write to the parties to the dispute, advising them of his/her decision in this regard, and requesting that further efforts be made by them to resolve the dispute. The President may offer his or her opinion as to how the dispute should be resolved and/or offer advice to the parties with regard to resolution of the dispute. In addition, or as an alternative, the President may offer the parties the services of a facilitator, who may be an employee of the University, to help resolve the dispute.

Where, following the intervention of the President under this sub-clause, the dispute remains unresolved, it will be open to either one or more of the parties to the dispute to again refer any unresolved issues in dispute to the President as provided for in Statute K.1 above. In reaching a decision on the second referral, the President will have regard, *inter alia*, to the conduct of the parties in relation to the dispute subsequent to the first referral and, if a facilitator was appointed, to any report of such facilitator, which will be provided by the facilitator to the President.

(D) If the President decides that resolution of the dispute would benefit from consideration by an independent person or persons he or she will nominate, for acceptance by the parties, an independent person or persons, one of whom shall be a nominee of the Chancellor of the National University of Ireland, to consider the issues in dispute and to recommend to the President as to how these issues should be

resolved. In seeking a nomination or nominations from the Chancellor, the President will request the Chancellor to have particular regard to the nature of the issues in dispute. The independent person or persons will not be an employee or a student or a member of the Governing Authority of the University.

Where all of the parties to the dispute agree to the appointment of the independent person or persons nominated by the President, the issues in dispute will be referred by the President to the independent person or persons.

Having been appointed, the independent person or persons will conduct such investigations and adopt such procedures as he or she or they considers/consider appropriate.

Having considered the issues in dispute, the independent person or persons will recommend in writing to the President as to how these issues should be resolved. It will be a matter for the President in the first instance, to decide whether or not to accept the recommendation(s) of the independent person or persons. Where the President accepts the recommendation(s), he or she will forward a copy of the recommendation(s) to each of the parties, advise the parties of his or her acceptance, and invite each of the parties to indicate to him or her in writing whether or not they accept the recommendation(s). Where the President does not accept the recommendation(s), he or she will so advise the parties and may take such action in relation to the issues in dispute as he or she considers appropriate. Where one or more parties to the dispute do not accept the recommendation(s), the President may take such measures in relation to the issues in dispute as he or she considers appropriate.

The University will pay the reasonable costs and expenses of the independent person or persons appointed by the President in connection with the foregoing dispute resolution procedures.

- (E) If the President decides to take such other measures as he or she considers appropriate, such other measures may comprise any or all of such measures as he or she may be entitled to take at law, including any or all of such measures as he or she may be entitled to take under the Act and may include, without limitation, the referral of the issues in dispute to the independent person or persons referred to above where one or more of the parties to the dispute refuse to accept the appointment of the independent person or persons nominated by the President and where the President is of the view that such referral would be beneficial.

4. Intervention by President

Where the President becomes aware of a dispute in the University, otherwise than by referral as provided for in Statute K.1 above, he or she may intervene in a manner similar to that provided for in Statute K.2 above, with a view to having the issues in dispute resolved.

5. Other Measures

Nothing in the foregoing will prevent the University from taking any measures which are within its competence, with the object of resolving or otherwise dealing with the issues in dispute.

6. President party to dispute

Where in any case the President is himself or herself a party to a dispute which comes within the scope of these procedures, the Governing Authority will, where appropriate, assume the functions of the President.

CHAPTER V

ACADEMIC COUNCIL

L ACADEMIC COUNCIL

1. Members of Academic Council

The Academic Council shall consist of the following persons, namely:

- (a) The President;
- (b) The Vice President(s);
- (c) The Registrar;
- (d) Deans;
- (e) each Head of Department (School) and each Acting Head of Department (School);
- (f) Professors who have relinquished their positions as Heads of Departments (School);
- (g) each Faculty shall elect 3 members

The following rules shall apply to the election of such members

- (i) the following grades of staff shall be eligible for election
 - (I) Professors (Salary Scale B) Grade
 - (II) Senior Lecturers
 - (III) Lecturers (including Assistant Lecturers)
- (ii) the term of office of elected members shall be 3 years;
- (iii) the electorate shall include all permanent or full-time academic staff except those who are members of the Academic Council by virtue of paragraphs (a), (b), (c), (d), (e) or (f) above or paragraph (k) below and provide^{3d} that where a person entitled to vote in the election of members of the Academic Council is a member of more than one Faculty he or she shall only be entitled to vote in respect of one of the Faculties of which he or she is a member;
- (iv) candidates who are members of more than one Faculty may stand for election only in respect of one Faculty;

- (h) three students (two undergraduate students and one postgraduate student);
- (i) the Librarian
- (j) the Director of the Computer Centre
- (k) the Director of the Language Centre
- (l) such co-options as may be provided for in statutes of the Academic Council; and
- (m) Professors (Salary Scale B) Grade who were members of the Academic Council in existence on 30 March 1998, being the date on which the University first adopted a statute concerning the composition of the Academic Council in accordance with the Act, under the then current practices of the University, shall be non-elected members. Professors (Salary Scale B) appointed after 30 March 1998 may be elected members

2. Student Members

The undergraduate student members of the Academic Council shall be elected student officers of undergraduate status selected by the elected officers of the Students' Union. The postgraduate student member of the Academic Council shall be the postgraduate representative who shall have been elected to membership of the Governing Authority. The undergraduate and the postgraduate student members shall be members of the Academic Council for a period of one year in each case.

3. Voting

Voting in the election of members of the Academic Council shall be by proportional representation by means of a single transferable vote.

4. Procedure and Arrangements

Procedures and arrangements for the election of members of the Academic Council, including without limitation arrangements for filling casual vacancies which shall be filled in the same manner as outlined in paragraphs 1, 2 and 3 above and in accordance with the other provisions of this Statute, shall be settled on behalf of the Governing Authority by the Returning Officer and/or the Assistant Returning Officer appointed for Governing Authority elections or by a representative of the University appointed for that purpose by the Governing Authority.

5. Functions of Academic Council

The Academic Council shall, subject to the financial constraints determined by the Governing Authority of the University and to review by the Authority, control the academic affairs of the University including the curriculum of, and instruction and education provided by, the University.

Without limitation to the generality of the foregoing the functions of the Academic Council shall include, within those constraints and consistent with the functions of the University and those applying to the academic council in existence prior to the adoption of this Statute and in accordance with the provisions of the Act:

- (a) to design and develop programmes of study;
- (b) to establish structures to implement those programmes;
- (c) to make recommendations on programmes for the development of research;
- (d) to make recommendations relating to the selection, admission, retention and exclusion of students generally;
- (e) to propose 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 the results of such examinations and the evaluation of academic progress;
- (f) to make recommendations for the awarding of fellowships, scholarships, bursaries, prizes or other awards;
- (g) to make general arrangements for tutorial or other academic counselling;
- (h) to perform any other functions which may be delegated to it by the Governing Authority; and
- (i) to implement any statutes and regulations made by the Governing Authority relating to any of the matters referred to above.

6. Meetings

Subject to any directions of the Governing Authority the Academic Council shall hold such meetings as it thinks necessary to perform its functions and may regulate its own procedures.

7. President to Preside

The President shall be entitled to preside at all meetings of the Academic Council or a committee of the Council at which he or she is present, but if the President at any time chooses not to so preside he or she shall nominate a person to preside in his or her place.

8. Committees

(A) The Academic Council may establish such and so many committees as it thinks necessary to assist in the performance of its functions.

(B) A committee may consist either wholly of members of the Academic Council or of such combination of members and non-members of the Academic Council as the Council thinks fit.

9. Replacement of previous Academic Council

The Academic Council established pursuant to the Statute adopted on 30 March 1998 was substituted for and replaced the academic council of the University in existence prior to that date.

CHAPTER VI

SENATE OF THE NATIONAL UNIVERSITY OF IRELAND

M. NOMINATION AND ELECTION OF CERTAIN MEMBERS OF THE SENATE OF THE NATIONAL UNIVERSITY OF IRELAND

1. Function of Governing Authority

The Governing Authority shall be responsible for the election of four persons as members of the Senate of the National University of Ireland (the "Senate").

2. Period of Office

The persons so elected shall hold office for a period of three years, or such other period not being more than five years as the Governing Authority may determine prior to such election taking place. A person elected to fill a casual vacancy shall hold office for the remainder of the term of office of the member whose ceasing to hold office occasioned the casual vacancy.

3. Election Meeting

The election shall take place at a meeting of the Governing Authority (hereinafter referred to as "the Election Meeting"), the notice for which shall state that the election of members of the Senate is the purpose, or one of the purposes, thereof. Such meeting shall be held not less than two weeks before the date at which the period of office of the persons last previously elected by the University as members of the Senate shall expire.

4. Nomination Procedure

Each nomination of a person whom it is proposed to elect shall be made in writing signed by two Members of the Governing Authority and accompanied by the written consent of the candidate to his or her nomination, and shall be submitted to and received by the Secretary of the Governing Authority at least four days before the day appointed for the Election Meeting.

5. Deemed Election

If at the expiration of the period for nomination the number of persons duly nominated shall not exceed four, then all the persons so nominated shall be deemed to have been duly elected, and at the Election Meeting they shall be declared by the Chairperson of the Governing Authority to have been elected accordingly.

6. Election Procedure

If more than four persons have been duly nominated, then there shall be a poll at the Election Meeting in respect of the four members of the Senate which the University is entitled to elect. At the poll the votes shall be given by unsigned voting papers, and each person may vote for not more than four candidates.

7. Election, and Gender Balance

The four candidates who have obtained the greatest number of valid votes shall be deemed elected, provided that, if the candidates include at least one woman and at least one man, those four elected shall include at least one woman and at least one man. If the four candidates who have obtained the greatest number of valid votes do not include at least one woman and at least one man, there shall be deemed to be elected

- (a) the three candidates who have obtained the greatest number of valid votes; and
- (b) if those three candidates are male, the female candidate or, if those three candidates are female, the male candidate who has obtained the greatest number of valid votes of all of the female candidates or all of the male candidates respectively as the case may be.

8. Equality of Votes

If there shall be an equality of votes for two or more candidates and the number of candidates (if any) who have obtained a greater number of votes together with the number of candidates having such an equality of votes is greater than the number which the University is entitled to elect, the election, as between the candidates having such an equality of votes, shall, subject to Statute M.7 hereof, be determined by lot drawn by the Chairperson at the Election Meeting.

9. Supplementary Provisions

- (A) The Chairperson shall declare the candidate or candidates whose election has been so determined to have been duly elected.
- (B) When any person shall have been declared to have been duly elected by a University to be a member of the Senate, the Secretary of the University shall forthwith notify the Registrar of the National University of Ireland accordingly in writing.
- (C) In the event of the University's failing to elect within the prescribed time the full number of persons which it is entitled to elect, the vacancies which shall not be filled shall be deemed to be casual vacancies.
- (D) Whenever a casual vacancy shall occur among the members of the

Senate elected by the University, the Registrar of the University shall give notice in writing thereof to the Registrar of the National University of Ireland. The election of a person to fill the vacancy shall take place at a meeting of the Governing Authority held not more than four months after such notice has been given.

- (E) Any casual vacancy arising in respect of a person deemed to be elected pursuant to Statute M.7(b) may be filled only by a person of the same sex as that person.