

# STATUTES OF MURRAY EDWARDS COLLEGE, CAMBRIDGE

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## **STATUTE I - The Constitution of the College**

The corporate body of the College shall consist of the President and Fellows and its corporate title shall be "The President and Fellows of New Hall in the University of Cambridge".

## **STATUTE II - The Visitor**

The Visitor of the College shall be the High Steward of the University.

## **STATUTE III - The Governing Body**

1. Subject to the provisions of Statute XXXVII the Governing Body shall consist of the President and all the Fellows of the College other than Emeritus Fellows or Honorary Fellows

2. The Governing Body shall have the ultimate authority in the government of the College, which authority they shall exercise in accordance with and subject to the provisions of these Statutes.

3. The Governing Body shall elect nine of their number in the manner prescribed in Statute IV to be members of the Council.

4. A meeting of the Governing Body shall be summoned at least once in each Term. One meeting of the Governing Body in each academical year shall be the Audit Meeting held in accordance with Statute XXXI.

5. (i) Meetings of the Governing Body shall be summoned by the President, who shall cause a notice of the meeting to be sent to every Fellow not less than seven clear days before the day for which the meeting is summoned.

(ii) The President may, when she thinks fit, and she shall at the request of the Council or at the request in writing of not less than six Fellows, summon a meeting of the Governing Body. Such a request shall state the object of the proposed meeting. If the President, upon receiving such a request, does not within fourteen days summon a meeting of the Governing Body to be held within twenty-eight days after receiving such a request, the Council or any six Fellows shall be entitled to summon such a meeting, provided that any meeting summoned by such six Fellows shall not be held out of Term.

6. At a meeting of the Governing Body the President shall accept any motion of which she shall have received at least three clear days' written notice or in respect of which a majority of the whole Governing Body vote in favour of its acceptance and she may at her discretion accept any other motion.

7. The President shall preside at all meetings of the Governing Body at which she is present. In her absence the Vice-President shall preside and, in the absence of the Vice-President, the senior Fellow present at the meeting who is a member of the Council.

8. (i) Except where otherwise provided, resolutions of the Governing Body shall require a majority of the votes of those persons present and voting.

(ii) In case of equality of votes, the President, or who-ever may be presiding in her absence,

shall have a second or casting vote.

9. The Governing Body shall, subject to the provisions of these Statutes, have power to make rules regulating their own procedure.

10. The quorum of a meeting of the Governing Body shall be one-quarter of the members thereof.

## **STATUTE IV - The Council**

1. (i) The Council shall consist of the President, the Vice-President, the Bursar and the Senior Tutor, who shall be members *ex officio*, together with nine members of the Governing Body elected by the Governing Body under Statute III and two resident members of the College *in statu pupillari* elected by the resident members of the College *in statu pupillari*.

(ii) Elections to the Council of members of the Governing Body shall be held annually on a day to be appointed by the Council subject to any rules made by the Governing Body under Statute III. At each such annual election three members shall be elected, each to hold office for three years, at the expiration of which they shall retire, but they shall be eligible for re-election.

(iii) Elections to the Council of resident members of the College *in statu pupillari* shall be held annually in accordance with regulations determined by Ordinance of the Council. At each such annual election two members shall be elected, each to hold office for one year, at the expiration of which they shall retire, but they shall be eligible for re-election.

(iv) If a member of the Council elected under Statute III ceases at any time to be a member of the Governing Body, she shall thereupon cease to be a member of the Council.

(v) If a member of the Council elected by the resident members of the College *in statu pupillari* ceases at any time to be a resident member of the College *in statu pupillari*, she shall thereupon cease to be a member of the Council.

(vi) If an elected member of the Council has attended less than half the meetings of the Council in any Term, except for sufficient cause to be approved by the Council, she shall *ipso facto* vacate her place on the Council.

2. Every casual vacancy in the number of elected members of the Council, whether caused by an elected member becoming a member *ex officio* or otherwise, shall be filled by the election of a member similarly qualified to serve for the remainder of the term of office of the elected member whom she is replacing. Provided always that if it is known that the place of a member elected under Statute III will become vacant on a certain date the Governing Body may pre-elect a member to serve from the said date for the remainder of the said term of office. The President shall appoint the day for an election to fill a casual vacancy giving not less than seven days' notice thereof; or she may at her discretion postpone the election until the next annual election, provided that such postponement shall not be for a period of more than two calendar months exclusive of University vacations.

3. (i) Subject to the provisions of Statute III, the Council shall administer the affairs of the College and shall have the management of its property and income, and shall exercise the powers specifically assigned to them by these Statutes.

(ii) Save as otherwise expressly provided in these Statutes, the Council shall have the power to do any act which by the Statutes of the University or otherwise is directed or authorised to be done by the College.

(iii) The Council shall have power to make Ordinances for the good government of the College and to make rules governing their own procedure.

(iv) The Council shall have power to appoint Committees whose membership need not be restricted to members of the Council or to Fellows and to delegate to those Committees such powers as the Council shall from time to time determine.

4. There shall be reserved areas of business of the Council. Members of the Council *in statu pupillari* shall not receive papers in connection with, or be present during the discussion of; or record any vote in relation to, any such business. Reserved areas of business shall include the election, appointment, promotion, removal, or any matters affecting the personal position, of any member of the Governing Body, or of the teaching, examining or administrative staff of the College, or of any person employed by the College; the admission of individual persons to membership of the College, their removal from the College (except as arising under Statute XXIX), or their academic assessment; and such further business as the President or other Chairman of the Council shall in her discretion from time to time declare to be reserved, the declaration of the President or other Chairman to be final.

The provisions of this Section shall apply *mutatis mutandis* to any Committee, whether appointed by the Governing Body or by the Council, having persons *in statu pupillari* amongst its members.

5. If the Council, within seven days of the passing of resolution by the Governing Body, object to such resolution, it shall not have effect, provided that if the resolution be again passed by a meeting of the Governing Body held not earlier than thirty days nor later than ninety days from the date at which the resolution was first passed, it shall be binding upon the College.

6. (i) The President shall summon a meeting of the Council at least twice in each Term and if requested in writing by at least four members thereof shall summon a meeting to be held within fourteen days after receiving such a request.

(ii) The President shall give or cause to be given no less than two clear days' notice of a meeting of the Council.

7. The President shall preside at all meetings of the Council at which she is present. In her absence the Vice-President shall preside and in the absence of the Vice-President the senior Fellow present shall preside.

8. Nothing in these Statutes shall be construed as precluding the Council from transacting business in the absence of the members *in statu pupillari* through failure of election or from any other cause; but no business shall be transacted at any meeting of the Council at which fewer than seven members, exclusive of the members *in statu pupillari* are present.

9. (i) Except where otherwise provided in the Statutes, all matters put to the vote at a meeting of the Council shall be decided by a majority of those present and voting.

(ii) In the case of an equality of votes, the President, or whoever may be presiding in her absence, shall have second or casting vote.

10. The decisions of the Council shall be recorded in a Minute Book which shall be open to inspection by any member of the Governing Body at all reasonable times. An abstract of the Minutes of each meeting shall be circulated to members of the Governing Body as soon as is convenient after each meeting.

11. *Temporary Provision.* At the first election to the Council by the Governing Body, the Governing Body shall elect nine of their number, of whom three shall be elected for three years, three shall be elected for two years, and three shall be elected for one year. Subsequent elections to the Council shall be in each case for a period of three years.

## **STATUTE V - The Common Seal and Muniments of the College**

1. The Bursar shall be responsible for the safe custody of the Common Seal and the muniments of the College.

2. The Common Seal shall not be affixed to any writing or document which shall not previously have received the sanction of the Council except for any class or classes of document in respect of which the Council have given authority in advance. Every writing or document needing to be sealed shall be brought before the Council for sanction or for report of sealing made on the prior authority of the Council. The Bursar shall ensure that a record is kept of documents sealed.

3. The Common Seal shall not be affixed to any writing or document except in the presence of the President, or in her absence the Vice-President or the Bursar, and one other member of the Governing Body.

## **STATUTE VI - Qualifications and Duties of the President**

1. The President shall be elected by the Governing Body with due regard to her fitness to preside over the College as a place of education, learning and research.

2. The President shall exercise a general superintendence over the affairs of the College and except where it is otherwise provided by these Statutes shall, if present, preside *ex officio* at all meetings of the Governing Body and of the Council. The President shall have the power in all cases not provided for by the Charter or by these Statutes or by Ordinances made thereunder, to make such provision for the good government and discipline of the College as she shall think fit.

## **STATUTE VII - Election and Admission of the President**

1. The President shall be elected by the members of the Governing Body, with the exception of the President or any former President.

2. On the occurrence of a vacancy in the office of President, in anticipation of which no pre-election has been made, the Vice-President, or in her absence, the next senior Fellow who is a member of the Council and is in residence shall, not more than three days after such a vacancy shall have become known to her, summon a meeting of all the electors in residence to meet within fourteen days. At this meeting the electors present shall fix a date not less than fourteen nor more than sixty days thereafter, excluding any period of University vacation, for a meeting to elect the President.

3. (i) On the day and at the hour thus fixed the Vice-President or, in her absence, the next

senior Fellow who is a member of the Council and is in residence shall declare the meeting convened and the electors shall proceed to the election of a Chairman. The Chairman shall thereupon read audibly the foregoing Statute VI.

(ii) No person shall be voted for unless she has been proposed and seconded at the meeting. No person shall be elected unless she obtains the votes of at least two-thirds of the whole number of electors. Voting shall be by ballot. The electors shall appoint two of their number to stand in scrutiny. If any person shall obtain a requisite number of votes, the Chairman shall thereupon declare her to be President elect.

4. If at the first meeting for election of a President no person shall obtain the requisite number of votes, the meeting shall stand adjourned to some other time to be fixed by the meeting and so on from time to time. If at the end of six months, excluding any period of University vacation, from the occurrence of the vacancy no person has been elected President the power of the Governing Body to elect shall terminate and the Visitor shall by writing under his hand appoint a President.

5. (i) The electors shall have power to pre-elect a President. The Vice-President shall summon a meeting of the electors to be held not more than nine months before the date of the retirement or resignation of the President. At least fourteen days' notice in writing of this meeting shall be given to each elector.

(ii) At this meeting the electors shall, if not less than two-thirds of their whole number concur, fix the date of a first meeting for the pre-election of a President.

(iii) The conduct of this first meeting and of the pre-election shall be governed by the provisions of Sections 2 and 3 of this Statute. If at this first meeting there shall be no pre-election the meeting shall stand adjourned until some other time to be fixed by the meeting and so on from time to time until the office of President shall become vacant.

6. The President shall, after her election or appointment has taken effect, make the following declaration at a meeting of the Governing Body summoned by the Vice-President for the purpose:

"I, A.B., elected President of New Hall, promise that I will faithfully and diligently perform the duties of the Office, observe the Charter and the Statutes and in all things endeavour to promote the honour, peace and well-being of the College."

7. It shall be the duty of the Vice-President to summon the meeting of the Governing Body as soon as conveniently may be after the President has been elected or appointed. If the President shall wilfully neglect to make the declaration and persist in such neglect for a period of three months from the date of the aforesaid meeting, she shall vacate the office of President.

## **STATUTE VIII - Emoluments of the President**

1. The President shall be entitled to such stipend as the Council shall from time to time determine provided that no reduction in the amount of the stipend shall affect the person then President without her consent.

2. If a President's Lodge is provided by the College it shall be kept in good and sufficient repair both externally and internally and shall be furnished at the expense of the College; the President shall be entitled to its use free of rent, rates and taxes. If the Lodge so provided is not within the College precincts or if the President under conditions determined in accordance with Statute IX is

resident outside the College precincts, she shall be entitled to the use free of rent, rates and taxes of such rooms in the College as the Council may decide to be necessary for the proper execution of her duties. The Council may make such contribution as it may from time to time determine to the expenses arising from the occupation by the President of the Lodge or other accommodation provided in accordance with these Statutes.

3. The President shall be entitled to meals in Hall free of charge. The President shall also receive such further allowances as the Council may from time to time determine.

## **STATUTE IX - Residence of the President**

The President shall reside within the College or in an official residence or, by a resolution in which at least two-thirds of the whole Governing body concur, in such other place within the precincts of the University as is consistent with the due performance of her duties. She shall so reside during two-thirds at least of each Term and altogether during two hundred and ten days at least of each academical year unless the Council otherwise permits.

## **STATUTE X - Provision in case of Incapacity of the President**

1. In the event of the temporary absence or illness of the President, the Vice-President shall act as the President's Deputy and shall preside at meetings of the Governing Body and of the Council.

2. In the event of the prolonged absence or illness of the President, the Governing Body may appoint an Acting President from among the Fellows to carry out the duties of the President in accordance with these Statutes.

3. If the Vice-President be appointed Acting President she shall cease to be Vice-President for the period in which she holds the office of Acting President. During this period the duties of Vice-President shall be discharged by the senior Fellow in residence who is also a member of the Council.

## **STATUTE XI - Retirement or Resignation of the President**

1. The President shall retire on the thirtieth day of September next following the date on which she attains the age of seventy years.

2. The President may at any time, by notice in writing to the Governing Body through the Vice-President, resign her office. Except by consent of the Governing Body, the period of such notice shall not be less than six months.

## **STATUTE XII - Repealed**

## **STATUTE XIII - The Vice-President**

1. (i) The Vice-President shall be elected by the Governing Body from among their members on the day fixed for the annual election to the Council to hold office for such period not exceeding five years as the Governing Body shall decide at the time of her election. If a Vice-President shall cease to be a Fellow she shall thereupon vacate the office of Vice-President.

(ii) A retiring Vice-President shall be eligible for re-election for further periods of office provided that no single period shall exceed five years.

2. The Vice-President shall receive such emolument as the Council may from time to time direct.

3. (i) The duties of the Vice-President shall be such as are prescribed by these Statutes or as may from time to time be prescribed by the Governing Body.

(ii) During any vacancy in the office of President, the Vice-President shall have the powers and perform the duties of the President and shall perform such other acts as are prescribed by these Statutes or as may from time to time be prescribed by the Governing Body.

(iii) In the absence of the Vice-President, The senior Fellow in residence who is a member of the Council shall in all cases take her place.

## **STATUTE XIV - Classes of Fellows**

1. There shall be the following classes of Fellows:

Class A. Research Fellows having tenure in accordance with Statute XV.

Class B. Official Fellows having tenure by virtue of holding a College or University office as provided by Statute XVI.

Class C. Professorial Fellows having tenure in accordance with Statute XVII.

Class D. Supernumerary Fellows having tenure in accordance with Statute XVIII.

2. Fellows in Classes A, B, C and D shall be elected by the Council. An election shall require the votes of a majority of the members of the Council other than the members *in statu pupillari*.

3. As soon as conveniently may be after her election, a Fellow shall be admitted by the President. Immediately before her admission she shall make the following declaration:

"I, A.B., elected a Fellow of New Hall, promise that I will observe the Charter and the Statutes of the College, and will endeavour to promote the interests of the College as a place of education, learning and research."

## **STATUTE XV - Research Fellows**

1. A Research Fellow shall be elected in the first instance for three years The Council shall have power to re-elect her for a further period or periods, provided that her tenure under this Statute shall not exceed six years in all.

2. It shall be the duty of a Research Fellow to engage in the advancement of learning and research and to observe such conditions as the Council may determine at the time of election or re-election. These conditions may be varied during tenure with the consent of the Fellow.

3. The Council shall have power to assign to a Fellow holding her Fellowship under this Statute such stipend and to make her such allowances as they may from time to time determine.

## **STATUTE XVI - Official Fellows**

1. The Council may elect to an Official Fellowship any person holding the College office Bursar, Tutor, College Lecturer, or such other College office as the Council may from time to time declare to be a qualifying office for the purpose of this Statute.

2. The Council may elect to an Official Fellowship any person holding a University office (other than an office qualifying the holder for election to a Professorial Fellowship) which at the time of her election they shall declare to be a qualifying office in her case.

3. Election to an Official Fellowship under Sections 1 or 2 of this Statute shall be for a period of three years in the first instance. An Official Fellow may be re-elected for a further period or periods not exceeding five years at a time.

4. The tenure of an Official Fellowship shall lapse if the Fellow ceases to hold the qualifying office with which the Fellowship is associated.

5. The Council shall have power to make the tenure of an Official Fellowship subject to any conditions that they may deem proper, provided that the said conditions shall be consistent with the duties of the qualifying office with which the Fellowship is associated.

## **STATUTE XVII - Professorial Fellows**

1. Subject to the Statutes of the University, the Council may elect to a Professorial Fellowship any person holding or designated to hold such Professorship or other office in the University as is recognised by the Statutes of the University as qualifying for election to a Professorial Fellowship.

2. A Professorial Fellow shall hold her Fellowship for so long as she holds the qualifying office with which her Fellowship is associated.

## **STATUTE XVIII - Supernumerary Fellows**

1. The Council shall have power to elect to a Supernumerary Fellowship any person whom the Council consider it to be in the interest of the College to elect.

2. A Supernumerary Fellow shall be elected and may be re-elected for such period or periods not exceeding five years at a time as the Council shall in each case specify and she shall hold her Fellowship subject to such conditions as the Council may from time to time determine.

3. The Council shall have power to assign to a Fellow holding her Fellowship under this Statute such stipend as they may from time to time determine.

## **STATUTE XIX - General Provisions with regard to Fellows other than Emeritus Fellows and Honorary Fellows**

1. Every Fellow shall proceed to the degree of Master of Arts, or other degree qualifying for membership of the Senate of the University, as soon as she is of standing to be admitted to such a degree. Any Fellow not proceeding to such a degree (unless prevented by illness or other grave cause to be approved by the Council) shall forfeit her Fellowship.

2. The seniority of Fellows shall be determined by the Governing Body, provided that the admission of a Fellow to a superior degree or the transfer of a Fellow from one class of Fellowship to another, shall not affect the order of seniority of Fellows.

3. Every Fellow of the College shall, if in residence, be entitled to rooms and commons and to such other allowances as the Council may from time to time determine.

4. A Fellow of the College shall vacate her Fellowship if she shall become Head or a Fellow, other than an Honorary Fellow, of any other College.
5. A Fellow shall retire on the thirtieth day of September next following the date on which she attains the age of sixty-seven years.
6. Every Fellow shall register with such officer as the Council shall appoint a place of address within the United Kingdom to which all notices intended for her are to be sent; and in all cases in which by these Statutes notice is required to be given to any Fellow it shall be sufficient that the notice is sent by post or otherwise to this address.
7. If, after due enquiry, the Council are satisfied that a Fellow has knowingly failed to observe the Charter or the Statutes of the College, or is guilty of conduct prejudicial to the interests or well-being of the College, the Council shall have power, by a vote in which not less than two-thirds of the members of the Council other than the members *in statu pupillari* concur, to deprive her of her Fellowship if they shall think such deprivation expedient in the interests of the College provided that:-
  - (i) when there is a proposal before the Council to deprive a Fellow of her Fellowship as aforesaid the Council before taking a decision shall
    - (a) ensure that she is fully apprised of the reasons which have caused the Council to consider her deprivation; and
    - (b) afford her the opportunity to appear in person before the Council, to make such statement as she may think proper, to call witnesses and to cross-examine witness called against her and to allow her to be accompanied by one person chosen by herself who may advise her and speak on her behalf;
  - (ii) the person so deprived of her Fellowship shall have the right of appeal to the Visitor who, after enquiry, shall have the power to confirm, vary or reverse the decision of the Council;
  - (iii) no member of the Council shall take part in the deliberations of that body upon the question of her own deprivation of her Fellowship.

Provided that, subject to the provisions of Section 6(1) of Statute XXXVI, nothing in this Section shall apply to members of the academic staff to whom Statute XXXVI applies.

## **STATUTE XX - Emeritus Fellows**

1. The following persons shall be entitled to become Emeritus Fellows:
  - (i) the President on retirement;
  - (ii) any Fellow on retirement under the provision of Statute XIX, Section 5, who has been a Fellow for not less than twenty years, whether continuously or not.
2. The Council may elect to an Emeritus Fellowship:
  - (i) the President on resignation;
  - (ii) any Fellow on ceasing to hold her Fellowship.

3. An Emeritus Fellow shall hold her Fellowship for the duration of her life.
4. An Emeritus Fellow shall not be a member of the Governing Body but she may enjoy such privileges and advantages as the Council may from time to time determine.

## **STATUTE XXI - Honorary Fellows**

1. The Governing Body may by a vote in which at least two-thirds of their whole number concur, elect to an Honorary Fellowship any person of distinction. A proposal for such an election shall be made at a meeting of the Governing Body and voted on at a subsequent meeting.
2. An Honorary Fellow shall hold her Fellowship for the duration of her life.
3. An Honorary Fellow shall not be a member of the Governing Body but she may enjoy such privileges and advantages as the Governing Body may from time to time determine.

## **STATUTE XXII - The College Officers**

1. The College offices shall be those of Tutor, Bursar, College Lecturer, Director of Studies, Librarian and Praelector and such other offices as the Council may from time to time determine.
2. College officers shall be appointed and re-appointed by the Council who shall have power to determine the tenure which, save as otherwise provided in these Statutes, shall not exceed three years on first appointment nor five years on re-appointment, provided that a College officer who has reached the age of sixty-three shall only be re-appointed on an annual basis. The Council shall also have power to determine, and to vary from time to time, the duties of the various officers of the College and to assign to them, from time to time, such stipends as they may determine.
3. The Council shall determine the conditions upon which a College officer may be allowed leave of absence.
4. If any College officer shall be unable, owing to leave of absence, illness or other sufficient cause, to discharge the duties of her office the Council may if they think fit appoint a deputy. A deputy so appointed shall receive such remuneration as the Council may determine.
5. The President shall have power at her discretion to suspend a College officer from the performance of her duties until the next ensuing meeting of the Council.
6. If, after due enquiry, the Council are satisfied that a College officer has failed satisfactorily to perform the duties of her office the Council shall have power, by a vote in which not less than two-thirds of the members of the Council other than the members *in statu pupillari* concur, to suspend her from the performance of the duties of her office, or to remove her from her office, if they shall think such suspension or removal expedient in the interests of the College provided that:-
  - (i) when there is a proposal before the Council to suspend or remove an officer as aforesaid the Council before taking a decision shall
    - (a) ensure that she is fully apprised of the reasons which have caused the Council to consider her suspension or removal; and
    - (b) afford her the opportunity to appear in person before the Council, to make such

statement as she may think proper, to call witnesses and to cross-examine witnesses called against her and allow her to be accompanied by one person chosen by herself who may advise her and speak on her behalf;

(ii) the person so suspended or removed from office shall have the right of appeal to the Visitor who, after enquiry, shall have power to confirm, vary or reverse the decision of the Council;

(iii) no member of the Council shall take part in the deliberations of that body upon the question of her own suspension or removal from College office.

(iv) subject to the provisions of Section 6(1) of Statute XXXVI, nothing in this Section shall apply to members of the academic staff to whom Statute XXXVI applies.

### **STATUTE XXIII - The Tutors**

1. There shall be such a number of Tutors as the Council shall from time to time determine.
2. A Tutor shall be appointed in the first instance for not more than three years but may be re-appointed thereafter for such periods as the Council may in each case determine, provided that a Tutor shall not be re-appointed for more than five years at a time.
3. The Council shall appoint a Senior Tutor and may assign to her such special duties as they may determine.
4. No member of the College *in statu pupillari* shall be without a Tutor.

### **STATUTE XXIV - The Bursar**

1. The Bursar shall be appointed by the Council in the first instance for not more than three years and may be re-appointed thereafter for such periods as the Council may determine, provided that the Bursar shall not be re-appointed for more than five years at a time.
2. The Bursar shall be responsible under the Council for the management of the property of the College and for the maintenance and repair of all the College buildings. She shall receive all rents and moneys due to the College and make such payments, under the orders of the Council, as may be due from the College.
3. The Bursar shall keep or cause to be kept accounts of all receipts and expenditure. Subject to the provisions of the Statutes and Ordinances of the University the accounts shall be kept in such form as the Council may from time to time direct.

### **STATUTE XXV - The Superannuation Scheme (as amended)**

1. The College may participate in the Universities Superannuation Scheme (hereinafter called the U.S.S.).
2. The College shall continue to participate in the Federated Superannuation System for Universities (hereinafter called the F.S.S.U.) in respect of those persons entitled to remain in that System.
3. The College shall make regulations for the administration of its superannuation

arrangements, provided that in so far as such regulations relate to the U.S.S. or to the F.S.S.U. they shall be compatible with the constitution and rules of the U.S.S. or the F.S.S.U. respectively.

4. The Superannuation Scheme shall apply to any person holding one or more of the following appointments:

- a) the office of President
- b) the office of Vice-President
- c) an Official Fellowship in Class B
- d) a Supernumerary Fellowship in Class D
- e) a pensionable College office.

5. The offices of Tutor and Bursar shall be pensionable College offices. The Council shall have power to add to or remove from the category of pensionable offices any other College office or offices, but no such addition or removal shall be made in respect of any such other office during the tenure of the holder without her consent.

6. A Fellow holding her Fellowship in Class A shall be entitled to place herself under the Superannuation Scheme.

7. Subject to the provisions of this Statute the Council shall have power to make such regulations in connection with the Superannuation Scheme as they may think fit and to determine any questions relating thereto.

## **STATUTE XXVI - Membership of the College**

1. The members of the College *in statu pupillari* shall be women.

2. The Council may by Ordinance or otherwise determine the conditions under which persons may be admitted to and may remain members of the College.

3. No person *in statu pupillari* shall be permitted to come into residence until she has satisfied such conditions of admission to the University as may be prescribed by the University and such other conditions as the Council may see fit to impose.

4. If the Council is of the opinion that the academic progress in her studies of a member of the College *in statu pupillari* is not satisfactory, they shall have power to determine that she shall not continue in residence.

## **STATUTE XXVII - Scholarships and Exhibitions**

1. The Council shall have power to make Regulations from time to time providing for the award of Scholarships and Exhibitions, the tenure and emoluments of the same and any other matters relating thereto.

2. The Council shall also have power to establish an Awards Fund, from which the emoluments of Scholars and Exhibitioners shall be paid and into which shall be paid in each year, from the general revenues of the College or other sources, such sums as the Council may direct.

## **STATUTE XXVIII - Studentships**

1. The Council shall have power to establish Studentships in the College for the encouragement of advanced study and research in any branch of learning and the number of such Studentships shall be fixed from time to time at the discretion of the Council.
2. Funds for Studentships shall be provided from such sources and the Studentships shall be awarded and held on such conditions and be of such value as the Council shall in each case determine.

## **STATUTE XXIX - Discipline of the College**

1. Members of the College *in statu pupillari* shall observe the Charter, the Statutes and Ordinances and conform to such order orders as may be made by the Council from time to time for the good government of the College. If any such person shall fail to observe the Charter, the Statutes or Ordinances or to conform to such other orders as aforesaid, or shall be guilty of any conduct prejudicial to the discipline or good order of the College, a Tutor or other officer of the College designated by the Council may impose such penalties as the offence may appear to deserve except that they shall not impose the penalty of temporary or final removal from the College.
2. There shall be a Disciplinary Committee of the College whose composition and procedure shall be determined by Ordinance of the Council provided that no member of the Council shall be a member of the Disciplinary Committee.
3. Any member of the College *in statu pupillari* upon whom a Tutor or other officer of the College as aforesaid has imposed a penalty may appeal to the Disciplinary Committee who shall have power to confirm, set aside, or vary the finding and the penalty. In such case the decision of the Disciplinary Committee shall be final.
4.
  - (i) If a member of the College *in statu pupillari* is charged with an offence which in the opinion of a Tutor or other officer of the College as aforesaid ought to be considered by the Disciplinary Committee or appears to deserve her temporary or final removal from the College, the Tutor or other officer of the College shall proceed to lay the facts before the Disciplinary Committee who shall hear the case.
  - (ii) The Disciplinary Committee having heard the case shall have power to take such action or impose such penalty as they may think appropriate, provided that there shall be a right of appeal to the Council whose decision shall be final.
5. The Council shall have power to deprive any Scholar, Exhibitioner or Student of her status or any emoluments thereof for any misconduct which in their judgement appears to deserve such deprivation.
6. The Council shall by Ordinance make such provision as is necessary for the proper regulation of the proceedings under this Statute. In particular, provision shall be made to ensure that, before taking a decision in regard to a member of the College *in statu pupillari* the Disciplinary Committee and the Council shall
  - (i) ensure that she is fully apprised of the nature and circumstances of the offence with which she is charged;

(ii) afford her the opportunity to appear in person, to offer such defence or to make such statement as she may think proper and to call and cross examine witnesses;

(iii) allow her to be accompanied by one person chosen by herself who may advise her and speak on her behalf.

7. If any member of the College *in statu pupillari* shall fail to pay her College bills by such date as may be stipulated by the Council, the President shall have power to refuse her permission to continue in residence.

## **STATUTE XXX - The Tuition Fund**

1. The Council shall from time to time review and determine the amount of the Tuition Fees to be paid by members of the College. Such fees shall be paid into a Fund to be called the Tuition Fund. The Council shall similarly from time to time review and determine the stipends of Tutors, Lecturers and other persons engaged in the educational work of the College, which stipends shall be paid out of the Tuition Fund. The Council shall have power to pay into the Tuition Fund from general revenues or other sources such sums as they shall from time to time determine.

2. All moneys payable into the Tuition Fund shall be collected and the account of this Fund shall be kept by the Bursar.

## **STATUTE XXXI - Annual Statement of Accounts and Audit**

1. The College financial year shall run from the first day of August in each year to the next succeeding thirty-first day of July or between such other dates as may be prescribed by the Council provided that such dates are in accordance with the Statutes of the University.

2. The Bursar shall make or cause to be made an annual statement or summary of all moneys received by her and also a statement or summary of all payments and expenses incurred by her.

3. Any Fellow of the College shall be entitled to inspect the full accounts of the receipts and payments of the Bursar.

4. A return of the several accounts of the College relating to the funds administered for general purposes, or in trust, or otherwise shall be sent annually to the Vice- Chancellor by the Bursar as prescribed by the Statutes of the University.

5. All accounts of the College shall be audited annually. For this purpose the Council shall appoint as Auditor a professional Accountant (not being a member of the Governing Body) who shall be a member of a body of Accountants established in the United Kingdom and for the time being recognised by the Secretary of State for Trade and Industry for the purposes of Section 161 of the Companies Act 1948 (or any statutory modification or re-enactment thereof for the time being in force), and shall pay him such remuneration as they shall determine. The Council shall also appoint two or more Fellows, other than the Bursar, as an Audit Committee.

6. The Auditor shall pass the several accounts by signing the same or shall state in writing his reasons for not passing the accounts or any of them. He shall also sign such certificates as may be required by the Statutes of the University.

7. A meeting of the Governing Body to be known as the Audit Meeting shall be called as soon as may be convenient in the Michaelmas Term at least fourteen days' notice of such meeting being

given after the commencement of Term. Not less than seven days before this meeting the Bursar shall circulate copies of the accounts to all members of the Governing Body in residence.

8. The Audit Committee shall be entitled to examine the several accounts and consult with The Auditor; they shall report to the Governing Body at the Audit Meeting on matters of general policy in relation to the accounts as they see fit.

## **STATUTE XXXII - Investment and Application of Capital Moneys**

1. The Council shall have power to purchase, retain, sell or transfer on behalf of the College property real or personal and securities (which term includes stocks, funds and shares) of any description and may also apply moneys to any purpose to which capital moneys arising under the Universities and College Estates Acts 1925 and 1964 may be applied.

2. Any money (not being rent) payable as a consideration on a sale or exchange of land effected by the College under this Statute shall be capital money.

3. The powers confirmed by this Statute shall extend to all endowments, land, securities, property or other funds of the College and of any specific trust for purposes connected with the College of which the College is trustee provided that such powers shall not extend to the funds of a specific trust constituted after the date of the Charter.

4. The Council shall appoint a Finance Committee, whose duties shall be determined by the Council and shall include the formulation of general investment policy. The Committee shall consist of at least three members and in formulating the general investment policy of the College they shall consult a stockbroker of at least fifteen years' experience or a member of a Merchant Bank.

## **STATUTE XXXIII - Contribution to the University**

There shall be paid in each year by the College to the University such sum as is by the Statutes of the University authorised to be levied from the College, provided that so much of the sum so to be paid as shall be levied in respect of any Trust or other separate Fund shall be charged to the income of such Trust or Fund unless the Council shall in any case determine otherwise.

## **Statute XXXIV - Power to accept Endowments**

The College shall have power to accept endowments for any purposes in furtherance of the interests of the College as a place of education, learning and research and to make regulations giving effect to wishes or suggestions of donors recorded in writing (whether so expressed as to create a trust or not) regarding the application of such endowments and regarding any place or emolument to be supported thereby, even though the regulations may be inconsistent with the provisions of these Statutes; provided always that no such regulation shall derogate from any obligation imposed on the College by the Statutes of the University.

## **STATUTE. XXXV - Union or Association of Members of the College in statu pupillari**

The resident members of the College *in statu pupillari* shall be entitled to form a union or association for the promotion of social, athletic or other collegiate purposes. Those of their number who are graduates shall be entitled to form a separate or an additional union or association for the

promotion of purposes as aforesaid. Any such union or association shall have a constitution which, with any amendment thereof, shall have been approved by the Council.

## **STATUTE XXXVI - ACADEMIC STAFF**

### ***PART 1 CONSTRUCTION APPLICATION AND INTERPRETATION***

1. This Statute and any Ordinance made under this Statute shall be construed in every case to give effect to the following guiding principles, that is to say:

(a) to ensure that members of the academic staff of the College have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges;

(b) to enable the College to provide education, to promote learning, and to engage in research efficiently and economically; and

(c) to apply the principles of justice and fairness.

2. No provision in Part II, Part III, Part IV or Part VII shall enable any member of the academic staff to be dismissed unless the reason for the dismissal may in the circumstances (including the size and administrative resources of the College) reasonably be treated as a sufficient reason for dismissal.

#### Application

3. (1) This Statute shall apply –

(a) to any person holding a College Office designated by the Governing Body as one to which this Statute applies;

(b) to any person employed by the College to carry out teaching or research save for those holding appointments which have been excluded by the Governing Body from the scope of this Statute on the ground that the duties in that regard are only for a limited nature; and

(c) to the President, to the extent and in the manner set out in Part VII of this Statute.

(2) In this Statute any reference to “academic staff” is a reference to persons to whom this Statute applies.

#### Interpretation

4. (1) For the purposes of this Statute the following terms have the meanings specified:

“dismiss” and “dismissal” refer to the dismissal of a member of the academic staff and

(a) include remove or, as the case may be, removal from office; and

(b) in relation to employment under a contract, shall be construed in accordance with section 55 of the Employment Protection (Consolidation) Act 1978

(2) “good cause” in relation to the dismissal or removal from office of a member of the academic staff of the College, being in any case a reason which is related to conduct or capability or qualifications for performing work of the kind which the member was appointed or employed to do, means:

(a) conviction for an offence which may be deemed by a Senior Disciplinary Committee appointed under Part III to be such as to render the person convicted unfit for the execution of the duties of her office or for employment as a member of the academic staff of the College; or

(b) conduct of an immoral, scandalous, or disgraceful nature incompatible with the duties of the office or employment; or

(c) conduct constituting failure or persistent refusal or neglect or inability to perform the duties or comply with the conditions of the office or employment; or

(d) physical or mental incapacity established under Part IV.

(3) In this Section –

(a) “capability” means capability assessed by reference to skill, aptitude, health, or any other physical or mental qualify; and

(b) “qualifications” means any degree, diploma, or other academic, technical, or professional qualification relevant to an office or position held.

5. For the purposes of this Statute dismissal shall be taken to be a dismissal by reason of redundancy if it is attributable wholly or mainly to:

(a) the fact that the College has ceased, or intends to cease, to carry on the activity for the purposes of which the person concerned was appointed or employed or has ceased, or intends to cease, to carry on that activity in the place in which the person concerned worked; or

(b) the fact that the requirements of that activity for members of the academic staff of the College to carry out work of a particular kind in that place have ceased or diminished or are expected to cease or diminish.

#### Incidental, supplementary and transitional provision

6. (1) In any case of conflict, the provisions of this Statute shall prevail over those of any other Statute in force on the date on which the instrument making these modifications was approved under subsection (9) of section 204 of the Education Reform Act 1988, and over those of any Ordinance, and the provisions of any Ordinance made under this Statute shall prevail over those of any Ordinance made under such other Statutes:

Provided that Part III, Part IV and Part VII shall not apply in relation to anything done or omitted to be done before the date on which the instrument making these modifications was approved under subsection (9) of section 204 of the Education Reform Act 1988.

Provided also that disciplinary proceedings in relation to anything done or omitted to be done before that date may continue or be instituted after that date under the relevant College Statutes in force before that date.

(2) Nothing in any appointment made, or contract entered into, shall be construed as overriding or excluding any provision made by this Statute concerning the dismissal of a member of the academic staff of the College by reason of redundancy or for good cause:

Provided that this shall not invalidate any waiver made under section 142 of the Employment Protection (Consolidation) Act 1978.

(3) Nothing in any other Statute shall enable the Governing Body to delegate its power to reach a decision under Section 10(2).

(4) For the avoidance of doubt it is hereby declared that nothing in Part III shall be construed as affecting the Statutes and Ordinances of the College concerning re-election on the expiry of a fixed term of a Fellowship.

(5) In this Statute, references to numbered Parts, Sections and sub-sections are references to Parts, Sections, and sub-sections so numbered in this Statute.

7. (1) No one shall sit as a member of any of the bodies established under this Statute, and no one shall be present at a meeting of such a body when the body is considering its decision or discussing a point of procedure, except as provided by this Statute or by any Ordinance made under this Statute.

(2) In any case where an officer of the College or any person is designated to perform any duties or exercise any powers under this Statute, and that officer or person is herself involved in the matter in question, the Governing Body may appoint an alternate to act in her place under the procedures prescribed by an Ordinance made under this Statute.

## ***PART II REDUNDANCY***

### Purpose of Part II

8. This Part enables the Governing Body, as the appropriate body, to dismiss any member of the academic staff by reason of redundancy.

### Exclusion from Part II of persons appointed or promoted before 20<sup>th</sup> November 1987

9. (1) Nothing in this Part shall prejudice, alter or affect any rights, powers or duties of the College or apply in relation to a person unless –

(a) her appointment is made, or her contract of employment is entered into, on or after 20<sup>th</sup> November 1987; or

(b) she is promoted on or after that date.

(2) For the purposes of this Section in relation to a person, a reference to an appointment made or a contract entered into on or after 20th November 1987 or to promotion on or after that date shall be construed in accordance with subsections (3) to (6) of Section 204 of the Education Reform Act 1988.

#### The Appropriate body

10. (1) The Governing Body shall be the appropriate body for the purposes of this Part.
- (2) This Section applies where the Governing Body has decided that there should be a reduction in the academic staff –
- (a) of the College as a whole; or
- (b) of any area of academic work within the College.
11. (1) Where the Governing Body has reached a decision under Section 10(2) it may itself decide to select the requisite members of the academic staff for dismissal by reason of redundancy, if such a course satisfies the guiding principles set out in Section 1, or it shall appoint a Redundancy Committee to be constituted in accordance with sub-section (3) of this section to give effect to its decision by such date as it may specify and for that purpose
- (a) to select and recommend the requisite members of the academic staff for dismissal by reason of redundancy; and
- (b) to report their recommendations to the Governing Body.
- (2) The Governing Body shall either approve any selection recommendation made under subsection (1) (b), or shall remit it to the Redundancy Committee for further consideration in accordance with its further directions.
- (3) A Redundancy Committee appointed by the Governing Body shall comprise –
- (a) a Chairman; and
- (b) two Fellows not being members of the academic staff to whom this Statute applies; and
- (c) two members of the academic staff.
- (4) A member of the academic staff shall not be selected for dismissal under this section unless she has been afforded a reasonable opportunity to make representation to the Governing Body.

#### Notices of intended dismissal

12. (1) Where the Governing Body has made a selection it may authorise an officer of the College as its delegate to dismiss any member of the academic staff so selected.

(2) Each member of the academic staff selected shall be given separate notice of the selection approved by the Governing Body.

(3) Each separate notice shall sufficiently identify the circumstances which have satisfied the Governing Body that the intended dismissal is reasonable and in particular shall include –

(a) a summary of the action taken by the Governing Body under this Part;

(b) an account of the selection procedure used;

(c) a reference to the rights of the person notified to appeal against the notice and to the time within which any such appeal is to be lodged under Part V (Appeals); and

(d) a statement as to when the intended dismissal is to take effect.

### ***PART III DISCIPLINE, DISMISSAL AND REMOVAL FROM OFFICE***

#### Disciplinary Procedures

13. (1) If it appears to the President that there are grounds for believing that the conduct or performance of a member of the academic staff is or has been unsatisfactory, she shall inquire into the matter. If the President concludes after investigation that the member is or has been at fault, she may issue an oral warning to the member. The President shall specify the reason for the warning, shall indicate that it constitutes the first stage of the College's disciplinary procedure, and shall advise the member that she may appeal against the warning under sub-section (4) of this Section.

(2) If the President concludes after investigation that the fault is sufficiently serious to justify it, or if a further offence occurs, she may issue a written warning to the member. Such a warning shall specify the complaint made against the member, the improvements required in the member's conduct or performance, and the period of time within which such improvements are to be made. The President shall advise the member that she may appeal against the warning under sub-section (4), and shall indicate that, if no satisfactory improvement takes place within the stated time, a complaint may be made seeking the institution of charges to be heard by a Senior Disciplinary Committee.

(3) The President shall keep a written record of any warning issued under sub-section (1) or sub-section (2). No further account shall be taken of an oral warning when one year has elapsed after the date of issue, and no further account shall be taken of a written warning when two years have elapsed after the date of issue.

(4) A member of the academic staff who wishes to appeal against a disciplinary warning shall inform the President within two weeks. An Appeals Committee appointed by the Governing Body shall hear the appeal and the Committee's decision shall be final. If the appeal is allowed, the warning shall be disregarded.

#### Preliminary examination of serious disciplinary matters

14. (1) If there has been no satisfactory improvement following a written warning given under Section 13, or in any case where it is alleged that the conduct or performance may constitute good cause for dismissal or removal from office, a complaint seeking the

institution of charges to be heard by a Senior Disciplinary Committee appointed under Section 15 may be made to the President.

(2) To enable the President to deal fairly with any complaint brought to her attention under subsection (1) she shall institute such enquiries (if any) as appear to her to be necessary.

(3) If it appears to the President (whether on receipt of a complaint or otherwise) that there be grounds for believing that the conduct or performance of a member of the academic staff of the College could constitute good cause for dismissal, he shall write to the person concerned inviting comment in writing and if she considers that the College might otherwise suffer significant harm may suspend the person concerned from the performance of her duties without loss of emolument.

(4) As soon as may be following the comments (if any) or in any event not later than twenty-eight days after they were invited, the President shall consider the matter in the light of all the available material and may dismiss the matter summarily, or issue a formal warning to the person concerned, or determine that the matter be considered by a Senior Disciplinary Committee appointed under Section 15.

15. If the President has determined that the matter should be considered by a Senior Disciplinary Committee, the Governing Body shall at her request appoint such a committee to hear the charge or charges, to determine whether the conduct or performance of the person concerned constitutes good cause for dismissal or otherwise constitutes misconduct relating to her appointment or employment, and to make recommendations concerning the action (if any) to be taken as a result of the Committee's findings. Pending the consideration of such recommendations, the President, after consulting the Governing Body, may suspend the person charged from the performance of her duties without loss of emolument.
16. A Senior Disciplinary Committee shall consist of three persons selected by the Governing Body from a panel of seven persons appointed annually by the Governing Body. The members of the panel shall be Fellows of the College or other persons, being members of the Regent House of the University. In selecting members of the panel for appointment as members of a Senior Disciplinary Committee, the Governing Body shall exclude the person charged, and any person who has been involved in or associated with the making of the complaint or any part of it, or who has been involved in the preliminary hearing or investigation.
17. (1) When a Senior Disciplinary Committee has been appointed, the Governing Body shall instruct a solicitor or other suitable person to formulate a charge or charges and to present, or arrange for the presentation of, the charges before the Senior Disciplinary Committee.  
  
(2) It shall be the duty of the person formulating the charge or charges –  
  
(a) to forward the charge or charges to the Committee and to the member of the academic staff concerned, together with the other documents therein specified and a list of all witnesses the College proposes to call, with statements containing the evidence they are expected to give; and

(b) to make any necessary administrative arrangements for the summoning of witnesses, the production of documents and generally for the proper presentation of the case before the Committee.

18. The procedure to be followed in respect of the preparation, hearing and determination of charges by a Senior Disciplinary Committee shall be prescribed by Ordinances made under this Statute. Such Ordinances shall ensure:
- (a) that the person charged is entitled to be represented by another person, whether such person is legally qualified or not, in connection with and at any hearing of charges by a Senior Disciplinary Committee;
  - (b) that a charge shall not be determined without an oral hearing at which the person charged and any person appointed to represent her are entitled to be present;
  - (c) that witnesses may be called, both on behalf of the person charged and by the person presenting the charge, and may be questioned concerning any relevant evidence;
  - (d) that no new witness or documentary evidence may be introduced by the person presenting the charge without the Committee's consent, which shall not be given save for good reason, and that if late introduction is allowed, the member of the academic staff shall be allowed an adjournment sufficient to allow her to consider and respond to the new evidence; and
  - (e) that any charge is heard and determined as expeditiously as is reasonably practicable.

#### Notification of Senior Disciplinary Committee decisions

19. (1) The Senior Disciplinary Committee shall send its decision on any charge referred to it (together with its findings of fact and the reasons for its decision regarding that charge and its recommendations, if any, as to the appropriate penalty) to the President, the person charged, the person presenting the charge and an person who shall have been added as a party by the Senior Disciplinary Committee.
- (2) The Senior Disciplinary Committee shall draw attention to the period of time within which any appeal should be made by ensuring that a copy of Part V (Appeals) accompanies each copy of its decision sent to a party to the proceedings under this Section.

#### Powers of the appropriate officer where charges are upheld by the Senior Disciplinary Committee

20. (1) Where the charge or charges are upheld and the Senior Disciplinary Committee finds good cause and recommends dismissal or removal from office, but in no other case, the President, after consulting the Governing Body, shall decide whether or not to dismiss the member of the academic staff concerned.
- (2) In any case where the charge or charges are upheld, other than where the President has decided under sub-section (1) to dismiss the member of the academic staff concerned, the action available to the President after consulting the Governing Body (not comprising a greater penalty than that recommended by the Disciplinary Committee) may be –
- (a) to discuss the issues raised with the person concerned; or

(b) to advise the person concerned about her future conduct; or

(c) to warn the person concerned; or

(d) to suspend the person concerned for such period as the appropriate officer shall think fair and reasonable, provided that the suspension shall not extend beyond three months after the date on which the Governing Body shall have considered the Senior Disciplinary Committee's decision, provided that no suspension without pay may be ordered unless the term of the contract of employment of the member concerned contain provisions expressly entitling the President to impose such a penalty; or

(e) to take such further or other action under the member's contract of employment or terms of appointment as appears fair and reasonable in all the circumstances of the case; or

(f) to combine any of the courses of action specified above.

#### Appropriate Officers

21. (1) Any reference to the President in Section 20 shall include a reference to an officer of the College acting as her delegate.

(2) Any action taken by the President or her delegate shall be confirmed in writing.

#### ***PART IV REMOVAL FOR INCAPACITY ON MEDICAL GROUNDS***

22. (1) This Part makes separate provision for the assessment of incapacity on medical grounds as a good cause for dismissal or removal from office.

(2) In this Part references to medical grounds are references to capability assessed by reference to health or any other physical or mental quality.

(3) In this Part references to the appropriate officer are references to the President or an officer acting as her delegate to perform the relevant act.

(4) References to the member of the academic staff include, in cases where the nature of the alleged disability so requires, a responsible relative or friend or other person with authority to act on behalf of that member in addition to (or instead of) that member.

23. (1) Where it appears that the removal of a member of the academic staff on medical grounds should be considered, the President –

(a) shall inform the member accordingly; and

(b) shall notify the member in writing that it is proposed to make an application to the member's doctor for a medical report and shall seek the member's consent in writing in accordance with the requirements of the Access to Medical Reports Act 1988; and

(c) may suspend the member from the performance of her duties without loss of emolument.

(2) If the member agrees that her removal on those grounds should be considered the College shall meet the reasonable costs of any medical opinion required.

(3) If the member does not agree the appropriate officer shall refer the case in confidence, with any supporting medical and other evidence (including any such evidence submitted by the member), to a Board comprising one person nominated by the Governing Body; one person nominated by the member concerned or, in default of the latter nomination, by the President; and a medically qualified chairman jointly agreed by the Governing Body and the member or, in default of agreement, to be nominated by the President of the Royal College of Physicians.

(4) The procedure to be followed in respect of the preparation, hearing, and determination of a case by a Board shall be prescribed by Ordinances made under this section. Such Ordinances shall ensure:

(a) that the member concerned is entitled to be represented by another person, whether such person is legally qualified or not, in connection with and at any hearing by the Board;

(b) that a case shall not be determined without an oral hearing at which the member's representative, but not the member herself, is entitled to be present;

(c) that witnesses may be called and questioned concerning any relevant evidence; and

(d) that the case is heard and determined as expeditiously as is reasonably practicable.

(5) The Board may require the member concerned to undergo medical examination at the College's expense.

#### Termination of Employment

24. If the Board determines that the member should be required to retire on medical grounds, the appropriate officer, after consulting the Governing Body, may terminate the employment of the member concerned on those medical grounds.

### **PART V APPEALS**

#### Purpose of Part V

25. This Part establishes procedures for hearing and determining appeals by members of the academic staff who are dismissed or under notice of dismissal or who are otherwise disciplined.

#### Application and interpretation of Part V

26. (1) This Part applies –

(a) to appeals against the decisions of the Governing Body as the appropriate body (or of a delegate of that body) to dismiss in the exercise of its powers under Part II;

(b) to appeals arising in any proceedings, or out of any decisions reached, under Part III other than appeals under Section 13 (Appeals against disciplinary warnings);

- (c) to appeals against dismissal otherwise than in pursuance of Part II or Part III;
- (d) to appeals against disciplinary decisions otherwise than in pursuance of Part III;
- (e) to appeals against decisions reached under Part IV; and
- (f) to appeals arising in any proceedings, or out of any decision reached, under Part VII, including appeals against decisions reached in pursuance of Section 47;

and “appeal” and “appellant” shall be construed accordingly.

(2) No appeal shall however lie against –

(a) a decision of the Governing Body under Section 10(2);

(b) the findings of fact of a Senior Disciplinary Committee under Part III, or of a Tribunal under Part VII save where, with the consent of the person or persons hearing the appeal, fresh evidence is called on behalf of the appellant at that hearing;

(c) any medical finding by a Board set up under section 23(2) save where, with the consent of the person or persons appointed, fresh evidence is called on behalf of the appellant at that hearing.

(3) In this Part references to “the person appointed” are references to the person appointed by the Governing Body under Section 29 to hear and determine the relevant appeal.

(4) The parties to an appeal shall be the appellant and the Vice-President and any other person added as a party at the direction of the person appointed.

#### Institution of Appeals

27. A member of the academic staff may institute an appeal by serving on the Vice-President, within the time allowed under Section 28, notice in writing setting out the grounds of the appeal.

#### Time for appealing and notices of appeal

28. (1) A notice of appeal shall be served within twenty eight days of the date on which the document recording the decision appealed from was sent to the appellant or such longer period, if any, as the person appointed may determine under subsection (3).

(2) The Vice-President shall bring any notice of appeal received (and the date when it was served) to the attention of the Governing Body and shall inform the appellant that she has done so.

(3) Where the notice of appeal was served on the Vice-President outside the twenty eight day period the person appointed under Section 29 shall not permit the appeal to proceed unless she considers that justice and fairness so require in the circumstances of the case.

#### Persons appointed to hear and determine appeals

29. (1) Where an appeal is commenced under this Part the appeal shall, subject to the provisions of Section 28(3) and sub-section (3) of this Section, be heard and determined by a person appointed by the Governing Body in accordance with Ordinances made under this section.
- (2) A person appointed under sub-section (1) above shall be
- (a) the person who is the Visitor; or
- (b) a person who holds or had held judicial office or who is a barrister or solicitor of at least ten years' standing .
- (3) The person appointed shall sit alone unless she considers that justice and fairness will best be served by sitting as an Appeal Tribunal with two other persons appointed in accordance with Ordinances made under this Section.
- (4) The other persons who may sit with the person appointed shall be –
- (a) one member of the Regent House of the University not being a Fellow; and
- (b) one other member.

#### Provisions concerning appeal procedures and powers

30. (1) The procedure to be followed in respect of the preparation, consolidation, hearing and determination of appeals shall be that set out in Ordinances made under this Section.
- (2) Without prejudice to the generality of the foregoing such Ordinances shall ensure–
- (a) that an appellant is entitled to be represented by another person, whether such person be legally qualified or not, in connection with and at any hearing of her appeal;
- (b) that an appeal shall not be determined without an oral hearing at which the appellant, and any person appointed by her to represent her are entitled to be present and, with the consent of the person or persons hearing the appeal, to call witnesses;
- (c) that full and sufficient provision is made for postponements, adjournments, dismissal of the appeal for want of prosecution and for the correction of accidental errors; and
- (d) that the person appointed may set appropriate time limits for each stage (including the hearing itself) to the intent that any appeal shall be heard and determined as expeditiously as reasonably practicable.
- (3) The person or persons hearing the appeal may allow or dismiss an appeal in whole or in part and, without prejudice to the foregoing, may –
- (a) remit an appeal from a decision under Part II (or any issue arising in the course of such an appeal) to the Governing Body for further consideration as the person or persons hearing the appeal may direct; or

(b) remit an appeal arising under Part III for re-hearing by a differently constituted Senior Disciplinary Committee to be appointed under that Part; or

(c) remit an appeal from a decision of the appropriate officer under Part IV for further consideration as the person or persons hearing the appeal may direct; or

(d) remit an appeal by the President arising under Part VII for re-hearing or reconsideration by the same or by a differently constituted Tribunal to be appointed under that Part; or

(e) substitute any lesser alternative penalty that would have been open to the President following the finding by the Senior Disciplinary Committee which heard and pronounced upon the original charge or charges.

#### Notification of decisions

31. The person appointed shall send the reasoned decision on any appeal together with any findings of fact different from those come to by the Governing Body as the appropriate body under Part II or by the Disciplinary Committee under Part III, as the case may be, to the President and to the parties to the appeal.

### ***PART VI GRIEVANCE PROCEDURES***

32. The aim of this Part is to settle or redress individual grievances promptly, fairly and so far as may be, within the relevant area by methods acceptable to all parties.

#### Application

33. The grievances to which this Part applies are ones by members of the academic staff concerning their appointments or employment where those grievances relate –

(a) to matters affecting themselves as individuals; or

(b) to matters affecting their personal dealings or relationships with other staff of the College,

not being matters for which express provision is made elsewhere in this Statute.

#### Exclusions and Informal Procedures

34. (1) If other remedies within the relevant area have been exhausted the member of the academic staff raise the matter with the President.
- (2) If it appears to the President that the matter has been finally determined under Part III, IV, or V or that the grievance is trivial or invalid, she may dismiss it summarily, or take no action upon it. If it so appears to the President she shall inform the member accordingly.
- (3) If the President is satisfied that the subject matter of the grievance could properly be considered with (or from the whole or any part of) –
- (a) a complaint under Part III;

(b) a determination under Part IV; or

(c) an appeal under Part V

she shall defer action upon it under this Part until the relevant complaint, determination or appeal has been heard or the time for instituting it has passed and she shall notify the member accordingly.

(4) If the President does not reject the complaint under subsection (2) or if she does not defer action upon it under subsection (3) she shall decide whether it would be appropriate, having regard to the interests of justice and fairness, for her to seek to dispose of it informally. If she so decides she shall notify the member and proceed accordingly.

#### Grievance Committee Procedure

35. If the grievance has not been disposed of informally under Section 34(4), the President shall refer the matter to the Grievance Committee for consideration.

36. A Grievance Committee shall comprise three Fellows of the College appointed annually by the Governing Body.

#### Procedure in connection with determinations and right to representation

37. The procedure in connection with the consideration and determination of grievances shall be determined in Ordinances in such a way as to ensure that the aggrieved person and any person against whom the grievance lies shall have the right to be heard at a hearing and to be accompanied by a friend or representative.

#### Notification of decisions

38. The Committee shall inform the Governing Body whether the grievance is or is not well-found and if it is well-found the Committee shall make such proposals for the redress of the grievance as it sees fit.

### ***PART VII REMOVAL OF THE PRESIDENT FROM OFFICE***

39. Any three members of the Governing Body may make a complaint to the Vice-President seeking the removal of the President from office for good cause.

40. The Vice-President shall refer such a complaint to the Governing Body, exclusive of the President and the members making the complaint. If it appears to the Governing Body that the complaint does not raise a prima facie case, or that it is trivial or invalid or unjustified, they may determine that no further action shall be taken upon it.

41. If it appears to the Governing Body, on material presented, that the complaint raises a prima facie case which could, if proved, constitute good cause for the dismissal or removal of the President from office, they shall appoint a Tribunal to hear and determine the matter. A Tribunal appointed by the Governing Body shall consist of three persons who are not Fellows of the College and are not employed by the College, as follows:

(a) one person who holds, or has held, judicial office, or who is a barrister or solicitor of at least ten years' standing, who shall be Chairman;

(b) two other persons.

42. A complaint referred to the Tribunal shall be dealt with in accordance with the procedure prescribed in sections 17 to 19, provided that the Vice-President shall perform any duty and exercise any power there assigned to the President, and that for the purposes of this Part references in those sections to a Senior Disciplinary Committee shall be construed as referring to the Tribunal.

43. The Tribunal shall send its decision on the complaint, together with its findings of fact and the reasons for its decision, to the President and the Vice-President. The Tribunal shall draw attention to the period of time within which any appeal should be instituted by ensuring that a copy of Part V of this Statute accompanies the notification of its decision sent to the President.

44. If the Tribunal finds that the complaint constitutes good cause for dismissal, the Vice-President, after consulting the Governing Body, may dismiss the President.

45. The President may institute an appeal against the findings of a Tribunal by sending to the Vice-President a notice in writing setting out the grounds of the appeal. A notice of appeal shall be served within twenty eight days of the date on which the document recording the decision appealed from was sent to the President, provided that the person appointed to hear an appeal shall have power to hear an appeal submitted after that date if she considers that justice and fairness so require in the circumstances of the case.

46. An appeal commenced under Section 45 shall be heard in accordance with the provisions of Part V of this Statute, provided that the Vice-President shall perform any duty and exercise any power there assigned to the President, and references in the circumstances of the case.

47. For the purposes of the removal of the President from incapacity on medical grounds, the provisions of Part IV and Part V shall have effect, provided that the Vice-President shall perform any duty or exercise any power there assigned to the President."

## **Statute XXXVII - Construction of the Statutes**

1. If any question shall arise in regard to the construction of these Statutes or any of them, it shall be decided by the Governing Body subject to any right of appeal to the Visitor to which any person affected by such a decision may be legally entitled.

2. In accordance with the provisions of the Education Reform Act 1988, nothing in these Statutes shall enable or require the Visitor –

(a) to hear any appeal or determine any dispute relating to a member of the academic staff to whom Statute XXXVI applies which concerns the member's appointment or employment or the termination of that appointment or employment; or

(b) to disallow or annul any Ordinances made under or having effect for the purposes of Statute XXXVI.

## **STATUTE XXXVIII - Alteration of Statutes**

1. Meetings of the Governing Body for the purpose of making alterations of these Statutes in accordance with the provisions of Section 7, sub-section (2), of the Universities of Oxford and Cambridge Act 1923 shall be summoned in the same way and be subject to the same regulations as meetings of the Governing Body under Statute III.
2. If at any such meeting a Statute for the alteration of these Statutes, or any of them, shall be duly approved by the votes of not less than two-thirds of the persons present and voting, the Council shall sanction the affixing of the College Seal to an instrument making such Statute.

## **STATUTE XXXIX - Date of Commencement of these Statutes and Initial Provisions**

1. These Statutes shall take effect on the day following the date of the Charter.
2. The foregoing Statutes shall apply to the first President and the first Fellows of the College save that the length of their tenure and their stipends, if any, as Fellows or officers of the Approved Foundation known as New Hall, Cambridge, shall not without their consent be modified. The seniority of the first Fellows of the College shall be their seniority as Fellows of the Approved Foundation aforesaid.
3. The Governing Body shall, as soon as may be after the coming in to effect of these Statutes, determine, as regards each of the first Fellows of the College who are appointed by the Charter, in which class she is deemed to hold her Fellowship.
4. The first President and the first Fellows shall make the respective declarations required by Statute VII and Statute XIV as soon as may be after the coming into effect of these Statutes.

