



**STATUTES**

**OF**

**HERTFORD COLLEGE**

**OXFORD**

Statutes made by Hertford College, in the University of Oxford, amending the existing Statutes in accordance with the Universities of Oxford and Cambridge Act 1923 and approved by an Order in Council on 12<sup>th</sup> October 2011

## HERTFORD COLLEGE

### STATUTES

#### 1 NAME

The College is a body corporate under the name of the Principal, Fellows and Scholars of Hertford College in the University of Oxford (otherwise known as Hertford College)

#### 2 THE OBJECTS

The objects of the College are:

To advance public learning by the provision of a College within the University of Oxford.

#### 3 THE GOVERNING BODY

3.1 The control of the College and its property and funds shall be vested in the Governing Body who shall be the charity trustees of the College.

3.2 The Governing Body shall comprise:

3.2.1 The Principal of the College;

3.2.2 The Official Fellows, Professorial Fellows, Supernumerary Fellows (as described in the Bye-laws) and such Junior and Senior Research Fellows of the College as may be elected to its membership from time to time by the Governing Body.

3.3 A member of Governing Body shall cease to be a member of Governing Body if he or she:

3.3.1 is disqualified from acting as a charity member of Governing Body by virtue of section 72 of the Charities Act 1993; or

3.3.2 becomes incapable (in the opinion of Governing Body) by reason of illness, injury or mental disorder of managing his or her own affairs; or

3.3.3 is absent without the permission of the Principal from all their meetings held within a period of twelve months and Governing Body resolves that his or her office may be vacated.

#### 4 THE POWERS

The College has the following powers, which may be exercised only in promoting the Objects:

4.1 to maintain Hertford College;

4.2 to provide lectures, courses of instruction, advice or information;

4.3 to carry out research;

- 4.4 to maintain a Chapel;
- 4.5 to maintain a Library;
- 4.6 to co-operate with other bodies;
- 4.7 to support, administer, set up or act as trustee of other charities;
- 4.8 to accept gifts and to raise funds (but not by means of taxable trading);
- 4.9 to provide scholarships and any other form of financial assistance to Students and prospective Students of the College;
- 4.10 to borrow money and to make loans;
- 4.11 to give security for loans or other obligations (but only in accordance with the restrictions imposed by the Charities Act and any other legislation or Bye-laws applicable to a College in the University of Oxford);
- 4.12 to acquire or hire property of any kind;
- 4.13 to let or dispose of property of any kind (but only in accordance with the restrictions imposed by the Charities Act and any other legislation or Bye-laws applicable to a College in the University of Oxford);
- 4.14 to set aside funds for special purposes or as reserves against future expenditure;
- 4.15 to apply and invest the funds of the College as prescribed in the Statutes;
- 4.16 to insure the property of the College against any foreseeable risk and take out other insurance policies to protect the College when required;
- 4.17 to employ paid or unpaid agents, staff or advisers;
- 4.18 to enter into contracts to provide services to or on behalf of other bodies;
- 4.19 to establish or acquire subsidiary companies;
- 4.20 to do anything else within the law which promotes or helps to promote the Objects.

## **5 ADMINISTRATIVE POWERS, FUNCTIONS AND PROCEEDINGS**

- 5.1 The business of the Governing Body shall be conducted in accordance with the provisions of the Governing Documents.
- 5.2 The Governing Body has the following powers in the administration of the College:
  - 5.2.1 To delegate any of its functions on such terms as it shall deem fit to committees consisting of two or more individuals appointed by them. At least one member of every committee must be a Member of Governing Body and all proceedings of committees must be reported promptly to the Governing Body;

- 5.2.2 To delegate any of its functions on such terms as it shall deem fit to any of the Officers of the College or to any Fellow;
- 5.2.3 To appoint as Officers of the College (a) a Principal (b) a Vice-Principal (c) a Senior Tutor (d) a Dean (e) a Bursar and/or (f) such other College Officers as it may from time to time think fit (who shall all be responsible to the Governing Body for the proper performance of their duties as from time to time set out in the Bye-laws);
- 5.2.4 To make and vary Bye-laws consistent with the provisions of these Statutes for the regulation of the affairs of the Governing Body and of the College, subject to the approval of not less than two-thirds of the Members of Governing Body voting at a Governing Body meeting whether in person or by proxy;
- 5.2.5 Subject to the provisions of these Statutes and Bye-laws and in accordance with the procedure laid down in the Universities of Oxford and Cambridge Act 1923, to make, and when made to vary, these Statutes of the College at any Ordinary College Meeting specially summoned for the purpose, by the votes of not less than two-thirds of those present and voting, provided that no alteration of the Statutes shall have any force or effect if it be repugnant to the provisions of The Act of Parliament or to the provisions of such Statutes or Bye-laws of the University as may from time to time be made to govern the relationship of the colleges with the University;
- 5.3 The Governing Body shall cause proper records to be kept of proceedings at meetings of the Governing Body and of all financial transactions.
- 5.4 The Governing Body shall have the power to execute contracts, documents and deeds in the following manner:
  - 5.4.1 By the affixing of its common seal where required
  - 5.4.2 By signature of two members of Governing Body authorised by the College or by one member of Governing Body in the presence of a witness who attests to the signature or
  - 5.4.3 In any other manner as may from time to time be determined by Governing Body
- 5.5 A contract, document or deed may be deemed, by a purchaser, to have been validly executed by the College and to have been effected in accordance with the Governing Body's powers where it purports to be signed in accordance with the provisions of Statute 5.4. A "purchaser" means a purchaser in good faith for valuable consideration and includes a lessee, mortgagee or other person who for valuable consideration acquires an interest in property

## **6 MEETINGS**

- 6.1 Governing Body shall have power to make Bye-laws and regulations consistent with The Act of Parliament and Statutes to govern proceedings at general meetings.

- 6.2 Meetings of the Governing Body shall be held at least once in each term and shall be chaired by the Principal or in his or her absence by the Vice-Principal or by the most senior Fellow present at the meeting.
- 6.3 A quorum at a meeting of the Governing Body is at least one-quarter of the Members of Governing Body.
- 6.4 Except as otherwise provided in these Statutes or the Bye-laws, decisions taken at any meeting of Governing Body shall be made by a majority of those present and voting.
- 6.5 Any issue may be determined by a simple majority of the votes cast at a meeting, unless the Governing Body at a meeting has decided that some other method of determining a matter may be employed. Every Member of Governing Body has one vote on each issue but, in case of equality of votes, the chairman of the meeting has a second or casting vote.
- 6.6 A procedural defect of which the Governing Body is unaware at the time does not invalidate decisions taken at a meeting.

## **7 FELLOWS**

- 7.1 The Fellowships in the College shall be of the following:
- 7.1.1 *Official Fellows* who shall be persons elected: (i) to discharge the tutorial responsibilities of the College, or (ii) as Officers of the College not holding a Fellowship in any other capacity;
- 7.1.2 *Senior and Junior Research Fellows* who shall be persons who undertake research in the collegiate University or (with the approval of Governing Body) elsewhere;
- 7.1.3 *Honorary Fellows* who shall be persons of distinction or persons who have rendered signal service to the College;
- 7.1.4 *Emeritus Fellows* who shall be persons who were previously Fellows of the College other than Junior Research Fellows;
- 7.1.5 *Supernumerary Fellows* who shall be appointed by the University to hold administrative or academic posts within the University or persons whose services would, in the opinion of Governing Body, be of advantage to the College as a place of learning and research; and
- 7.1.6 such other classes of Fellow as may from time to time be designated by Bye-Laws made by the Governing Body.

## **8 THE PRINCIPAL**

- 8.1 The Principal of the College shall promote the best interests of the College as a place of advanced study, learning, education and research. He or she shall be responsible to the Governing Body for providing academic and social leadership, representing the College

within the University and exercising general supervision over the affairs and management of the College.

- 8.2 The right of election to the office of Principal shall be vested in the Governing Body excluding any candidate for such office. The election of a Principal shall be supervised by the Senior Fellow (unless he or she is a candidate, in which case the election shall be supervised by a Fellow elected by the Governing Body from among their number excluding any candidate) and shall be conducted in accordance with the following:
- 8.2.1 When the office of the Principal is vacant or is known to be due to fall vacant in the next eighteen months the supervising Fellow shall summon a meeting of the Governing Body for the purpose of electing a new Principal;
- 8.2.2 The Governing Body may decide to appoint a Vice-Principal from among their number in these circumstances. If a Vice-Principal is appointed in these circumstances it shall be on such terms as the Governing Body may determine, except that the term of office shall not exceed a period of three years from the date of appointment;
- 8.2.3 The Governing Body will ensure that in the event of a gap between one Principal leaving and another assuming the office, a Vice Principal will be in post for the duration of the interregnum;
- 8.2.4 The election of a Principal shall take effect from such date as the Governing Body may decide at the time the election is made.
- 8.3 The term of office for the Principal will be for a fixed term of five years in the first instance. Following this five year period of initial appointment, the tenure of the Principal may be extended by Governing Body for any such period as the Governing Body shall decide.
- 8.4 If at any time it appears that the Principal has become and will for a considerable time continue to be incapable of discharging the duties of his office:
- 8.4.1 the Visitor, at the request of the Principal, may so declare; or
- 8.4.2 the Visitor, having received a petition from the Governing Body, shall inquire into the circumstances and if satisfied that the Principal is so incapable shall so declare;
- 8.4.3 a declaration under clause 8.4.1 or 8.4.2 of this Statute may be revoked by the Visitor at the request of the Principal or the Governing Body, if the Visitor is satisfied that the Principal is no longer so incapable;
- 8.4.4 upon the Visitor's declaration under clause 8.4.1 or 8.4.2 of this Statute the Principal shall be dispensed from his duties until such declaration shall be revoked by the Visitor, and during such time of dispensation from his duties the Principal shall not, unless the Governing Body otherwise determine, exercise any of his powers, functions and authorities;

- 8.4.5 a petition shall only be presented to the Visitor under the foregoing provisions of this clause of this Statute if a motion to that effect has been passed at a meeting of the Governing Body.

## **9 THE VICE-PRINCIPAL**

- 9.1 The Governing Body shall appoint one of the Fellows to be Vice-Principal in the following cases:
- 9.1.1 during any period in which the office of Principal is vacant;
- 9.1.2 during any period of the Principal's non-residence under a dispensation of the Visitor;
- 9.1.3 during any period in which the Principal shall have been declared by the Visitor to be temporarily incapacitated from discharging the duties of his office under the provisions of clause 8.4 of this Statute
- 9.1.4 if it thinks fit, or at the request of the Principal, during any period in which the Principal shall hold the office of Vice-Chancellor of the University.
- 9.2 The Vice-Principal shall be appointed on such terms as the Governing Body may from time to time determine.
- 9.3 The Vice-Principal shall while so acting exercise and perform all the functions and duties and shall have all the powers and authorities of the Principal, except in so far as the Governing Body may otherwise determine.
- 9.4 If a Vice-Principal shall be appointed under the provisions of clause 9.1.2 or clause 9.1.3 of this Statute the Principal's stipend may be reduced by such amount as not exceeding one half of his stipend exclusive of the annual value of his lodgings as the Governing Body may determine.
- 9.5 If a Vice-Principal shall be appointed under the provisions of clause 9.1.4 of this Statute the Principal's stipend shall be reduced by such an amount exclusive of the annual value of his lodgings as the Governing Body may determine.

## **10 STUDENTS**

- 10.1 The Students of the College shall be persons who have been presented by the College for matriculation or have migrated to the College having already matriculated and are engaged in an approved course of study leading to a qualification of the University or such other persons who are admitted to the College to pursue a course of study.
- 10.2 Students of the College shall be required to conform to such Bye-Laws as to residence, instruction and discipline as the Governing Body shall from time to time determine.

## **11 THE VISITOR**

- 11.1 The Visitor of the College shall be the Chancellor of the University of Oxford.

- 11.2 The Visitor may visit the College and may require an answer of the Governing Body or of any member or members of the College to any enquiry once in every ten years or whenever the Visitor deems it expedient for ensuring the due observance of the Act of Parliament and Statutes.
- 11.3 The Visitor shall, at the request of the Principal or any three or more members of the Governing Body, determine the true construction of these Statutes in the event of a question arising on which the Governing Body are unable to agree.
- 11.4 Where there is no alternative process of appeal set out in the Statutes or Bye-laws of the College, the Visitor shall, at the request of the Principal or a Fellow who conceives himself to be aggrieved by a decision or action of Governing Body determine, entertain and adjudicate on an appeal of such decision or action and may confirm, annul or vary the decision of the Governing Body.
- 11.5 The decision of the Visitor given under these Statutes shall be binding upon every person affected by these Statutes.

## **12 INVESTMENT POWERS AND HOLDING OF INVESTMENTS**

- 12.1 The Governing Body shall from time to time appoint a Bursar who shall, subject to these Statutes and to any resolutions which may be passed by the Governing Body, have the care of the financial well being of the College.
- 12.2 The Governing Body shall have the power to expend the revenues of the College for any purpose within the provisions of these Statutes or in pursuance of its objects: provided that the application of such revenues shall be subject to any Statute or Statutes made for the University under the powers of the Universities of Oxford and Cambridge Act 1923 for enabling or requiring the College to make contributions to University purposes and for the payment of the charges imposed thereby.
- 12.3 The Governing Body shall have the power to invest as its sees fit any capital monies in the hands of the College and any monies held by the College on behalf of any Trust funds (subject to any specific investment restrictions applicable to such Trust funds). The Governing Body shall manage the College investments with due prudence having regard to the totality of the assets in its care and shall have the same full and unrestricted power of investing and transposing the investments of the funds in all respects as if they were absolutely beneficially entitled thereto.
- 12.4 Any investment made under the powers contained in these Statutes shall stand either in the name of the College or in the name of a nominee whether such nominee is associated with a professional investment manager or otherwise.
- 12.5 The Governing Body may delegate upon such terms and with such remuneration as it shall think fit to professional investment managers ("the Managers") the exercise of the power of investment contained in these Statutes provided always that:



- 12.5.1 the Managers shall be persons who are entitled to carry on investment business under the provisions of the Financial Services and Markets Act 2000 or any statutory modification or re-enactment of the same;
  - 12.5.2 the Governing Body shall authorise the Managers to exercise such delegated power as aforesaid only within written investment policy guidelines laid down from time to time by the Governing Body;
  - 12.5.3 the Managers shall review and report in writing to the College at least once each calendar year on the College's investment policy and the performance of and the future prospects for the College's investments;
  - 12.5.4 the Managers shall be under a duty to report promptly to the College any exercise of the power delegated as aforesaid and to report all transactions to the College within 14 days and to report on the performance of any investments managed by them at intervals of no more than 3 months;
  - 12.5.5 the Governing Body shall at all times be free forthwith to review, alter or determine such delegation and the terms thereof; and
  - 12.5.6 the Governing Body shall review such delegation at intervals not (in the absence of special reasons) exceeding 12 months but so that any failure by the Governing Body to undertake such review within the said period of 12 months shall not invalidate the delegation;
  - 12.5.7 The Managers shall not have power to affix the College Seal.
- 12.6 The Governing Body shall cause proper accounting records to be kept. The College accounts shall be audited once at least in every year and the Governing Body shall appoint for that purpose an Auditor or Auditors. The Auditor or Auditors shall report in writing to the Governing Body whether the accounts of the College are duly kept in conformity with the provisions of this Statute.
  - 12.7 The Governing Body shall in every year cause to be prepared and delivered to the University such information relating to the accounts of the College as may be prescribed from time to time by any Statute or Regulation of the University in force for the time being.

### **13 CONFLICTS OF INTEREST**

- 13.1 All members of the Governing Body shall perform their duties as charity trustees gratuitously but may receive from the College, directly or indirectly:
  - 13.1.1 proper and reasonable remuneration for the performance of their duties as employees of the College, including allowances (such as housing allowance, meals in College, participation in any joint equity or shared housing schemes, or rooms free of rent, rates and taxes in College, research allowance and entertainment allowance) pensions and other such benefits as Governing Body may from time to time determine should form part of the remuneration package of a Fellow; and
  - 13.1.2 payment for goods and services supplied to the College, provided always that:

- (a) the amount of such payment is determined in accordance with a written agreement between the College and the member concerned and is no greater than is reasonable in the circumstances;
- (b) before entering into that written agreement, the Governing Body is satisfied that it is in the best interests of the College for the goods or services to be supplied by the member concerned on the terms of that written agreement; and
- (c) the total number of members of the Governing Body in respect of whom such a written agreement is in force constitutes a minority of the Governing Body.

13.2 The Governing Body shall be responsible for the regulation and management of remuneration and other payments to its members and of potential conflicts of interest on the Governing Body and shall from time to time make Bye-laws to set out the policy and procedures it shall follow in order to fulfil this responsibility.

#### **14 PROVISIONS RELATIVE TO THE UNIVERSITY**

14.1 If at any time it appears to the Council of the University that any provision of these Statutes is not observed and that as a result of the non-observance the interests of the University are liable to be prejudicially affected, the Council of the University may submit a representation to the Visitor; and the Visitor shall then inquire into the matter and, after considering any representation made by the Governing Body, make such order in the matter as he shall deem just for enforcing the due observance of the said Statutes.

#### **15 ACADEMIC STAFF**

15.1 The Governing Body shall from time to time make Statutes and Bye-laws for the regulation of academic staff, taking into account the procedures adopted by the University and changes in employment law and the regulations shall include such matters as redundancy arrangements, discipline, removal and grievance procedures. The current regulations, as approved by the Council of the University, are set out in the appendix to the Statutes. This Employment Regulations shall not be altered without the consent of the University.

#### **16 REPEAL OF EXISTING STATUTES**

16.1 The existing Statutes of the College are hereby repealed, without prejudice to any right acquired, interest possessed, liability incurred, or thing done thereunder, and not so as to revive anything repealed thereby.

#### **17 DEFINITIONS**

In these Statutes and any Bye-laws:

17.1 'the College' means Hertford College, in the University of Oxford;

- 17.2 'the Fellows' means such persons as shall from time to time be appointed to a category of Fellow of the College by the Governing Body, with such categories and procedure to be prescribed in the Bye-laws;
- 17.3 'the Governing Body' means the Governing Body of the College from time to time established in accordance with the Governing Documents;
- 17.4 'the Governing Documents' means the body of fundamental principles according to which the College is governed and being comprised in The Act of Parliament, the Statutes and the Bye-laws;
- 17.5 'Member' means a member of the College (and 'Membership' shall be construed accordingly);
- 17.6 'The Act of Parliament' means The Hertford College Act 1874 as amended by an order in Council dated 17 February 1988;
- 17.7 'the Principal' means the Principal of the College as shall from time to time be elected by Governing Body;
- 17.8 'the Statutes' means the Statutes of the College made under The Act of Parliament as amended from time to time as herein provided;
- 17.9 'the Students' means the graduates and undergraduates for the time being of the College.

## **18 INTERPRETATION**

- 18.1 In these Statutes, unless the context otherwise requires, expressions or words used in the Statutes shall have the meanings defined in the preceding Statute.
- 18.2 In these Statutes, unless the context otherwise requires:
- 18.2.1 a reference to a clause without further designation shall be construed as a reference to the clause of these Statutes so numbered as the same may be amended from time to time;
- 18.2.2 headings are for convenience only and shall not be taken into account in the interpretation of these Statutes;
- 18.2.3 a reference to any statute or statutory provision shall include a reference to that provision as amended, re-enacted or replaced from time to time;
- 18.2.4 words importing the plural shall include the singular and vice versa and words importing the masculine gender shall include the feminine gender;
- 18.2.5 a reference to a person shall include a reference to any body corporate, unincorporated association or partnership and to that person's legal personal representatives or successors;

- 18.2.6 if a period of time is specified and it dates from a given day or the day of an act or event, it shall be calculated exclusive of that day;
- 18.2.7 references in writing shall include any modes of reproducing words in a legible and non-transitory form and, for the avoidance of doubt, shall include email;
- 18.2.8 any phrase introduced by the terms 'including', 'include', 'in particular' or any similar expression shall be construed as illustrative and shall not limit the sense of the words preceding those terms;
- 18.2.9 words importing the singular number only shall include the plural number and vice versa, words importing the masculine gender only shall include the feminine gender and words importing persons shall include both incorporated and unincorporated organisations;
- 18.2.10 any definition used in any part of the Governing Documents shall have the same meaning in any other part thereof; and
- 18.2.11 in the event of any inconsistency between any of the provisions of the Governing Documents the prevailing provisions shall be these Statutes.

**1 APPENDIX**

**EMPLOYMENT LAW PROVISIONS RELATING TO ACADEMIC STAFF**

**PART I: CONSTRUCTION, APPLICATION AND INTERPRETATION**

1. This Statute and any Bye-Law made under this Statute shall be construed in every case to give effect to the following guiding principles, that is to say:
  - i) 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;
  - ii) To enable the College to provide education, to promote learning, and to engage in research efficiently and economically; and
  - iii) 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 sufficient reason for dismissal.
3.
  - a) This Statute shall apply:
    - (i) to any person holding a College Office designated by the Governing Body as one to which this Statute applies;
    - (ii) to any person employed or appointed by the College in 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 of a limited nature; and
    - (iii) to the Principal, to the extent and in the manner set out in Part VII of this Statute.
  - b) In this Statute any reference to a "member of the academic staff" is a reference to a person to whom this Statute applies.
4. In this Statute "dismiss" and "dismissal" mean 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 95 of the Employment Rights Act 1996.
5. (a) For the purposes of this Statute “good cause” in relation to the dismissal or removal from office or place of a member of the academic staff, being in any case a reason which is related to conduct or to capability or qualifications for performing work of the kind which the member of the academic staff concerned was appointed or employed to do, means:
- i) conviction for an offence which may be deemed by an Academic Disciplinary Committee appointed under Part III to be such as to render the person convicted unfit for the performance of the duties of the office or employment as a member of the academic staff; or
  - ii) conduct of an immoral, scandalous or disgraceful nature incompatible with the duties of the office or employment; or
  - iii) conduct constituting failure or persistent refusal or neglect or inability to perform the duties or comply with the conditions of office or employment; or
  - iv) wilful disruption of the activities of the College; or
  - v) wilful disobedience of any of the Statutes or Bye-Laws of the College in force for the time being; or
  - vi) physical or mental incapacity established under Part IV.
- (b) In this paragraph:
- i) “capability”, in relation to such a member, means capability assessed by reference to skill, aptitude, health or any other physical or mental quality; and
  - ii) “qualifications”, in relation to such a member, means any degree, diploma or other academic, technical or professional qualification relevant to the office or position held by that member.
6. 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 purpose 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 to carry out work of a particular kind in that place have ceased or diminished or are expected to cease or diminish.

7.

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

Provided that Part III, Part IV, and Part VII of this Statute 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.

- b) 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 any compromise agreement under section 203 Employment Rights Act 1996 or any similar waiver or agreement permitted by law.

- c) 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 himself involved in the matter in question, the Governing Body may appoint an alternate to act in his place under procedures prescribed by Bye-Laws made under this Statute.
- d) For the avoidance of doubt it is hereby declared that nothing in Part III of this Statute shall be construed as affecting the Statutes and Bye-Laws of the College concerning re-election on the expiry of a fixed term of a Fellowship.
- e) Nothing in any other Statute shall enable the Governing Body to delegate its power to reach a decision under paragraph 10(b) of this Statute.
- f) 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 body when the body is considering its decision or discussing a point of procedure, except as provided by this Statute or by Bye-Laws made under this Statute.
- g) In this Statute references to numbered Parts, paragraphs, and sub-paragraphs are references to Parts, paragraphs, and sub-paragraphs so numbered in this Statute.

## PART II: REDUNDANCY

8. This Part enables the Governing Body, as the appropriate body, to dismiss any member of the academic staff by reason of redundancy.
  
9.
  - a) 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:
    - i) his appointment is made, or his contract of employment is entered into, on or after 20<sup>th</sup> November 1987; or
    - ii) he is promoted on or after that date.
  - b) For the purposes of this paragraph in relation to a person, a reference to an appointment made or a contract entered into on or after 20<sup>th</sup> 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.
  
10.
  - a) The Governing Body shall be the appropriate body for the purposes of this Part.
  - b) This part applies only where the Governing Body has decided that there should be a reduction in the academic staff:
    - i) of the College as a whole; or
    - ii) of any area of academic work within the College by way of redundancy.
  
11.
  - a) Where the Governing Body has reached a decision under paragraph 10(b) of this Statute it may itself decide to select the requisite number of the academic staff who are at risk of dismissal by reason of redundancy if such a course satisfies the guiding principles set out in paragraph 1; or it shall appoint a Redundancy Committee to be constituted in accordance with sub-paragraph (c) of this paragraph to give effect to its decision by such date as it may specify and for that purpose.
    - i) to select and recommend the requisite members of the academic staff at risk of dismissal by reason of redundancy; and
    - ii) to report its recommendations to the Governing Body.
  - b) The Governing Body shall either approve any selection recommendation made under sub-paragraph (a)(i) of this paragraph, or shall remit it to the Redundancy Committee for further consideration in accordance with its further directions.
  - c) A Redundancy Committee appointed by the Governing Body shall comprise:



- i) a Chairman; and
  - ii) two members chosen from amongst Honorary or Emeritus Fellows of the College; and
  - iii) two members chosen from amongst the members of the Governing Body.
- d) A member of the academic staff shall not be selected for dismissal under this paragraph unless he has been afforded a reasonable opportunity to make representations to the Governing Body or Redundancy Committee at an oral hearing. Prior to the oral hearing, the member shall receive written notice of the action being considered by the Governing Body or Redundancy Committee under this Part and an account of the selection processes it has followed, including a copy of the selection criteria and scores used by the Governing Body or Redundancy Committee to identify the member as being at risk of redundancy, if appropriate.

12.

- a) Where the Governing Body has made a decision to dismiss any member by reason of redundancy it may authorise an officer of the College as its delegate to dismiss any member of the academic staff so selected.
- b) Each member of the academic staff selected shall be given separate notice of the selection approved by the Governing Body.
- c) 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:
  - i) a summary of the action taken by the Governing Body under this Part;
  - ii) an account of the selection processes it has used;
  - iii) 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 of this Statute; and
  - iv) a statement as to when the intended dismissal is to take effect and details of the member's right of appeal against the decision to dismiss by reason of redundancy.

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

13.

- a) Minor faults shall be dealt with informally.
- b) Where the matter is more serious but falls short of constituting possible good cause for dismissal the following procedure shall be used:

### Stage 1 --- Oral Warning

If conduct or performance does not meet acceptable standards, but does not constitute sufficient cause for dismissal, the member of the academic staff will normally be given a formal oral warning by the Principal who will keep a note of the matter. The member will be advised of the reason for the warning, that it is the first stage of the disciplinary procedure and of the right of appeal under this paragraph. An oral warning will cease to be current after 12 months, subject to satisfactory conduct and performance.

### Stage 2 --- Written Warning

If the offence is a serious one, or if a further offence occurs, a written warning will be given to the member of the academic staff by the Principal who will keep a copy of the warning. This will give details of the complaint, the reason for the warning, the improvement required and the timescale within which this must be achieved. It will warn that charges may be instituted to be heard by an Academic Disciplinary Committee appointed under paragraph 15 if there is no satisfactory improvement which may lead to dismissal and will advise of the right of appeal under this paragraph. A copy of this written warning will be kept by the Principal but it will be disregarded for disciplinary purposes after 2 years subject to satisfactory conduct and performance. [a member of the academic staff shall not be given a written warning under this paragraph unless he has been afforded a reasonable opportunity to make representations to the Principal]

### State 3 --- Appeals

A member of the academic staff who wishes to appeal against a disciplinary warning shall inform the Principal within two weeks. A Grievance Committee appointed under Part VI of this Statute shall hear the appeal and the Committee's decision shall be final.

14.

- a) If there has been no satisfactory improvement following a written warning given under Stage 2 of the procedure in paragraph 13(b), or in any case where it is alleged that conduct or performance may constitute good cause for dismissal or removal from office, a complaint seeking the institution of charges to be heard by an Academic Disciplinary Committee appointed under paragraph 15 may be made to the Principal.
- b) To enable the Principal to deal fairly with any complaint brought to his attention under sub-paragraph (a) of this paragraph he shall institute such enquiries (if any) as appear to him to be necessary.

- c) If it appears to the Principal (whether on receipt of a complaint or otherwise) that there are grounds for believing that the conduct or performance of a member of the academic staff could constitute good cause for dismissal, he shall write to the person concerned inviting comment in writing, and if he considers that the College might otherwise suffer significant harm, may, at this stage or at any stage prior to the conclusion of any hearing by an Academic Disciplinary Committee appointed under paragraph 15 of this Statute, suspend the person concerned from the performance of his duties without loss of emoluments.
  - d) As soon as may be following the comments (if any) or in any event not later than 28 days after they were invited the Principal shall consider the matter in the light of all the available material and may dismiss the matter summarily, or issue a written or oral warning to the person concerned, or determine that the matter be considered by an Academic Disciplinary Committee appointed under paragraph 15 of this Statute.
15. If the Principal has determined that the matter is to be considered by an Academic Disciplinary Committee, he shall request the Governing Body to appoint such a committee to hear the charge or charges and to determine whether the conduct or performance of the person charged constitutes good cause for dismissal or otherwise constitutes a serious complaint relating to his appointment or employment, and, if so, to recommend what action should be taken.
- 16.
- a) An Academic Disciplinary Committee appointed by the Governing Body shall comprise:
    - i) a Chairman; and
    - ii) one member chosen from amongst Honorary or Emeritus Fellows; and
    - iii) one member chosen from amongst the members of the Governing Body.
  - b) In selecting members of the panel for appointment as members of an Academic 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 any preliminary hearing or investigation.
- 17.
- a) When an Academic Disciplinary Committee has been appointed, the Governing Body shall instruct a solicitor or other suitable person to formulate the charge or charges and to present, or arrange for the presentation of, the charges before the Academic Disciplinary Committee.
  - b) It shall be the duty of the person formulating the charge or charges:
    - i) 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

- ii) to make any necessary administrative arrangements for the arranging of an oral hearing, 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 an Academic Disciplinary Committee shall be prescribed by Bye-Laws made under this Statute. Such Bye-Laws 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 an Academic 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 him are entitled to be present and that in advance of that hearing, the person charged shall have been sent a copy of any evidence to be relied on by the Academic Disciplinary Committee;
- 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 him to consider or respond to the new evidence; and
- e) that any charge is heard and determined as expeditiously as is reasonably practicable.

19.

- a) The Academic Disciplinary Committee shall send its decision on any charge referred to it (together with its finding of fact and the reasons for its decision regarding that charge and its recommendations, if any, as to the appropriate penalty) to the Principal, the person charged, the person presenting the charge and any person who shall have been added as a party by the Academic Disciplinary Committee.
- b) The Academic 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 of this Statute accompanies each copy of its decision sent to a party to the proceedings under this paragraph.

20.

- a) Where any charge is upheld and the Academic Disciplinary Committee finds good cause and recommends dismissal or removal from office, but in no other case, the Principal shall consult the Governing Body and shall decide whether or not to dismiss the person concerned. Any decision to dismiss will be confirmed in writing, including the right of appeal, and notified to the person concerned.

- b) Where any charge is upheld, other than where the Principal has decided under sub-paragraph (a) to dismiss the person concerned, the action available to the Principal, after consulting the Governing Body, (not comprising a greater penalty than that recommended by the Academic Disciplinary Committee) shall be:
- i) to discuss the issues raised with the person concerned; or
  - ii) to advise the person concerned about his future conduct; or
  - iii) to warn the person concerned; or
  - iv) to suspend the person concerned for such period as the Principal shall think fair and reasonable, not to exceed 3 months after the date on which the Governing Body shall have considered the Academic Disciplinary Committee's decision, provided that no suspension without pay may be ordered unless the terms of the contract of employment of the person concerned contains provisions expressly entitling the Principal to impose such a penalty; or
  - v) such further or other action under the person's contract of employment or terms of appointment as appears fair and reasonable in all the circumstances of the case; or
  - vi) any combination of the above.

21.

- a) The Principal shall be the appropriate officer to exercise the powers conferred by paragraph 20 of this Statute but he may appoint a delegate to exercise those powers.
- b) Any action taken by the Principal or his delegate shall be confirmed in writing and notified to the Governing Body.

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

22.

- a) This Part makes separate provision for the assessment of incapacity on medical grounds as a good cause for dismissal or removal from office.
- b) In this Part references to medical grounds are references to capability assessed by reference to health or any other physical or mental quality.
- c) In this Part the Principal shall be the appropriate officer to perform any duties or exercise any powers, but he may appoint a delegate to exercise any of these powers or perform any of these duties.
- d) In this Part references to the member of the academic staff for the purposes of notification, giving consent, agreement, nomination or providing evidence 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.

- a) Where it appears to the Principal that the removal of a member of the academic staff on medical grounds should be considered, the Principal:
  - i) shall inform the member accordingly [at a meeting];
  - ii) may suspend the member from duty without loss of pay; and
  - iii) shall notify the member in writing that it is proposed to make an application to the member's medical practitioner 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.
- b) If the member elects to apply for early retirement on medical grounds he shall be allowed to do so and the College shall meet the reasonable costs of any medical opinion required.
- c) If the member does not elect to apply for early retirement on medical grounds the Principal may refer the case in confidence in accordance with procedures prescribed by Bye-Laws made under sub-paragraph (e) of this paragraph, with any medical and other evidence (including any such evidence submitted by the member), to a Medical 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 Principal; 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.
- d) The Board may require the member concerned to undergo medical examination at the College's expense.
- e) The procedure to be followed in respect of the preparation, hearing, and determination of a case by a Medical Board under this Part shall be prescribed by Bye-Laws made under this sub-paragraph. Such Bye-Laws shall ensure:
  - i) 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;
  - ii) that a case shall not be determined without an oral hearing at which the member concerned and any person appointed to represent him are entitled to be present and in advance of which the member shall have been sent a copy of the medical opinion and any other evidence to be relied on by the Medical Board at the hearing;
  - iii) that witnesses may be called and may be questioned concerning any relevant evidence; and

- iv) that the case is heard and determined as expeditiously as is reasonably practicable.

24.

- a) If the Board determines that the member should be dismissed on medical grounds, the Principal shall consult the Governing Body and may terminate the employment of the member concerned on those medical grounds. The decision to dismiss, including the right of appeal, shall be notified to the member concerned in writing
- b) Any action taken by the Principal shall be confirmed in writing and notified to the Governing Body.

#### **PART V: APPEALS**

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.

26.

- a) This Part applies:
  - i) to appeals against any decision of the Governing Body to dismiss in the exercise of its powers under Part II of this Statute;
  - ii) to appeals against matters arising in any proceedings, or out of any decision reached, under Part III of this Statute other than appeals under paragraph 13 of this Statute;
  - iii) to appeals against any dismissal otherwise than in pursuance of Part II, Part III, Part IV or Part VII of this Statute;
  - iv) to appeals against any disciplinary decision otherwise than in pursuance of Part III of this Statute;
  - v) to appeals against any decisions reached under Part IV of this Statute; and
  - vi) to appeals against any decision reached under Part VII of this Statute

and "appeal" and "appellant" shall be construed accordingly.
- b) No appeal shall however lie against:
  - i) a decision of the Governing Body under paragraph 10(b) of this Statute;
  - ii) any finding of fact of an Academic Disciplinary Committee under paragraph 19(a) save on legal grounds or save where, with the consent of the person or persons

hearing the appeal, fresh evidence is called on behalf of the appellant at the hearing;

iii) any medical finding by a Board set up under paragraph 23(c) of this Statute save on legal grounds or save where, with the consent of the person or persons appointed, fresh evidence is called by the appellant at that hearing.

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

d) The parties to an appeal shall be the appellant and the Principal and any other person added as a party at the direction of the person appointed.

27. A member of the academic staff shall institute an appeal by serving on the Principal, within the time allowed under paragraph 28, notice in writing setting out the grounds of the appeal.

28.

a) A notice of appeal shall be served within 28 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 sub-paragraph (c) of this paragraph.

b) The Principal 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 he has done so.

c) Where the notice of appeal is served on the Principal outside the 28 day period the person appointed under paragraph 29 shall not permit the appeal to proceed unless he considers that justice and fairness so require in the circumstances of the case.

29.

a) Where an appeal is instituted under this Part the Governing Body shall appoint a person described in sub-paragraph (b) of this paragraph to hear and determine that appeal subject to sub-paragraph (c) of this paragraph.

b) The persons described in this sub-paragraph are:

i) the person who is the Visitor; or

ii) persons not employed by the College holding, or having held, judicial office or being barristers or solicitors of at least ten years' standing.

c) The person appointed shall sit alone unless he considers that justice and fairness will best be served by sitting as an Appeal Tribunal with two other persons.

d) The other persons who may sit with the person appointed, and who shall be appointed by the Governing Body, shall be:

i) one member chosen from amongst Honorary or Emeritus Fellows of the College; and



- ii) one member chosen from amongst members of the Governing Body.

30.

- a) The procedure to be followed in respect of the preparation, consolidation, hearing and determination of appeals shall be that set out in Bye-Laws made under this paragraph.
- b) Without prejudice to the generality of the foregoing such Bye-Laws shall ensure;
  - i) that an appellant is entitled to be represented by another person, whether such person is legally qualified or not, in connection with and at any hearing of his appeal;
  - ii) that an appeal shall not be determined without an oral hearing at which the appellant and any person appointed by him to represent him are entitled to be present and, with the consent of the person or persons hearing the appeal, to call witnesses and in advance of which, the appellant has been sent a copy of any documentary evidence which will be relied on at the hearing;
  - iii) 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
  - iv) 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 is reasonably practicable.
- c) 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:
  - i) remit an appeal from a decision under Part II of this Statute (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
  - ii) remit an appeal arising under Part III for re-hearing or reconsideration by the same or by a differently constituted Academic Disciplinary Committee to be appointed under that Part; or
  - iii) remit an appeal from a decision under Part IV of this Statute for further consideration as the person or persons hearing the appeal may direct; or
  - iv) remit an appeal by the Principal arising under Part VII of this Statute for re-hearing or reconsideration by the same or by a differently constituted Tribunal to be appointed under that Part; or
  - v) substitute any lesser alternative penalty that would have been open to the Principal following the finding by the Academic Disciplinary Committee which heard and determined the original charge or charges.

31. The person appointed shall send a reasoned decision, including any decision reached in exercise of his powers under paragraph 30 (c) (i), (ii), (iii), or (iv) of this Statute, on any appeal and a statement of any findings of fact different from those of the Governing Body under Part II of this Statute or of the Academic Disciplinary Committee under Part III of this Statute of the Board under Part IV of this Statute or of the Tribunal appointed under Part VII of this Statute, as the case may be, to the Principal 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.
33. The grievances to which this Part applies are ones by members of the academic staff concerning their appointment 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.
- 34.
- a) If other remedies within the relevant area have been exhausted the member of the academic staff may raise the matter with the Principal
  - b) If it appears to the Principal that the matter has been finally determined under Part III, IV or V of this Statute or that the grievance is trivial or invalid, he may dismiss it summarily, or take no action upon it. If it so appears to the Principal he shall inform the member and the Governing Body accordingly.
  - c) If the Principal is satisfied that the subject matter of the grievance could properly be considered with (or form the whole or any part of):
    - i) a complaint under Part III of this Statute; or
    - ii) a determination under Part IV of this Statute; or
    - iii) an appeal under Part V of this Statute

he 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 he shall notify the member accordingly.
  - d) If the Principal does not reject the complaint under sub-paragraph (b) of this paragraph or if he does not defer action upon it under sub-paragraph (c) of this paragraph he shall decide whether it would be appropriate, having regard to the interests of justice and

fairness, for him to seek to dispose of it informally. If he so decides he shall notify the member and proceed accordingly.

35. If the grievance has not been disposed of informally under paragraph 34(d) of this Statute, the Principal shall refer the matter to a Grievance Committee for consideration.
36. A Grievance Committee shall comprise three Fellows of the College appointed by the Governing Body.
37. The procedure in connection with the consideration and determination of grievances shall be determined in Bye-Laws 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.
38. The Committee shall inform the Governing Body whether the grievance is or is not well-founded and if it is well-founded the Committee shall make such proposals for the redress of the grievance as it sees fit and shall inform the aggrieved person of its decision in writing, including details of the right of appeal.

#### **PART VII: REMOVAL OF THE PRINCIPAL FROM OFFICE**

39. Any eight members of the Governing Body may make complaint to the Senior Fellow seeking the removal of the Principal from office for good cause.
40. The Senior Fellow shall refer such a complaint to the Governing Body, exclusive of the Principal 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 or] is not supported by sufficient evidence of good cause for the removal of the Principal from office, it may determine that no further action shall be taken upon it.
41. If it appears to the Governing Body, on the available material, that the complaint raises a *prima facie* case and that this could, if proved, constitute good cause for the removal of the Principal from office it shall appoint a Tribunal to hear and determine the matter.
42. A Tribunal appointed by the Governing Body shall comprise:
  - a) an independent Chairman; and
  - b) one member chosen from amongst the Honorary or Emeritus Fellows; and
  - c) one member chosen from amongst members of the Governing Body.
43. A charge referred to the Tribunal shall be dealt with in accordance with the procedure prescribed in paragraphs 17 to 19 of this Statute, provided:
  - a) that the Senior Fellow shall perform any duty and exercise any power there assigned to the Principal; and

- b) that the only recommendation the Tribunal may make is whether or not the Principal should be removed from his office.
44. Where a charge or charges have been upheld and the Tribunal finds good cause and recommends dismissal, but in no other case, the Senior Fellow shall consult the Governing Body and may then dismiss the Principal.
45. Where a complaint is to be referred to a Tribunal under paragraph 41, the Senior Fellow may suspend the Principal from his duties in all matters relating to the government and discipline of the College without loss of salary.
46. For the purpose of the removal of the Principal from his office for incapacity on medical grounds, the provisions of Part IV of this Statute shall have effect, provided that the Senior Fellow shall perform any duty or exercise any power there assigned to the Principal.
47. For the purpose of appeals by the Principal against removal from office, the Provisions of Part V of this Statute shall have effect, provided that the Senior Fellow shall perform any duty or exercise any power there assigned to the Principal.
48. If a Vice-Principal has been appointed under Statute 9 the Vice-Principal shall perform any duty or exercise any power assigned to the Senior Fellow in this Part.