

## Appendices

### Appendix 1 - Divinity School Council

#### Prefatory Note

(prepared by Professor David Webb in 1993)

Until the mid-nineteenth century Divinity was the most important faculty in the College. The circumstances of the foundation ensured, of course, that its teaching was that of the Church of Ireland, and for a long time its chief function was the training of Anglican clergy, both for Ireland and overseas. In 1873 an Act of Parliament, usually known as Fawcett's Act, removed the religious tests for all offices and prizes in the University, but the Divinity School and its staff were expressly excluded from its operation. A few years later some members of the Church of Ireland became uneasy at the prospect of the Divinity School coming under the control of a Board of which the members might be of any faith or none. The Church and the College, however, could not agree on the best solution for this problem, and a controversy rumbled on for over thirty years. It was put an end to by the Letters Patent of 1911, which enacted a reasonable compromise: the Divinity School was henceforth, both in regard to teaching and appointment of Professors, to be under the control of the Divinity School Council, on which both Board and the Church of Ireland were represented. To prevent this compromise being upset by unilateral action the same Letters Patent prohibited the College from passing any statutory change that would 'alter or affect the Constitution or powers of the Divinity School Council'.

This arrangement continued satisfactorily enough until about 1960, when various changes in the College and the country began to raise doubts as to the propriety of a denominational faculty in a University otherwise free from denominational discrimination. Consequently, as teaching posts in the Divinity School fell vacant they were not filled, and the Divinity Council has, for all practical purposes, ceased to exist.

## **Unrepealed provisions of the Consolidated Statutes, 1966 relating to the Divinity School Council**

### *Chapter III*

#### *Section 9, para 2*

The Visitors shall hear and determine any appeal which may be made to them against a decision of the Board by the Secretary of the Divinity School Council in accordance with the provisions of Chapter XIV section 16.

### *Chapter IV*

#### *Section 6*

The Provost shall have power to summon at any time an extraordinary meeting of ... the Divinity School Council ...

### *Chapter VII*

#### *Section 7*

Should the Provost at any time not be, or cease to be, a member of the Church of Ireland, his place on the Divinity School Council shall be taken by the Vice-Provost, if and so long as he shall be a member of the said Church.

In this event he shall be Chairman of the Divinity School Council, and have a second or casting vote, and shall not be entitled to take part in the nomination by the Board of the five members of the Divinity School Council to be nominated by the Board.

### *Chapter VIII*

#### *Section 1*

The Professors of the University shall be divided into ... Classes as follows:

... Class C - Professors in the Divinity School appointed by the Board on the nomination of the Divinity School Council in accordance with the provisions of Chapters XII and XIV of these Statutes, namely:

The Regius Professor of Divinity,  
Archbishop King's Professor of Divinity,  
\*The Professor of Ecclesiastical History

together with any Professors appointed to Professorships hereafter to be established in the Divinity School with the consent of the Board and the Divinity School Council.

#### *Section 3*

It shall be deemed to be an essential part of the terms of employment of every Professor that if he shall, at any time, engage in any occupation, in or out of the College, which the Board shall pronounce to be incompatible with the proper discharge of his duties as Professor, and shall not immediately abandon the same when required by it to do so, he shall be liable to deprivation of his office as Professor, provided that, in the case of a Professor in the Divinity School, the Board shall act only on the recommendation of the Divinity School Council.

#### *Section 4*

If any Professor shall be negligent in the discharge of his duty, and shall continue to be negligent after having been twice warned by the Provost, in the presence of the Board, he shall be summoned before the Board by the Provost, to answer for his negligence, a fitting time being allowed for him to prepare his defence; and if, when the case is heard, he shall be plainly convicted of negligence, he shall be deprived of his Professorship by the Board, provided always that, in the case of a Professor in the Divinity School, the Board shall act only on the recommendation of the Divinity School Council. But Professors shall have the right of appeal to the Visitors from a sentence of deprivation, provided that notice of appeal is given to the Visitors and to the Provost within seven days of the promulgation of the sentence. The Visitors shall hear and decide the appeal as quickly as possible consistently with justice, and shall have power to confirm the sentence or to annul it and render it void,

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\* Suspended for such time as may seem good to the Board and Divinity School Council.

or to modify it as shall to them seem just. Pending the appeal, the Professor shall perform strictly the duties of his office, and, if he shall be negligent during that time the Visitors shall inquire into this before they hear the appeal, and, taking the whole matter into account, shall decide whether the Professor shall be removed from his Professorship or otherwise punished.

#### *Section 5*

If any Professor shall be prevented by sickness or any other unavoidable cause from the performance of his duties, the Board shall have the power of appointing a qualified deputy to act for him during the time of his incapacity, and of paying to such deputy a part of the salary of the Professor, as determined by the Board. The Board shall have the same power in the case of the absence of a Professor, which shall only be permitted for weighty reasons. In the case of a Professor in the Divinity School, these powers shall be exercised only on the recommendation of the Divinity School Council.

#### *Section 8*

If any Professor in Class C shall cease to be a member of the Church of Ireland, or of a Church in communion therewith, or shall, in the opinion of the Divinity School Council teach any doctrines contrary to or at variance with the doctrines of the said Church of Ireland, he shall be cited before the Divinity School Council and dealt with according to the Provisions of Chapter XIV, section 17 of these Statutes.

#### *Section 9*

Every Professor in Class C shall hold office until the last day (September 19) of the academic year in which he shall attain the age of sixty-five years, unless he shall previously have resigned his Professorship, or shall have been deprived in accordance with the provisions of these Statutes.

The duties of each Professor shall be defined from time to time by the Board with the consent of the Divinity School Council.

#### *Section 10*

No person shall be eligible to be appointed as Regius Professor of Divinity or as Archbishop King's Professor of Divinity, unless he is a Clerk in Holy Orders of the Church of Ireland or a Church in communion therewith.

#### *Section 11*

Previous to the nomination of a Regius Professor of Divinity each member of the Divinity School Council who takes part in the nomination shall solemnly declare that he will vote for that person among the candidates whom in his conscience he thinks best qualified to perform the duties of the office. The making of such declaration, together with the name of the person nominated shall be reported to the Board and entered on the College register, and whensoever it shall so happen that an election shall have been held, the same shall be signified under the seal by an instrument addressed to the Chancellor of the University, praying that he will admit the person so appointed into the said office, he having previously made the following declaration before the Chancellor:

*Ego N.N. electus in professorem Sacrae Theologiae, declaro me fideliter et diligenter exerciturum munus mihi demandatum, juxta statuta hujus Collegii.*

#### *Section 12*

The Board shall determine, with the consent of the Visitors and of the Divinity School Council, the terms of tenure of office of the Professors of Ecclesiastical History and of Biblical Greek.

#### *Section 13*

The regulations relating to the Professorships in Class D shall be as follows:

...

(c) The Professor of Pastoral Theology shall be nominated to the Provost and Senior Fellows by the Archbishops and Bishops of the Church of Ireland, by a writing under the hand of the Lord Primate, or, in his absence, of the Archbishop of Dublin, for the time being, provided that nobody shall be nominated who is not a Master in Arts or Doctor in Divinity of the University, and a member of the Church of Ireland in Priest's Orders. If the person so nominated shall be approved by the Provost and Senior Fellows, such person shall be by the Provost and Senior Fellows elected and declared to be the Professor. If not approved, then the Archbishops and Bishops shall proceed to nominate another properly qualified person, and so on until some person nominated by them shall be approved by the Provost and Senior Fellows, who shall thereupon declare such person to be elected.

The duties of the Professor shall be defined from time to time by the Provost and Senior Fellows, with the consent and approval of the Archbishops and Bishops of the Church of Ireland; and he shall be liable to deprivation for wilful neglect of the same. The Professor shall hold office for five years, and shall be eligible for re-election.

The Professor shall be a Professor in the School of Divinity, and shall be subject to the provisions of Chapter XIV, section 17 of these Statutes.

#### *Section 16*

Associate Professors, Readers, Senior Lecturer, Junior Lecturers and other academic officers may be appointed from time to time by the Board on the nomination of the ... Divinity School Council.

The Board, with the consent of the ... Divinity School Council, shall determine the duties and tenure of such officers, provided always that the tenure shall not extend beyond the last day (September 19) of the academic year, in which the officer attains the age of sixty-five years.

The Board shall determine the salaries of such officers, and shall make appropriate provisions for retiring pensions.

### *Chapter XII*

#### *Section 3A, para 1*

... Laws, Statutes, or Ordinances, or alterations or amendments of such Laws, Statutes, or Ordinances shall not alter or affect ... the Constitution or powers of the Divinity School Council; and ... no ... Law, Statute, or Ordinance or ... alteration or amendment of any Law, Statute, or Ordinance dealing with studies or examinations in the Divinity School or with studies or examinations precedent to the Testimonium in Divinity shall have any effect or validity unless and until it shall have been approved by the Divinity School Council; ...

#### *Section 3C*

(2) Except so far as is otherwise provided by legislation or by direction of private founders, the Board shall have power, with the approval of the Council, to repeal or alter the rules or regulations existing at any time, or to make new rule and regulations respecting studies, instruction or examinations in any school or department of the College or University (save and except examinations for Fellowship, and save and except any studies, instruction and examination in relation to or connected with the School of Divinity) and respecting the qualifications, duties or tenure of office of any member of the academic staff, provided always that the terms of the contract under which any existing member of the academic staff was appointed shall not be varied without his consent in writing, and further provided always that the Board alone shall have the right to determine, subject to the provisions of these Statutes, the qualifications, duties and conditions of tenure for Fellowship.

Any such new rules or regulations or alterations in any such rules or regulations may be originated either by the Board or by the Council.

(3) The Board shall have power, with the approval of the Divinity School Council, to make new rules and regulations, or alterations in existing rules or regulations, respecting studies, lectures and examinations in the Divinity School precedent to and including the examination for the Divinity Testimonium, and, subject to the provisions in these Statutes relating to the Divinity School Council, shall exercise general control over the Divinity School and the duties of its teaching staff and the discipline of its students.

(4) The Board shall have power to found, with the consent of the Visitors and the Council, such new Professorships, and to found, with the consent of the Council, such other academic posts in the College and University and to create such new offices as shall seem to it to be for the advantage of the College and University, and to elect all Professors, Lecturers, and officers, and to assign to them annual salaries, provided that, except in the case of those Professorships, the nomination to which is vested in some other body or persons by legislation or by the directions of private founders, and except in the cases of the Professorships in Classes C or F, no election to a Professorship or other academic post shall be made by the Board save on the nomination of the Council, and further provided that no new Professorship in connection with the Divinity School shall be created or founded without the consent of the Divinity School Council; and that no election to a Professorship or Lectureship in the Divinity School, except in the case of those, the nomination to which is vested in some other

body or persons by legislation or by directions of private founders, shall be made except on the nomination of the Divinity School Council.

The Board shall have power, on the nomination of the Divinity School Council, to elect to the office of Regius Professor of Divinity, any person who is a Clerk in Holy Orders in the Church of Ireland or in a church in communion therewith, and who holds a degree of an approved university.

*Section 18*

The Board shall have power to appoint all Examiners, except where otherwise provided by the specific directions of private founders, and except in so far as, in reference to Divinity Examinations, powers are conferred in these Statutes on the Divinity School Council, and, in reference to External Examiners, on the University Council.

*Chapter XIII*

*Section 1, para 3*

The Council shall have no power to legislate for or advise the Board on those studies which are entrusted to the Divinity School Council under the provisions of Chapter XIV of these Statutes. It shall however, be competent to make regulations concerning such courses in theology or biblical studies as may be provided for students other than those in the School of Divinity.

*Section 2, para 3*

The Council shall nominate to the Board for appointment all persons to be appointed to posts on the academic staff (other than Fellowship, and posts in the School of Divinity), including temporary and part-time appointments. It shall also nominate to the Board persons suitable for promotion to a higher grade in the academic staff (other than Fellowship).

*Chapter XIV*

*Statute relating to the Divinity School Council*

1. The Divinity School Council for the Divinity School of the College, as established by the Letters Patent of 1911, shall, subject to the approval of the Board, make provision for the education and training of Students of the University who desire to take Holy Orders in the Church of Ireland, or in a Church in communion therewith; and, unless otherwise provided by competent authority, the Testimonium in Divinity shall be awarded to such of the said Students as shall have completed the Courses of Studies, Lectures, and Examinations, and shall have fulfilled all such other conditions as may, from time to time be prescribed by competent authority as being precedent to and including the examination for the said Testimonium.

2. The Divinity School Council shall consist of the following members, all of whom shall be members of the Church of Ireland:

(a) The Provost of the College for the time being who shall be Chairman of the Divinity School Council, and in the event of any equality of votes shall have a second or casting vote.

(b) Five members to be nominated from time to time by the members of the Board other than the Provost.

(c) Three members of the Teaching Staff (as hereunder defined) of the said Divinity School, viz.:

(i) The Regius Professor of Divinity for the time being, or his Deputy.

(ii) Archbishop King's Professor of Divinity for the time being.

(iii) One member to be nominated from time to time by and from amongst the said Teaching Staff, other than the said Regius Professor, Archbishop King's Professor of Divinity, and any member of the said Staff who may have been nominated as aforesaid by the Board.

(d) Three members to be nominated from time to time by and from amongst the Bishops of the Church of Ireland, in such manner as the said bishops shall from time to time determine.

3. The Teaching Staff of the Divinity School shall consist of:

- (a) The Professors of the said School, or any Deputy to any such Professor.
- (b) The Lecturers and Assistant Lecturers in the said School other than the Donnellan Lecturer.
- (c) The Wallace Divinity Lecturer.

4. Should the Provost at any time not be, or cease to be, a member of the Church of Ireland, his place on the Divinity School Council shall be taken by the Vice-Provost, if and so long as he shall be a member of the said Church.

Should the Vice-Provost not be, or cease to be, a member of the said Church, the Board shall nominate another person, being a member of the said Church, to take the place of the Provost, or the Vice-Provost, in the event of his becoming a member of the Divinity School Council, under the provisions hereinbefore contained, or the person so nominated as aforesaid, as the case may be, shall be Chairman of the Divinity School Council, and have a second or casting vote, and shall not be entitled to take part in the nomination by the Board of the said five members of the Divinity School Council as hereinbefore provided.

5. Should the Provost or the Vice-Provost, as the case may be, or any other member of the Divinity School Council, nominated by the Board under any of the provisions hereinbefore contained, be unable to attend any meeting of the Divinity School Council, the Board shall, on receiving due notice of such inability, nominate a substitute or substitutes from a list previously prepared by them to take the place of him or them at such meeting; and in the event of the Provost, or Vice-Provost, or the person nominated to take the place of the Provost or Vice-Provost as aforesaid, being unable to attend such meetings, the person nominated as substitute shall be Chairman of the Divinity School Council at such meeting, and have a casting vote as aforesaid.

6. Should any member of the Divinity School Council nominated by the Bishops of the Church of Ireland as aforesaid be unable to attend any meeting of the Divinity School Council, the said Bishops shall, on receiving due notice of such inability, nominate a substitute or substitutes from a list previously prepared by them to take the place of him or them at such meeting.

7. No member of the Divinity School Council shall be entitled to attend or vote at any election to an office for which he is a candidate.

8. Should either the Regius Professor of Divinity, Archbishop King's Professor of Divinity, or the member of the Divinity School Council nominated by the Teaching staff be debarred from attending and voting at any Council meeting by his candidature for an office in the patronage of the said Council, as hereinbefore provided, his place shall, subject as hereinafter provided, be filled for that occasion by that member of the teaching staff not thus disqualified and not already a member of the said Council who shall be senior in order of first appointment on the teaching staff not thus disqualified and not already a member of the said Council who shall be senior in order of first appointment on the teaching staff. Provided that Professors in all cases shall rank for this purpose as senior to other members of the teaching staff and amongst themselves in the following order, viz: The Professor of Ecclesiastical History, the Professor of Biblical Greek, the Professor of Pastoral Theology, and that the Wallace Divinity Lecturer shall for the same purpose rank last in order of seniority on the teaching staff.

9. Each member of the Divinity School Council (other than the Provost or Vice-Provost, as the case may be, and the said Regius Professor and Archbishop King's Professor of Divinity) shall continue in office for three years from the date of his nomination as a member of the Divinity School Council. At the end of such periods nominations for the vacant offices shall be made as hereinbefore provided, and the outgoing members shall in all cases be re-eligible.

10. In the event of any casual vacancy occurring by death, resignation, or otherwise, among the members of the Divinity School Council nominated by the Board, or by the Bishops, or by the teaching staff of the said Divinity School, such vacancy shall be filled by the like nomination by the Board or the said Bishops, or the said Teaching Staff, as the case may be, of a duly qualified person.

11. The person nominated upon the occurrence of any such casual vacancy shall retire from office at the same time as the person in whose stead he shall have been nominated would have done had no such vacancy occurred.

12. The Divinity School Council shall, subject to the approval of the Board, determine and decide upon all courses of study, lectures, and examinations in the Divinity School precedent to and including the examination for the Divinity Testimonium, and shall, subject as aforesaid, select, and appoint the examiners at such examinations, and shall also, subject as aforesaid, determine and decide upon all courses of study and

examinations in the College in connection with the Church of Ireland, and shall also, subject as aforesaid, from time to time, make such Rules and Regulations, or alterations in existing Rules and Regulations, as may be necessary for the purposes aforesaid. Subject to the provisions aforesaid, the general control of the Divinity School, and of the duties of the Teaching staff and discipline of the students, shall be exercised by the Board.

13. New Rules and Regulations, or alterations in existing Rules or Regulations, respecting studies, lectures, and examinations in the Divinity School, may be originated either by the Board or by the Divinity School Council, but no such Rules, Regulations, or alterations shall take effect without the approval both of the Board and of the Divinity School Council.

14. No new Professorship in connection with the Divinity School shall be created or founded without the consent of the Board and of the Divinity School Council.

15. The Divinity School Council shall nominate to all Professorships and Lectureships in the Divinity School, except those the nomination to which is vested in some other body or persons by legislation, or by the direction of private founders, and all powers, authorities, rights, and duties, exercisable by or imposed upon the Provost and Senior Fellows by any Letters Patent, Royal Letters, Charters or Statutes, existing immediately before 24 May 1911, in reference to the appointment of any Professor or Lecturer, shall thereafter be exercised and discharged by the Divinity School Council, and all such Letters Patent, Royal Letters, Charters, or Statutes shall, as far as they deal with the matters aforesaid, be read and construed as if the Divinity School Council were substituted for the Provost and Fellows, provided always that the exercise and discharge by the Divinity School Council of any of such powers, authorities, rights, and duties shall be subject in all cases to the approval of the Board.

16. In exercising the said powers of nomination to any such Professorship, Lectureship, or Deputyship, the Divinity School Council may nominate or appoint any person who, in addition to possessing any required qualification, is a member of the Church of Ireland or of a Church in communion therewith. All such nominations shall be subject to the approval of the Board: and in the event of the Board refusing their approval to the nomination by the Divinity School Council, the Chancellor of the University shall decide whether the grounds for such refusal are sufficient. If they shall appear to him to be insufficient, he shall declare the person nominated by the Divinity School Council to be duly elected; if otherwise, the Divinity School Council shall proceed to a fresh nomination. If no election shall take place within a space of six calendar months from the date of the vacancy, or from the time of the creation of any new Professorship or Lectureship, or upon the occurrence of any event necessitating the nomination of a Deputy, the right of nomination and election for the purpose of filling up the said vacancy, or of appointing to such new Professorship, Lectureship or Deputyship, shall vest in the Chancellor.

17. If any Professor or Deputy to any Professor, or other member of the teaching staff of the Divinity School, shall cease to be either a member of the Church of Ireland or of a Church in communion therewith, or shall, in the opinion of the Divinity School Council, teach any doctrines contrary to or at variance with the doctrines of the said Church of Ireland, he shall be cited to appear before the Divinity School Council, and due time to prepare for his defence shall be allowed him in the citation; and if, on hearing the cause and defence, he shall be convicted by the Divinity School Council of the matter charged against him, then he shall be removed from his office, or otherwise dealt with by the Divinity School Council as they may think fit: provided always that any such Professor, Deputy, or member of the teaching staff may, within 14 days from the date of the publication of any decision of the Divinity School Council, appeal from such decision to the Court of the General Synod of the Church of Ireland, which may either affirm or reverse such decision, or otherwise deal with the cause as it may think fit.

18. If any member of the Divinity School Council nominated by the teaching staff of the Divinity School shall, from any cause, permanently cease to teach in the Divinity School, he shall cease to be a member of the Divinity School Council.

19. It shall not be in the power of the Board to alter or affect the constitution or powers of the Divinity School Council.