

## University of Aberdeen

### University Court

#### **Proposed Changes to Resolution No 282: [Procedure for Removal of Members of Court]**

Notice is today, Thursday 11 May 2017, hereby given under the terms of the Universities (Scotland) Act 1966 that at its meeting of 28 March 2017, the University Court resolved to send to the Senatus Academicus and the Business Committee of the General Council the enclosed Draft Resolution.

#### **Proposed Changes**

The Court has agreed to formally consult, as required by statute, on a draft Resolution to give effect to changes to Resolution No 282 [Procedure for Removal of Members of Court]. The changes are required to comply with the Higher Education Governance (Scotland) Act 2016.

The Higher Education Governance (Scotland) Act 2016 includes at (S 13) provisions regarding the removal of members of Court. In 2015 the Court agreed a Policy for the grounds for removal of a member of Court and a Resolution No 282 setting out the procedure to be followed when considering the removal of a Court member. The Higher Education Governance (Scotland) Act includes provision related to the removal of members of higher education governing bodies. The Court's current procedures have, therefore, been reviewed for compliance with the requirements of the Act in this regard.

The review identified one amendment that is required to Resolution No 282 because the Act specifies that the procedures should *"ensure that removal can be effected only by a resolution based on the grounds and passed by a specified majority of the members of the governing body."* While the current procedure under Resolution No 282 does specify that any decision regarding the removal of a member must be approved by Court it does not specify a majority required.

The Court has, therefore, agreed that Resolution 282 be amended to include a requirement that the approval of a recommendation to remove a member of Court will require "a majority of two-thirds of the members of the Court present and voting". This is consistent with the requirement in Court Standing Orders for any change to Standing Orders to "require majority of two-thirds of the members of the Court present and voting". The proposed changes are highlighted in red in the attached **Appendix**.

#### **Comments to the University Court**

Any other body or person having an interest who wishes to comment on the proposals should lodge such representations (in writing) **by 5pm Thursday 8 June 2017** with Mr Bruce Purdon, Clerk to the Court, [b.purdon@abdn.ac.uk](mailto:b.purdon@abdn.ac.uk), University Secretary's Office, Regent Walk, Old Aberdeen, AB24 3FX.

**Note: The amendments to Resolution No 282 are highlighted in red. All other text remains as per the existing Resolution No 282.**

**Section 1: This section is not a substantive amendment to the existing Resolution No 282 but is required to confirm that Resolution No 282 has been revoked to allow the amendment required.**

**Section 6: The additional text in red is the amendment required to accord with the requirements of the Higher Education Governance (Scotland) Act.**

**DRAFT RESOLUTION NO [DATE TO BE ADDED] OF 2017  
[PROCEDURE FOR REMOVAL OF MEMBERS OF THE UNIVERSITY COURT]**

After consultation with the Senatus Academicus, the University Court, at its meeting on [Date to be added] 2017, passed the following Resolution:

- 1 Resolution No 282 of 2015 [Procedure for Removal of Co-opted Members of the University Court] is hereby revoked and replaced with amendments to take account of the requirements of the Higher Education Governance (Scotland) Act 2016.
- 2 Any proposal to invoke the procedure to remove a member of Court (whether arising under the provisions of Ordinance of the University Court No 134 [Removal of Co-opted Members of Court] or from a breach of the terms of the appointment of any member of Court) shall be submitted in the first instance to the Secretary to the University, who shall consult with the Senior Governor of the Court and, if appropriate, make recommendations to the Governance and Nominations Committee.
- 3 The Governance and Nominations Committee shall determine *prima facie* whether a case for consideration of the removal of a member by the Court has been established and advise the Court accordingly.
- 4 In an instance where the Governance and Nominations Committee decides that *prima facie* a case for consideration of removal by the Court has been established, the Governance and Nominations Committee shall within seven days of the date of its decision notify in writing the member concerned of the complaint against him or her.
- 5 The matter shall then be considered by the Governance and Nominations Committee. The member concerned shall have the opportunity to submit a written statement to, and the right to be heard at the meeting of the Committee. Such written statement shall cover only the specific matter of the complaint against the member and shall be provided not later than ten calendar days before the meeting of the Committee. The member concerned shall not be present during the Committee's further deliberation of its decision.
- 6 The Governance and Nominations Committee will report its decision to the member concerned and to the Court. A recommendation by the Committee to remove the member from office, will be subject to the approval of Court **and will require a majority of two-thirds of the members of the Court present and voting**. The member concerned will have the opportunity to submit a written statement to, and to be heard at, the Court meeting where the matter is considered but shall not be eligible to exercise his or her voting rights in respect of the issue and shall not be present during the Court's further deliberation of its decision. Such written statement shall cover only the specific matter of the complaint against the member and shall be provided not later than ten calendar days before the meeting of the Court.
- 7 The decision of the Court shall be final.
- 8 The Resolution shall come into force on the day on which it is passed by the University Court.