

CONSTITUTION OF THE SCHOOL OF LAW UNIVERSITY OF EDINBURGH

AS ADOPTED BY THE SCHOOL ON 25 JUNE 2003
Version 1.3 Amendment adopted by School on 13 May 2009

CONTENTS

- [1. COMMENCEMENT](#)
 - [2. MISSION STATEMENT](#)
 - [3. MEMBERSHIP](#)
 - [4. BUSINESS](#)
 - [5. THE HEAD OF SCHOOL](#)
 - [6. ABSENCE OF THE HEAD OF SCHOOL](#)
 - [7. OTHER OFFICE-BEARERS](#)
 - [8. MEETINGS](#)
 - [10. LEGAL PRACTICE UNIT](#)
 - [11. RESEARCH CENTRES](#)
 - [12. BOARD OF STUDIES](#)
 - [13. STANDING COMMITTEES OF THE SCHOOL](#)
 - [14. SPECIAL COMMITTEES OF THE SCHOOL](#)
 - [15. REPORTS OF THE BOARD OF STUDIES AND COMMITTEES](#)
 - [16. PUBLICATION OF THE SCHOOL CONSTITUTION](#)
 - [17. AMENDMENTS TO THE CONSTITUTION](#)
- [APPENDIX](#)

1. COMMENCEMENT

This Constitution has effect from 1 August 2003.

2. MISSION STATEMENT

The purpose of the School of Law is the teaching of and research in and about law and legal institutions, in particular the law and legal institutions of Scotland, in an international context and to the highest academic standards.

The Mission Statement is supported by a set of objectives:

- to pursue the mutually supportive activities of research, teaching and learning in ways which are assessed as excellent by academic peers, students and professional lawyers;
- to create the appropriate social and physical infrastructure which enables the individual and co-operative pursuit of academic excellence irrespective of individual creed, gender or ethnicity;
- to adopt an international perspective in the activities of the School;
- to act as an agent for the diffusion of ideas, concepts, theories, innovations and expertise relevant to the study and practice of law;
- to use the results of research to provide a firmly grounded and monitored teaching programme which prepares students for their professional careers in or outwith the legal profession;
- to disseminate knowledge and skills as widely as possible to undergraduates, postgraduates and (through extra-mural and continuing education) to professionals and the public.

3. MEMBERSHIP

The School of Law consists of the following persons:

- (1) all persons holding full-time appointments of the status of lecturer or above, to teach in the School of Law;
- (2) the School Administrator and all other persons holding full-time administrative and clerical appointments in the School of Law, provided that these other persons shall neither take part in nor be present at meetings of the School while items of reserved business as defined in Article 4(4) are under consideration unless authorized by the Head of the School of Law;

- (3) any person holding a part-time appointment, of the status of lecturer or above, in the School of Law in respect of whom the School is satisfied that he or she has been entrusted by the School with the responsibility for the detailed planning and conducting of a graduating course in the School;
- (4) members of research staff holding appointments in the School of Law subject to the following provisions:-
 - (a) the School may from time to time by resolution determine the maximum number of research staff who may be members of the School of Law; and
 - (b) the School may elect to membership, for such period of time as it may determine, any member of the research staff upon the nomination of either the Head of the School of Law or two persons who are members of the School by virtue of paragraph (1) above. Provided that the number shall not at any given time exceed the maximum number determined under sub-paragraph (a) above.
- (5) five matriculated students in the School of whom three should be registered as undergraduate students and two should be registered as postgraduate students, provided that they shall neither take part in nor be present at meetings of the School while items of reserved business as defined in Article 4(4) are under consideration;
- (6) the Head of the College of Humanities and Social Sciences if not already a member;
- (7) the University Librarian and the Law & Europa Librarian;
- (8) the Professor of Forensic Medicine;
- (9) any other person whom the School decides to elect to membership, including Visiting and Honorary Professors in the School of Law and Honorary Fellows of the School of Law; but such persons shall not have a vote in any meeting of the School and shall neither take part in nor be present at meetings of the School while items of reserved business as defined in Article 4(4) are under consideration.

4. BUSINESS

- (1) The School shall at the beginning of each academic year elect office-bearers in accordance with Articles 6 to 8.
- (2) The School shall, at the end of each academic year and at such other times as are appropriate, elect the members of the Standing Committees established under Article 13.

- (3) The business of the School may include the consideration of and, as it may deem appropriate, the adoption of resolutions or recommendations concerning the following:
- (a) matters referred to it by the University Court, the Senatus Academicus, or the College of Humanities and Social Sciences;
 - (b) matters referred to it in the form of reports or otherwise by the Board of Studies established by Article 12;
 - (c) major questions of academic policy;
 - (d) reports of Committees of the School;
 - (e) matters referred to it by the Head of School at the request of a member of the School provided that such have been made in writing to the Head of School at least ten clear days before the day appointed for a meeting of the School;
 - (f) awards of Honorary Degrees;
 - (g) such other business as the Head of School may deem appropriate.
- (4) Reserved areas of business for the purposes of Article 3(4) include
- (a) matters affecting the appointment, promotion and personal affairs of individual members of staff of the University;
 - (b) matters affecting the admission of individual students, their academic assessment and the consequences thereof;
 - (c) awards of scholarships, bursaries, prizes and the like;
 - (d) concessions to students under and dispensations from the degree regulations;
 - (e) matters which are of interest and concern only to members of staff of the University;
 - (f) such other matters as the Chair of the meeting may decide are within the reserved area of business.

The Chair of the meeting may decide in any case of doubt whether the matter is a reserved area of business and such decision shall be final.

5. THE HEAD OF SCHOOL

- (1) There shall be a Head of School. The Head of School shall discharge those functions in relation to academic leadership, academic staff, and teaching and research that are laid down by the University Court or the Senatus Academicus or the College of Humanities and Social Sciences. The Head of School shall convene meetings of the School.
- (2) The Head of School shall exercise such disciplinary and other powers as may be delegated by the University Court or the Senatus Academicus or the College of Humanities and Social Sciences.
- (3) Appointment of the Head of School shall be in accordance with the rules laid down by the University Court or the Senatus Academicus or the College of Humanities and Social Sciences for such appointments.
- (4) The Head of School may exercise any powers of the School on its behalf if, in the Head of School's opinion, an action or decision is required before the next scheduled meeting of the School and does not in the Head of School's opinion merit calling a special School meeting. Such actions or decisions must be reported to the School.
- (5) The Head of School shall hold office for such period as may be determined by the University Court, the Senatus Academicus and the College of Humanities and Social Sciences.
- (6) There shall be a Deputy Head of School, appointed annually by the Head of School from amongst the membership of the School Planning and Resources Committee.

6. ABSENCE OF THE HEAD OF SCHOOL

- (1) When the Head of School is unable to be present at any meeting at which he or she would be entitled to preside, or when for any reason the Head of School vacates the chair during any meeting, the chair shall be taken by the Deputy Head of School, whom failing the senior available Professor in the School, seniority being determined in accordance with date of appointment to the professoriat of the University.
- (2) When the Head of School is temporarily absent or otherwise unable to discharge the functions of the office, the Deputy Head of School, whom failing the senior available Professor in the School (seniority being determined in accordance with Article 6(1)), shall act in the place and with the powers of the Head of School.
- (3) In the event of the office of Head of School becoming vacant otherwise than by expiry of a term of office, the procedures laid down for that eventuality by

the University Court, the Senatus Academicus and the College of Humanities and Social Sciences shall apply.

7. OTHER OFFICE-BEARERS

- (1) There shall be Conveners of Undergraduate and Postgraduate Studies, to be elected by members of the School. Their duties will be such as are laid down from time to time by the Head of School, and shall include the coordination, management and development of teaching, the promotion of good practice in course and programme management, the care of students in the School, and the guidance of all those involved in the delivery of School courses and programmes.
- (2) There shall be a Director of Quality Assurance, to be elected by members of the School, whose duties will be to develop the quality assurance and enhancement procedures in relation to the teaching practices of the School, under the supervision of the Head of School.
- (3) There shall be a Director of Examinations, to be elected by members of the School, whose duties will be the coordination, management and development of degree examinations and other forms of student assessment, whether formative or summative, in the School. The Director of Examinations is also responsible for the management of external examiners in the School and of meetings of Boards of Examiners in the School. The Director of Examinations shall report regularly to the Head of School.
- (4) There shall be a Director of Research, to be elected by members of the School, whose duties will include the promotion of research and research support in the School, under the supervision of the Head of School.
- (5) There shall be members of the School elected, to be responsible, under the supervision of the Head of School, for equal opportunities, health and safety, and disability issues.
- (6) Nominations for the offices mentioned in Article 7(1)-(4) shall be proposed and seconded in writing by two members of the School appointed to teach therein. Nominations shall be lodged with the School Administrator by the 30th day of November. The election will take place at the first regular meeting of the School to be held thereafter. The proposer and seconder shall satisfy themselves that their nominee is prepared to accept office.
- (7) Each office-bearer shall hold office for one year from the first day of August after election. An office-bearer shall be eligible for re-election unless service of three consecutive years' duration has already been rendered by that Convener.

9. MEETINGS

- (1) The Head of School shall convene a meeting of the School not less than once in each semester on pre-arranged dates and at such other times as he or she may determine. A special meeting of the School shall be convened when at least one-quarter of its members so request in writing.
- (2) The Head of School is responsible for making available to each member of the School at his or her office in the School prior notice of each meeting together with the agenda and associated documents and the minutes of the previous meeting. This obligation is satisfied by electronic publication and the offer to members of School of a printout if they desire one.
- (3) The School shall conduct its business in accordance with rules or procedure approximating as closely as circumstances permit to those governing the conduct of business in the Senatus Academicus save as otherwise provided in this Constitution. In exceptional circumstances the School may by a majority of two-thirds of its members present and voting determine to suspend Standing Orders. Members of the School who are present and abstain from voting shall be considered as not voting.
- (4) One-third of the members of the School, or a committee thereof (as the case may be), shall constitute a quorum.
- (5) Save as otherwise provided in this Constitution, decisions of the School shall be made by a majority of the members of the School present and voting. Members of the School who are present and who abstain from voting shall be considered as not voting. A motion shall be considered as rejected if the vote upon it is equally divided.

10. LEGAL PRACTICE UNIT

- (1) There shall be a Legal Practice Unit within the School for the purposes of the administration of the postgraduate Diploma in Legal Practice and such other matters (concerned with practical legal education) as are delegated by the School.
- (2) The Director of the Legal Practice Unit shall be the person appointed to that position by the University.

11. RESEARCH CENTRES

- (1) For the promotion of research within the School, the School shall enable the creation of Research Centres.
- (2) On receipt of an application made to the Head of School in accordance with paragraph (4) below, the School may approve the establishment of a Research

Centre (and, where this is required, seek the further approval of other authorities within the University) subject to the condition in paragraph (3) and to such other conditions as it may prescribe, including conditions as to:

- (a) the name of the Centre;
 - (b) the designation of its head;
 - (c) its research purposes;
 - (d) its obligations to report to the School (and, where appropriate, other bodies);
 - (e) its start date and maximum duration (in years) in the first instance;
 - (f) admission to and termination of membership.
- (3) A condition which shall apply to all Research Centres is that they shall normally welcome to membership any person on the teaching or research staff of the School wishing to participate in the work of the Centre.
- (4) An application referred to in paragraph (2) above shall be made, not less than three months before the intended date of establishment, by not fewer than five persons who are members of the School by virtue of Article 3(1) and shall contain such information as may enable the School to prescribe the conditions referred to in paragraph (2) above and such other information as the School may from time to time prescribe.

12. BOARD OF STUDIES

- (1) There shall be one Board of Studies in Law, to be chaired by a Convener elected annually at a meeting of the School of Law in accordance with Article 7(5) of this Constitution.
- (2) Membership shall consist of the following:
- (a) such Professors, Readers, Senior Lecturers and Lecturers as are full-time teaching staff of the School;
 - (b) such persons who have teaching duties within the School of a temporary or part-time nature and are co-opted onto the Board;
 - (c) a representative of each year of undergraduate students, a student from the Diploma in Legal Practice and a representative of LL.M./M.Sc. students, on the nomination of the Law Students' Council (which may also send one of its members in the capacity of observer). Students' representatives will serve for a one year term, but may, in special circumstances, be permitted to serve for a second year;

- (d) up to three representatives invited from the College of Humanities and Social Sciences. The persons nominated may be chosen to reflect appropriate cognate or interdisciplinary interests.
- (3) The Board will consider:
- (a) proposals for undergraduate courses and degrees and may forward them to the School and the College of Humanities and Social Sciences for approval;
 - (b) proposals concerning taught postgraduate courses, which may be forwarded to the School Postgraduate Studies Committee for consideration and onward transmission to the College and Senatus Postgraduate Studies Committees and to the School;
 - (c) any matters relating to Academic Audit and Quality Assurance which may be referred to it by the Head of the School of Law or the School Undergraduate or Postgraduate Studies Committees.

13. STANDING COMMITTEES OF THE SCHOOL

- (1) There shall be standing committees of the School.
- (2) Subject to paragraphs (3), (4) and (5) and to specific provision made below in relation to particular committees, the convener and members of all standing committees shall be elected annually (with effect from 1st August) by the School at its final meeting of the preceding academic year. Save where alternative provision is made, the membership of all standing committees shall be as representative as possible of all interests in the School and take account of the need to achieve gender balance.
- (3) Normally, no person shall serve on a standing committee (whether as convener or member) for a continuous period longer than four years.
- (4) The Head of School is a member *ex officio* of all standing committees.
- (5) All standing committees may co-opt additional members, whether or not from the membership of the School.
- (6) Subject to specific provisions made below, all standing committees may appoint sub-committees and working parties for particular purposes.
- (7) There shall be established:
 - a **School Management Group** consisting of the Head of School, Deputy Head of School, School Administrator, Director of Research, Director of Undergraduate Studies, Director of Postgraduate Studies, Director of

Teaching and one other member from grades UE07-08 to be elected by that constituency for a period of three years.

- (a) The functions of the Committee are to provide advice and support to the Head of School and the School in all matters relating to:-
- (i) the strategic planning and associated resource implications of the activities (including, in particular, teaching and research) of the School and the School's contribution to School Group plans;
 - (ii) relationships between the School and the College of Humanities and Social Sciences and its other constituent Schools, and other persons and bodies within and outwith the University;
 - (iii) the resourcing of the activities of the School whether from School Group sources or from elsewhere;
 - (iv) the distribution of resources within the School; and
 - (v) appointments to posts within the School
 - (vi) equal opportunities, health and safety, and disability arrangements within the School

and to discharge these functions in a manner that promotes the development of the academic strengths of the School, in a spirit that fosters collegiality.

- (b) Without prejudice to the generality of sub-paragraph (a) and, subject to sub-paragraph (c), the School Management Group shall assist the Head of School and the School in the discharge of their functions by -
- (i) assembling and relaying the information, by written reports where appropriate, necessary to enable the School best to discuss and, as appropriate, decide the issues before it;
 - (ii) scrutinising all aspects of the financial affairs of the School and reporting thereon to the School;
 - (iii) considering and making recommendations on documents, whether from within or outwith the University, which require a response from the School prior to their consideration by the School itself;

- (iv) making recommendations to the School on decisions it might make in relation to the formulation and implementation of strategies for teaching and research;
 - (v) making recommendations on financial and other resource allocations within the School; and
 - (vi) making recommendations on the appointment of selection committees in respect of posts to be filled within the School.
- (c) In circumstances of urgency, the School Management Group may itself take action on items (iii) and (vi) in sub-paragraph (b) above without reference to the School as a whole. Any such action must be reported for homologation by the School.
- (d) The School Management Group shall assist the Head of School in the discharge of the functions required of that office, and shall be entitled to be consulted thereon.
- (e) The School Management Group shall, with the approval of the School, appoint such sub-committees as may be necessary and shall, in any event, appoint a Disbursements Sub-Committee (which may include members of the School who are not members of the School Management Group) whose function shall be to make recommendations to the Head of School, to the Committee, and to the School, on matters including:
- (i) the allocation of funds for different purposes within the School, including the allocation of funds to the Legal Practice Unit and to such Research Centres as may be established;
 - (ii) the allocation of funds in accordance with the terms of any bequest or endowment or other donation for the benefit of the School.
- (8) The School shall have power to establish and to disestablish such additional standing committees as it thinks fit from time to time. The standing committees are as listed in the Appendix to this Constitution. This Appendix shall be kept up-to-date by the Head of School and the School Administrator.

14. SPECIAL COMMITTEES OF THE SCHOOL

The School may appoint other Committees from time to time for special purposes.

15. REPORTS OF THE BOARD OF STUDIES AND COMMITTEES

- (1) Written reports of the Board of Studies and Committees of the School shall in each case be submitted to the School by or on behalf of the Convener of the body which adopted the report. Any member of the School may raise for discussion any matter relating to the whole or part of any such report and may propose amendments or a reference back to the body reporting provided that no amendment shall be adopted without such reference back unless it shall have been accepted by the Convener of the body reporting.
- (2) When a Committee of the School is empowered to take immediate action or to report directly to the Senatus Academicus or to the College of Humanities and Social Sciences, or a committee of either body, such Committee's report shall be submitted to the School for its information by or on behalf of its Convener.

16. PUBLICATION OF THE SCHOOL CONSTITUTION

The authentic text of this Constitution shall be maintained in the Head of School's Office and the text as amended from time to time shall be made available on the School website or equivalent.

17. AMENDMENTS TO THE CONSTITUTION

- (1) Proposals to amend the present Constitution or its Appendix shall in each case be intimated in the Agenda for a meeting prior to that at which the School is called upon to decide on such a proposal.
- (2) Amendments to the present Constitution shall not come into force unless they shall have been adopted by a two-thirds majority of the members of the School present and voting. Members of the School who are present and who abstain from voting shall be considered as not voting.
- (3) The Head of School shall ensure that amendments are incorporated in the website text of the Constitution referred to in Article 16.

APPENDIX

STANDING COMMITTEES OF THE SCHOOL

Undergraduate Studies Committee

To be convened by the Convener of Undergraduate Studies and to comprise the Head of School, Director of Teaching, Director of the Legal Practice Unit, the Director of Quality Assurance, the Director of Examinations, a representative of the Computing and Equipment Committee, two elected members of School and four undergraduate student representatives. May include at least one Director of Studies.

The remit of the Committee includes

- (1) development and review of Quality Assurance in the School;
- (2) annual course review;
- (3) quadrennial review of the undergraduate and postgraduate law programme;
- (4) preparation for Quality Assessment;
- (5) staff development and support in undergraduate teaching;
- (6) identification and promulgation of School teaching objectives and the dissemination of good teaching practices;
- (7) development of student skills;
- (8) fostering awareness among members of staff on the variety of teaching methods available, including the use of computers in teaching;
- (9) School Academic Audit;
- (10) making recommendations to School on curricular matters and direction of studies for the Ordinary and Honours Degree of LL.B.

Postgraduate Studies Committee

To be convened by the Convener of Postgraduate Studies and to comprise not less than six other members of the School, the Head of School, Director of the Legal Practice Unit, and the Director of Quality Assurance, and such other members of the academic staff of the University as the School may invite. The Committee shall have the power to make recommendations directly to the Senatus Academicus/College of Humanities and Social Sciences on

- (1) curricula for postgraduate degrees and diplomas;
- (2) admission to study at postgraduate level;

- (3) extension or termination of periods of study of postgraduate students;
- (4) appointment of examiners for postgraduate degrees and diplomas;
- (5) award or otherwise of postgraduate degrees or diplomas following the receipt of the examiners' reports;

and shall have power to appoint sub-committees.

Law Libraries Committee

To be convened by a Convener elected by the School and to comprise representatives giving the breadth of knowledge needed to ensure that there is adequate overall coverage of the research and teaching interests of the School in the work of the Committee. Membership shall also include the Head of School, the University Librarian, the Law Librarian, and two student representatives nominated by the Law Students' Council. The Committee shall oversee the operation of the Law Libraries, in particular the acquisition of stock. The Committee shall have the power to make recommendations directly to the cognate committees of the University and the College of Humanities and Social Sciences.

Computing Committee

To be convened by a Convener elected by the School and to comprise representatives having the expertise necessary to ensure the maintenance and development of computing and equipment facilities as required by the research and teaching interests of the School. Membership shall also include the Head of School, the Director of Computing Services (or his nominee), the School's Computing Support Officer, a representative from the secretarial/administrative staff of the School, and one student nominated by the Law Students' Council. The Committee shall have the power to make recommendations directly to the cognate committees of the University and the College of Humanities and Social Sciences.

The remit of the Committee includes

- (1) purchase for School use computers, computer peripherals and related supplies, computer databases and on-line services, taking into account both the needs of the School as a whole and those of individual members of staff;
- (2) purchase of other equipment, applying the same criteria as in (1);
- (3) ancillary to (1) and (2), making policy decisions relating to said purchasing;
- (4) supervision and regulation of student use of School computing facilities, including any microlabs dedicated to student use;
- (5) organisation and supervision of training for staff and students in School computer facilities;
- (6) provision of advice and recommendations as appropriate to other committees, e.g., to the Undergraduate or Postgraduate Studies Committees on integration of computer

literacy into the teaching syllabus, or on distance learning), or to the University and College Computing Policy and Advisory Committees, and to School.

Board of Studies

To comprise under its annually elected Convener

- (a) such Professors, Readers, Senior Lecturers and Lecturers as are full-time teaching staff of the School. Such persons will serve as members during the period of their appointment in the School;
- (b) a representative of each year of undergraduate students, a student from the Diploma in Legal Practice and a representative of LL.M./M.Sc. students, on the nomination of the Law Students' Council (which may also send one of its members in the capacity of observer). Students' representatives will serve for a one-year term, but may, in special circumstances, be permitted to serve for a second year;
- (c) up to three invited representatives of the College of Humanities and Social Sciences. The persons nominated may be chosen to reflect appropriate cognate or interdisciplinary interests;
- (d) such persons who have teaching duties within the School of a temporary or part-time nature and are co-opted onto the Board.

The remit of the Board will be to consider:

- (1) proposals for undergraduate courses and degrees, which it may then forward to School for approval;
- (2) proposals concerning taught postgraduate courses which it may then forward to the Postgraduate Studies Committee for consideration and thence onward to School;
- (3) any matters relating to Academic Audit which may be referred to it.

Board of Honours Examiners

To be comprised of the examiners, both internal and external, in Honours subjects, with a Convener (the Director of Examinations). The Committee shall have power to make recommendations directly to the Senatus Academicus regarding the results of Honours examinations and the classes of Honours to be awarded and to authorise the publication of such results.

Boards of Ordinary Examiners (1st, 2nd and 3rd Year)

To be convened by the Director of Examinations for each year of study, each Board to be comprised of the examiners, both internal and external, in all Ordinary subjects taught in the relevant year. The remit of the Boards is to manage the assessment process and to receive and consider student and course results.

Staff-Student Liaison Committee

To be convened by the Head of School, and to be comprised of the School Administrator and undergraduate and postgraduate student representatives. The remit of the Committee is to consider generally issues relating to teaching, assessment, and teaching facilities and accommodation.

Staff Promotions Committee

To be convened by the Head of School, and to comprise any member of staff currently serving on the relevant University Promotions Committee, two members of the Professoriat elected by those holding Chairs, one Reader or Senior Lecturer elected by staff in those categories, and two other members of School to be co-opted by the Head of School. The functions of the Committee shall be to make recommendations to the College of Humanities and Social Sciences on promotions to Senior Lectureships, Readerships, and appointments to Personal Chairs, and for accelerated increments of salary for members of staff. In exercising these powers, the Committee shall conform with all instructions as to procedure as laid down from time to time by the University, the College of Humanities and Social Sciences, and, so far as consistent therewith, by the School.