

## Provost

- Establishment 1. (1) Pursuant to the Principal Enactments, the Provost is Head of the College and a member of the Body Corporate of the College.
- Functions 2. (1) The Provost shall
- (a) provide leadership to the College and manage and direct its activities,
  - (b) subject to the Chapter on Board, be entitled to represent College and act or speak on its behalf,
  - (c) be invited to grant Assent, as a member of the Body Corporate to any petition to amend the constitution of the Body Corporate,
  - (d) have oversight of the allocation of rooms and other space in College,
  - (e) assist Board in the performance of its functions,
  - (f) carry into effect the budget determined by Board,
  - (g) perform such other functions as may be delegated by Board pursuant to the Act of 1997 or otherwise,
  - (h) comply with the terms of the Declaration taken upon admission to office,
  - (i) have the right to Commons, pursuant to the Chapter on the College Community
  - (j) perform such other functions as may be prescribed by the Statutes or the Act of 1997,<sup>1</sup> and
  - (k) have such powers as are necessary or expedient to perform the functions of office.
- (2) Except where the Principal Enactments otherwise require, the Provost may delegate any of the functions of office, provided that Board has consented in advance to this delegation and the principles of delegation shall apply.
- (3) All members of the Community shall respect and abide by the lawful and reasonable decisions of the Provost taken in the performance of these functions.
- Obligations 3. (1) The Provost shall
- (a) ordinarily reside in the Provost's House, and
  - (b) as a condition of receiving a salary, assign to the *Cista Communis* all benefits accruing out of the

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<sup>1</sup> Section 3 of the Act of 1997 provides:

(1) In this Act, unless the context otherwise requires ... 'chief officer' means—  
(a) a person appointed under section 24 as the chief officer of a university, ...  
and includes a person acting in the office or performing the duties of a chief officer

Section 24 of the Act of 1997 provides:

(1) A governing authority shall, in accordance with procedures specified in a statute, appoint in a whole-time capacity a person to be chief officer of its university, who shall be called the President or Provost or by such other title as the governing authority determines.

estates vested in the Provost.

Process for  
Choice of  
Provost

4. (1) Pursuant to the Principal Enactments, the Provost shall be chosen by College and appointed by Board in accordance with the interview and election procedures specified in this Chapter.
- (2) Where there is a vacancy or impending vacancy in the office of Provost, the process by which a Provost is chosen by College shall include
  - (a) an interview of applicants,
  - (b) an election to decide from amongst validly nominated candidates, and
  - (c) appointment by Board,and all references to the process in this Chapter shall be to this process.
- (3) Provisions to implement and administer the process shall be set out in Schedule 1.

Candidates  
and  
applicants

5. (1) Candidates for election shall possess
  - (a) significant academic standing,
  - (b) evidence of capacity for management and administration such as is required in an educational or equivalent institution, and
  - (c) evidence of leadership skills and of the ability to represent the College externally.
- (2) Those, from either within or outside of the employees of the university, who submit applications to the Steering Committee established pursuant to section 6, in the form prescribed by that Committee, on or before the closing date set by it, shall in the Statutes be described as "applicants".
- (3) Except where required by law, references submitted on behalf of applicants shall not be published by any of the Committees established by this Chapter.
- (4) Because of the role of the Registrar as Chairperson of the Steering Committee, a Registrar who submits an application shall be deemed to have resigned from office immediately upon the submission of such application.
- (5) (a) Annual Statutory Officers (other than the Registrar) and Faculty Deans who submit applications shall be deemed temporarily to have stepped aside from the exercise of the functions of office immediately upon the submission of such application.
  - (b) Board shall appoint a Pro-Officer or a Pro-Dean, as the case may be, to exercise the functions of office of the temporarily absent Officer or Dean for the period of this temporary absence.
  - (c) An Officer or Dean who has stepped aside, and who has been appointed Provost, shall be deemed thereupon to have resigned as an Officer or Dean, as

the case may be.

- (d) An Officer or Dean who has stepped aside, and who has not been appointed Provost, shall resume the exercise of the functions of office immediately upon the appointment of the incoming Provost by Board.
- (6) (a) Members of Board who submit applications shall be deemed temporarily to have stepped aside from Board immediately upon the submission of such application.
- (b) Board shall invite the attendance of substitutes for the period of this temporary absence.
- (c) Such substitutes shall be chosen by the analogical application of regulations concerning the filling of casual Board vacancies; provided that, if no such person is available, Board shall choose such other person as will maintain the balance of membership prescribed by section 3 of the Act of 2000.
- (d) Such substitutes shall be counted as members of Board for the purposes of membership of Committees established pursuant to this Chapter.
- (e) A member of Board who has stepped aside, and who has been appointed Provost, shall be deemed thereupon to have resigned from Board in that capacity.
- (f) A member of Board who has stepped aside, and who has not been appointed Provost, shall resume office at the meeting of Board following the meeting at which Board has appointed the incoming Provost.
- (7) An applicant who has, or who has been deemed to have, resigned or stepped aside from any position in College, shall do so on such terms, if any, as may be prescribed in Schedule 1.

Steering  
Committee

- 6. (1) Board shall establish a Steering Committee to oversee the process.
- (2) The Steering Committee shall consist of:
  - (a) The Registrar, who shall be its Chairperson,
  - (b) The Secretary, who shall be its Secretary, and
  - (c) Three elected members of Board, comprising
    - (i) a Fellow,
    - (ii) a member of the academic staff who shall not be a Fellow, and
    - (iii) a member of staff who shall not be a member of the academic staff.
- (3) The Steering Committee shall do all such acts and things as may be necessary for the conduct of the process; in particular, it shall
  - (a) prepare a timetable for the process, for approval by Board,
  - (b) facilitate the identification of potential applicants,

- (c) prepare a Register of Electors,
  - (d) prepare a draft advertisement, further particulars of the post, and details required for applications, for approval by Board,
  - (e) receive applications,
  - (f) determine whether applications are complete and valid having regard to section 5(2),
  - (g) oversee the general operation of the election campaign, and
  - (h) make the necessary arrangements for the election and count.
- (4) If the Steering Committee determines that, having regard to section 5(2), no complete and valid application has been submitted to it, then it shall recommence the process.

Interview  
Committee

- 7.
- (1) Board shall establish an Interview Committee to arrange for applicants to make presentations to the Committee and to be interviewed by the Committee.
  - (2) Board shall appoint a Recommendation Committee to advise on the composition of the Interview Committee.
  - (3) The Recommendation Committee shall consist of
    - (a) the Chairperson of Fellows, and
    - (b) two elected members of Board, one of whom shall be a Fellow, and the other of whom shall not be a Fellow.
  - (4) On the advice of the Recommendation Committee, Board shall appoint the members of the Interview Committee, who shall consist of
    - (a) three elected members of Board, who shall be Fellows, one of whom shall be its Chairperson,
    - (b) one elected member of Board, who shall not be a Fellow, and
    - (c) one member of Board who shall not be an employee or student of the College.

Appeals  
Committee

- 8.
- (1) Board shall appoint an Appeals Committee to resolve disputes which arise during the process.
  - (2) The Appeals Committee shall consist of three elected members of Board comprising
    - (a) a Fellow, who shall be its Chairperson,
    - (b) a member of the academic staff who shall not be a Fellow, and
    - (c) a member of staff who shall not be a member of the academic staff.
  - (3) Board shall appoint an elected member of Board, who shall be a Fellow, as an alternate member, to serve if and only if one of the three members is unavoidably absent from a meeting.
  - (4) The Appeals Committee shall hear appeals from all

decisions of

- (a) the Steering Committee and the Interview Committee,
  - (b) the Chairperson of the Steering Committee taken pursuant to section 12, and
  - (c) Board relating to the process by which a Provost is chosen by the College, notwithstanding any provisions of the Chapter relating to the Visitors.
- (5) The Appeals Committee shall determine its own procedures, and shall hear, determine and resolve all appeals as expeditiously as possible; provided that, except on the day of the election, it may decide to refer any weighty matter directly to the Visitors.
- (6) The Visitors may decide whether or not to hear any other appeals from decisions of the Appeals Committee; provided that the Visitors shall not have jurisdiction to hear appeals from decisions of the Appeals Committee concerning decisions of the Chairperson of the Steering Committee taken pursuant to section 12.

Committees

- 9.
- (1) The Committees referred to in this section are the Committees established by this Chapter.
  - (2) There shall be no overlap in the membership of the Committees.
  - (3) Members of the Committees shall not be applicants.
  - (4) The common provisions of the Chapter on Committees shall apply.

Interview and  
Nomination

- 10.
- (1) All applicants who are determined by the Steering Committee to have submitted complete and valid applications, having regard to section 5(2), shall be interviewed by the Interview Committee.
  - (2) The Interview Committee shall do all such acts and things as may be necessary for the conduct of the interview; in particular, it shall
    - (a) facilitate the applicants in understanding the office of Provost,
    - (b) verify the *curriculum vitae* submitted by each of the applicants,
    - (c) arrange for the applicants to make presentations to the Interview Committee,
    - (d) interview the applicants,
    - (e) identify those applicants for whom there is not a *prima facie* case for proceeding to election, based on the criteria set out in section 5(1), and
    - (f) send to the Steering Committee the names of those going forward as candidates for election.
  - (3) Candidates whose names have been so forwarded shall be provided by the Steering Committee with a nomination paper.

- (4) Candidates who return to the Steering Committee, on or before the last day appointed for the receipt of nominations, a nomination paper - signed by twelve electors, at least one of whom certifies that the candidate is willing to stand for election - may proceed to the election.
- (5) If the Interview Committee sends no name forward, or if no candidate returns a complete and valid nomination paper, then the Steering Committee shall recommence the process.

Electorate

- 11.
- (1) The electorate shall consist of those who, on the date of the election, are
    - (a) full-time members of the academic staff who hold the position of Fellow, Professor, Associate Professor or Senior Lecturer,
    - (b) Lecturers who have held continuously a full-time academic post in the College for at least one year previous to the date of the election,
    - (c) permanent part-time members of the academic staff who had previously come within the terms of paragraphs (a) or (b), (to ensure that long-serving members of the academic staff who for family or similar reasons opt to work on a permanent, part-time basis are not disenfranchised by doing so),
    - (d) members of Board or Council, and
    - (e) other persons who, either by virtue of the Statutes or in accordance with a resolution of Board or Council, are in regular attendance at meetings of Board and Council as elected representatives.
  - (2) No person who comes within the terms of subsection 1(a)-(c) but who has been appointed to an academic post for a stated period of less than five years shall be a member of the electorate.
  - (3) A serving Provost shall not be a member of the electorate.

Election and Count

- 12.
- (1) All references in this section to the Chairperson shall be to the Chairperson of the Steering Committee.
  - (2) Subject to the provisions of this section, all details of the conduct of the election shall be decided by the Chairperson.
  - (3) The Chairperson shall take such measures as are necessary to exclude from the election venue all persons other than the members of the electorate, the candidates, such persons as the Chairperson shall have appointed to act as scrutineers and stewards, and such other persons as may be prescribed in Schedule 1.
  - (4) (a) Where there is only one candidate, the question on the ballot-paper shall be whether the candidate is to

be elected.

(b) A candidate who is thereby elected shall be declared by the Chairperson to be the choice of the College.

(c) If the candidate is not elected, then the Steering Committee shall recommence the process.

- (5) Where there are two or more candidates, the election shall proceed by successive ballots.
- (6) At the first ballot the names of all validly nominated candidates shall be before the electors, and every member of the electorate shall vote for one candidate and one only.
- (7) The candidate who on this ballot receives the smallest number of votes shall be eliminated, and the names of the remaining candidates shall again go forward to the electorate, who shall again vote each for one candidate and one only.
- (8) If, however, the number of candidates shall exceed seven, the Chairperson may order that at the earlier ballots more names than one shall be eliminated, so that the total number of ballots shall not exceed six.
- (9) The ballots shall proceed, with the elimination after every ballot of the candidate who has received the smallest number of votes, until the final ballot, when only two names are before the electorate.
- (10) The candidate who on this ballot receives the majority of the votes shall be declared by the Chairperson to be the choice of the College.
- (11) The Chairperson shall not vote except in the event of an equality of votes, and then only so as to determine which of two candidates with an equal number of votes shall be eliminated.

Appointment

13. (1) Immediately after the election of a candidate who has been declared to be the choice of the College, the Chairperson of the Steering Committee shall, without delay, inform Board of the name of that candidate.
- (2) At its first meeting after the election, Board shall appoint as Provost the candidate who has been declared to be the choice of the College.
- (3) At that meeting, or as soon thereafter as possible, and in any case before taking up office, the incoming Provost shall make a Declaration administered by the Vice-Provost in the presence of Board in the form prescribed by the Schedule on Declarations.
- (4) Where the tenure of an outgoing Provost has terminated by effluxion of time, then the incoming Provost shall take office on the first day of August following appointment.
- (5) Notwithstanding anything in subsection (4), where the tenure of an outgoing Provost has terminated by effluxion

of time, and if the process has continued past the first day of August after the establishment of the Steering Committee, then the outgoing Provost shall continue to exercise the functions of office until the incoming Provost has been appointed, and the incoming Provost shall take office as soon as possible after appointment by Board.

(6) Where the tenure of an outgoing Provost has terminated in any manner other than by effluxion of time, then the incoming Provost shall take office as soon as possible after appointment by Board.

Termination

14. (1) For the purposes of this section,
- (a) the “specified period” shall be such period as may be provided for by or under an Act of the Oireachtas;<sup>2</sup> provided that, if no such period is provided, the specified period shall be ten years, and
  - (b) the “specified retirement date” shall be
    - (i) the retirement date specified in the Provost’s pre-existing contract of employment with College, if any, or any applicable legislation, or any appropriate College policy, or
    - (ii) if no such date is specified, on the last day of July in the academic year in which the Provost attains the age of sixty-seven years.
- (2) A Provost who took office on the first day of August following appointment and who has not died, resigned, retired or been removed from office, shall hold office for the specified period.
- (3) A Provost who took office on any other date and who has not died, resigned, retired or been removed from office, shall hold office until the last day of July after the expiry of the specified period from the date of the taking of office.
- (4) The Provost may resign from office by giving not less than three months’ notice in writing to Board.
- (5) The Provost may retire from office at any time with the consent of Board, and shall retire on the specified retirement date.
- (6) Pursuant to the Act of 1997<sup>3</sup> or otherwise, the Provost is answerable to Board for the efficient and effective management of College and for the due performance of the functions of office; and if the Provost has significantly failed to meet these standards, then Board may, after due enquiry, remove the Provost from office.
- (7) If it appears to Board that the Provost has become incapable of performing the functions of office, then it may refer the matter to the Visitors, who may, after due

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<sup>2</sup> See section 7 of the Fourth Schedule to the Act of 1997, providing for a period of 10 years.

<sup>3</sup> See sections 2 and 7 of the Fourth Schedule to the Act of 1997.

enquiry, declare the office to be vacant.

- (8) Subject to any applicable legislation, policy approved by Board, or agreement between the Provost and College, a Provost whose term of office has terminated before the specified retirement date may choose to remain a member of, or to retire from, the academic staff of College.
- (9) A Provost who, pursuant to subsection (8), chooses to remain a member of the academic staff, shall be entitled to be
  - (a) appointed to a Professorship at a salary at the top of the relevant pay scale, and
  - (b) declared to be a Fellow of College, taking precedence over all Fellows other than the Vice-Provost; provided that, if there is more than one such retired Provost, they shall take precedence among themselves in order of retirement.
- (10) A Provost who, pursuant to subsection (8), chooses to retire from the academic staff of the College, shall be entitled to
  - (a) receive the applicable pension,<sup>4</sup> and
  - (b) be styled a Fellow *Emeritus*.

Advisory  
Council

- 15. (1) Board may establish an Advisory Council to the Provost, on such terms and for such purposes as the Provost and Board may determine, and its members shall be nominated by the Provost and appointed by Board.

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<sup>4</sup> See section 25(7) of the Act of 1997 and the Fifth Schedule to the Act, and section 13 of the Finance Measures (Miscellaneous Provisions) Act, 2009.