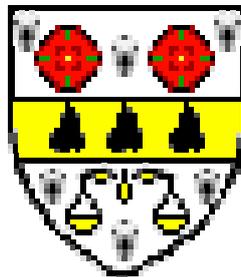


NUFFIELD COLLEGE

CHARTER STATUTES AND BY-LAWS



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ELIZABETH THE SECOND by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Our other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

To all to whom these Presents shall come, Greeting!

WHEREAS a Petition has been presented to Us by Our trusty and well beloved Daniel Norman Chester, Esquire, The Chancellor, Masters and Scholars of Our University of Oxford, Our trusty and well beloved John Thomson, Esquire, and Our right trusty and well beloved Cousin William Richard, Viscount Nuffield, praying Us to grant a Charter of Incorporation for the purpose of constituting the Warden and Fellows of Nuffield College in the University of Oxford and their successors or such persons as to Us might seem fitting a Corporation to be called 'Nuffield College in the University of Oxford' with the object among others of acquiring and taking over the property and liabilities vested in the University by or in accordance with a Deed of Covenant and Trust dated the sixteenth day of November in the year of our Lord One thousand nine hundred and thirty-seven and made between the said Viscount Nuffield (then Baron Nuffield) of the one part and the said Chancellor, Masters and Scholars of Our University of Oxford of the other part or otherwise and held for the purposes of the College known as Nuffield College established under the said Deed and of carrying on and developing the work of the said College in accordance with such regulations and with such powers as to Us might appear meet and expedient:

AND WHEREAS We have taken the said Petition into Our Royal Consideration and are minded to accede thereto:

NOW THEREFORE KNOW YE that We, by virtue of Our Royal Prerogative in that behalf, and of all other powers enabling Us so to do of Our especial grace, certain knowledge and mere motion have granted, willed, directed and ordained and by these Presents do for Us, Our Heirs and Successors grant, will, direct and ordain as follows:

1. All such persons as are now or may hereafter become Members of the Body Corporate hereby constituted, shall for ever hereafter be one Body Politic and Corporate by the name and style of 'The Warden and Fellows of Nuffield College in the University of Oxford', (hereinafter referred to as 'the College'), and by the same name shall have perpetual succession and a Common Seal, with power to break, alter and make anew the said Seal from time to time at their will and pleasure, and by the same name shall and may sue and be sued in all Courts and before all Justices of Us, Our Heirs and Successors.

2. By the same name they shall have full power and capacity to accept, acquire and hold any personal property whatsoever, and shall also, without any further authority, by virtue of this Our Charter, have full power and capacity (notwithstanding the Statutes of Mortmain and Charitable Uses, and freed from the restrictions thereof) to accept, acquire and hold any lands and hereditaments situate in Our United Kingdom of Great Britain and Northern Ireland; and they shall have full power to dispose of either by way of sale or lease, and to exchange, mortgage, charge, improve, manage, develop, turn to account or otherwise deal with all or any part of such property, real or personal, belonging to the College, upon

such terms and such manner as they shall see fit, and also to do all other matters incidental or appertaining to a Body Corporate; provided always that nothing in this Article shall be deemed to empower the College to dispose of, or deal with, its property in the manner above mentioned without first obtaining such consent as would otherwise be required by law.

3. The College is hereby incorporated and shall be conducted with the following objects:-

(a) To acquire and take over the property held and liabilities incurred by the Chancellor, Masters and Scholars of Our University of Oxford for the purposes of the College hitherto known as Nuffield College, Oxford, established under the said Deed of Covenant and Trust:

(b) To administer any trust or scheme affecting the above mentioned property, or any other property for the time being held for purposes connected with the College:

(c) To provide for men and women who are members of Our University of Oxford a College for post-graduate work especially in connection with the study by co-operation between academic and non-academic persons of social (including economic and political) problems and also for any other post-graduate research or work provided that no member of the College or any candidate for membership shall be subject to any test of a religious, political or racial character:

(d) To apply the money of the College including any money acquired and taken over as aforesaid to the above purposes with power to invest as prescribed in the Statutes annexed to this Our Charter:

(e) To do all other such things as are incidental or conducive to advancing education, learning and research in Oxford or elsewhere.

Provided always that the College shall not be deemed to be a body formed for the purpose of carrying on a business which has for its object the acquisition of gain either by itself or by the individual members thereof.

4. The College shall have power to present candidates for matriculation by the University.

5. The government of the College shall be vested entirely in the Governing Body for the time being of the College which shall, subject to the provisions of this Our Charter and in accordance with the procedure laid down in the Universities of Oxford and Cambridge Act, 1923, and subject to the approval of Us in Council as required by that Act, have full power to make, and when made, to alter and add to the Statutes of the College provided that no alteration or addition of or to the Statutes shall have any force or effect if it be repugnant to the provisions of this Our Charter or to the laws of Our Realm or to the provisions of such Statutes of the University as may from time to time be made to govern the relation of the Colleges to the University.

6. The first Statutes shall be those annexed to this Our Charter and the same shall remain in force unless and until they shall be altered in manner hereinbefore prescribed.

7. The Governing Body of the College may from time to time repeal, amend or add to the provisions of this Our Charter by a Special Statute in that behalf, and such repeal,

amendment or addition shall, when allowed by Us, by and with the advice of Our Privy Council, become effectual so that this Our Charter shall thence- forward continue and operate as though it had been originally granted and made as so repealed, amended *or* added to.

This Article shall apply to this Our Charter as altered, amended or added to in manner aforesaid. A Special Statute is one passed at a Stated Meeting and confirmed at a Meeting of the Governing Body specially summoned for the purpose not less than three nor more than eight weeks later, provided that on each occasion not less than two-thirds of the members present vote in favour of it.

8. There shall be a Visitor of the College who shall be appointed in the manner prescribed by the Statutes for the time being of the College.

AND LASTLY We do by these Presents for Us and Our Successors grant and declare that these Our Letters shall be in all things valid and effectual in law according to the true intent and meaning thereof and shall be taken, construed and adjudged in the most favourable and beneficial sense for the best advantage of the College as well as in Our Courts of Record as elsewhere by all Judges, Justices, Officers, Ministers and other subjects whatsoever of Us, and Our Successors any non-recital, mis-recital, or other omission, defect or thing to the contrary notwithstanding.

IN WITNESS whereof We have caused these Our Letters to be made Patent.

WITNESS Ourselves at Westminster the Eighteenth day of April in the Seventh year of Our Reign.

BY WARRANT under the Queen's Sign Manual

Coldstream

L.S

STATUTES

STATUTE 1

THE GOVERNMENT OF THE COLLEGE

Name

1. The College is a Body Corporate under the name of ‘The Warden and Fellows of Nuffield College in the University of Oxford’. In these Statutes it is referred to as ‘the College’.

Men and Women Members

2. Both men and women may be members of the College. In the Statutes and By-laws of the College any words importing a reference to men shall be deemed to include women unless the contrary be stated, and *vice versa*.

Governing Body

3. (a) Except for the purpose of any business which under the Charter, Statutes, or By-laws of the College must be taken at a Stated Meeting the Governing Body of the College shall consist of the Warden, the Official, Professorial, and Faculty Fellows and such other Fellows, not being members of the Governing Body of another College in the University, as may be appointed by the Governing Body.

(b) For the purpose only of any business which under the Charter, Statutes, or By-laws of the College must be taken at a Stated Meeting the Governing Body shall consist of not only those who are members by virtue of clause 3(a) of this Statute but also of all Visiting Fellows and any such other Fellows, not being members of the Governing Body of another College in the University, as may be appointed by the Governing Body.

(c) A Fellow shall not be entitled to vote at any Ordinary, Special, or Stated Meeting until he or she has been a Fellow of the College for at least one year.

(d) The Governing Body may not accept any benefaction, other than for the general purposes of the College, except at a Stated Meeting.

Stated Meeting

4. The Governing Body shall in each of the three University terms in each year hold a meeting as its Stated Meeting in addition to any other meetings in that term. The dates are to be prescribed by By-law.

Special Meeting

5. The Warden or in his or her absence the Sub-Warden or in the absence of both the Senior Fellow, as defined in Clause 20 of Statute 4, may at any time convene a Special Meeting of the Governing Body by giving not less than seven days’ notice of such meeting if

held during Full Term or fourteen days' notice of a meeting held out of Full Term. He shall similarly do so at the request of not less than one-third of the members of the Governing Body. Any business which, under these Statutes or under any By-law of the College in force for the time being, is directed to be transacted at a Stated Meeting may be transacted at a Special Meeting but no business shall be transacted of which notice shall not have been given to members with the notice convening the meeting. A Special Meeting called for the purpose of considering any proposal arising under Part VII of Statute 12 or under clause 15 of Statute 4 shall be held only during Full Term.

Ordinary Meeting

6. Ordinary Meetings may be convened at any time by the Warden or in his or her absence by the Sub-Warden or in the absence of both by the person acting as Senior Fellow, as defined in Clause 20 of Statute 4.

Quorum

7. No business shall be transacted at any Stated or Special or Ordinary Meeting unless a quorum be satisfied, where the quorum is to be prescribed by By-law.

Chairmanship at Meetings

8. Except as is otherwise provided in these Statutes, the Warden shall preside at all meetings of the Governing Body, and shall have the right to preside at all meetings of all committees appointed by it. Whenever he or she presides over any meeting he or she shall have, in case of there being an equality of votes, a casting vote in addition to his or her ordinary vote. If the Warden shall be unwilling or unable to preside over a committee he or she may nominate a member of the committee to act as Chairman, but he or she may at any time withdraw such nomination and himself or herself preside or make another nomination. If he or she shall be absent from a meeting of the Governing Body, or from that of a committee when no Chairman has been nominated, the Chairman shall be the Sub-Warden or in the latter's absence the Senior Fellow present. The Chairman, whether in the Governing Body or in a committee, shall have, in the case of equality of votes, a casting vote in addition to his or her ordinary vote.

Voting

9. Except as otherwise provided by the Statutes of the College, all decisions of the Governing Body or of any Committee appointed by it, shall be determined in accordance with the votes of a majority of those present and voting. In any vote on the re-election or on the removal of a member such member shall not vote and shall not be counted in reckoning any necessary majority.

By-laws

10. Subject to the provisions of these Statutes it shall be lawful for the Governing Body from time to time at Stated Meetings to make, alter or revoke any By-laws respecting the holding of College meetings and the proceedings thereat, the admission, studies and discipline of Students, the domestic management and arrangements of the College, the custody and use of the Muniments, the use of the Library and the management of the College

estates and property and to enforce such By-laws by such penalties as it shall think fit, including the removal of names from the College books.

Minutes of Meetings

11. Minutes shall be kept of the proceedings at all meetings for which provision is made under this Statute, and the Minute Books shall be accessible to all members of the Governing Body at all reasonable times.

Common Seal

12 (a) The Governing Body may from time to time at a Stated Meeting make and vary By-laws respecting the custody and use of the Common Seal of the College.

(b) The Seal of the College shall not be affixed to any Act or Document except in the presence of the Warden and the Bursar or in the presence of one of them and of one of the Official Fellows.

STATUTE 2

THE VISITOR

Visitor

1. The Master of the Rolls for the time being shall be the Visitor of the College.

Visitation

2. It shall be lawful for the Visitor, if and whenever he or she shall deem it expedient for enforcing the due observance of the Statutes of the College in force for the time being, to visit the College and to exercise at any such visitation all powers lawfully belonging to his or her office, and it shall be lawful for the Visitor at any such visitation, or, if he or she shall think fit, at other times, to require an answer in writing from the Governing Body, the Warden, the Fellows or any of them to any inquiries he or she may make for the purpose of satisfying himself or herself that the Statutes of the College for the time being are duly observed.

Construction of Statutes

3. As often as any question shall arise depending wholly or in part on the construction of any of the Statutes of the College on which the Governing Body shall be unable to agree, it shall be lawful for the Warden or for any three or more of the members of the Governing Body to submit the same, so far as the decision of the question at issue depends upon the construction of the Statutes of the College, to the Visitor; and the Visitor shall declare what is the true construction of such Statute or Statutes with reference to the case submitted to him.

Appeals

4. The Warden, if he or she shall conceive himself or herself aggrieved by any act or decision of the Governing Body, and any Fellow of the College, if he or she shall conceive himself or herself aggrieved by any act or decision of the Warden or of the Governing Body, and any Student of the College who may have been deprived of his or her Studentship may appeal against such act or decision or sentence of deprivation to the Visitor, provided that (unless it shall seem to the Visitor that there is reasonable cause why this proviso should not be enforced) such appeal be lodged within one month from the date of such act or decision or sentence of deprivation; and the Visitor shall adjudicate on such appeal, and it shall be lawful for him or her, as he or she may deem just, to confirm, annul, or vary the act or decision or sentence of deprivation.

Annulling of By-laws

5. It shall be lawful for the Visitor, either of his or her own motion or on the complaint of the Warden or any three or more of the Fellows, to disallow or to annul any By-law made by, or resolution of, the Governing Body which is, in his or her judgment, repugnant to any of the Statutes of the College in force for the time being.

Binding force of Visitor's decisions

6. Any decision given by the Visitor under these Statutes shall be binding on the Governing Body and upon the Warden and every Fellow of the College, and upon every other person affected by these Statutes.

Provisions of the Education Reform Act 1988

7. 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 12 applies which concerns the member's appointment or employment or the termination of that appointment or employment; or,
- (b) to disallow or annul any By-law made or having effect for the purposes of Statute 12.

STATUTE 3

THE WARDEN

Right to Elect

1. The election of the Warden shall be vested in the members of the Governing Body of the College as constituted under clause 3(a) of Statute I other than the Warden (in these Statutes referred to as ‘the electoral body’).

Election

2. The election of the Warden shall, subject to the provision of clause 3 of this Statute, be conducted in the following manner:

(a) Immediately on the office of Warden becoming vacant the Sub-Warden or, if there be no Sub-Warden, the Senior Fellow, as defined in Clause 20 of Statute 4, shall inform all the Fellows and shall forthwith summon a meeting of the electoral body to fix a day, hour, and place for the election of a Warden within a period from the date of such meeting to be specified in the By-laws.

(b) The Sub-Warden or, if there is no Sub-Warden, the senior Official, Professorial or Faculty Fellow in terms of precedence, as laid down in Clause 16 of Statute 4, shall preside over the Election, and is referred to below as the Presiding Fellow. He or she shall preside at the preliminary meeting and immediately afterwards shall send notice of the day, hour, and place appointed for the meeting for the election to each member of the electoral body. The quorum for this preliminary meeting shall be determined in the By-laws. In the event of the Sub-Warden or the Senior Fellow being unwilling to act, the preliminary meeting shall elect a Presiding Fellow for the purpose of the Election.

(c) At any time after the day for election is fixed but not later than eight days before that day any two or more of the Fellows may send to the Presiding Fellow a name or names for consideration by the electoral body. A notice containing the names of candidates to be proposed for the office of Warden together with the names of their proposers shall be sent by the Presiding Fellow to each member of the electoral body not less than seven days before the day of election. No name may be proposed at the meeting which has not been included in such notice, unless at least two-thirds of the members present assent.

(d) At the meeting for the election, the Presiding Fellow or, in his or her absence, the Senior Fellow present shall preside. The votes shall be given in writing and the person in whose favour more than half of the members present and voting shall have voted shall be declared elected. In case of an equality of votes the presiding Fellow shall not be entitled to give a second or casting vote in addition to his or her ordinary vote. If no person secures the requisite number of votes, the meeting shall be adjourned. All ballots taken at the meeting of the electoral body shall be secret.

(e) The meeting for the election may be adjourned from time to time and there may be any number of votings but if a Warden shall not have been elected within the period of two months from the date of the first meeting of the electoral body, other than the preliminary meeting referred to in (b) of this clause, the Visitor shall appoint a Warden; provided that the Visitor may, if requested to do so by at least three-quarters of the electoral body, authorize an extension of the period.

(f) On an election being made the name of the person elected shall be forthwith posted in some public place in the College and communicated by the presiding member to the Visitor.

Pre-election

3. When the office of Warden is about to become vacant at a known date by resignation or superannuation an election may be made not more than eighteen months before the date of the vacancy and the Sub-Warden or, if there be no Sub-Warden, the Senior Fellow, as defined in Clause 20 of Statute 4, shall call the meeting as described under clause 2(a) of this Statute. Thereafter the procedure shall be the same as if the office were already vacant. The Warden shall not be present at any meeting concerning the election of his or her successor.

Declaration

4. The person elected shall sign the following declaration as soon as conveniently may be but, in the case of a pre-election, not earlier than the date that the office becomes vacant, in the presence of at least two of the electors, who shall affix their signatures to the declaration as witnesses thereto:

‘I, N. M., hereby declare that I will truly and faithfully discharge the duties appertaining to the office of Warden of Nuffield College in the University of Oxford, will observe its Statutes and By-laws and promote its interests and studies.’

The person elected shall hold office from the day of his or her declaration.

Residence

5. The Warden shall reside in the College or in such house outside the College as may be designated the Warden’s Lodgings by the Governing Body for thirty weeks at least in each academic year, whereof six weeks at least shall be in each term, provided that, in the case of the Warden’s sickness, or for any other reasonable cause, it shall be lawful for the Governing Body to dispense with the Warden’s residence for such a period as the case may appear to require.

Duties

6.(a) The Warden shall be the Head of the College and shall take precedence over all other members thereof. He or she shall promote the interests and studies of the College as a centre of research and of co-operation between academic and non-academic persons, and shall take measures to ensure that all proceedings within it are conducted in an orderly fashion. He or she shall superintend the management of the property and domestic

arrangements of the College and the admission, appointment, discipline, conditions of service and supervision of its members, Associate Members, and staff.

(b) The Governing Body may give leave of absence to the Warden for the purpose of study or research or for other sufficient reasons upon such terms and conditions as the Governing Body may think fit.

Emoluments

7. The Warden shall receive a stipend, the amount to be determined by the Governing Body at a Stated Meeting, and he or she shall receive in addition in each year as an allowance such a sum as the Governing Body at a Stated Meeting shall determine as necessary to meet the expenses of entertainment and all other expenses of whatever nature incurred by him during that year by reason of the tenure of his or her office, and he or she shall be entitled to the use of his or her lodgings free of rent, rates, taxes and all outgoings, all expenses necessary for their repair and upkeep being defrayed by the College, the assessed value of the lodgings shall qualify for superannuation. Provided always that if at any time the Warden's lodgings so designated as aforesaid do not comprise premises owned by the College the Warden shall in lieu of the before-mentioned entitlements relating to the Warden's lodgings receive such allowance as the Governing Body at a Stated Meeting shall from time to time determine as representing a figure equivalent to the cost to the College of providing the said entitlements.

External Activities

8. The Warden shall not hold any office or appointment inconsistent with the proper performance of his or her duties.

Retirement age

9. The Warden shall vacate his or her office upon the first day of August next after having attained the age of sixty-seven years; except that if he or she has not then held office for ten years he or she shall vacate his or her office on the first day of August next after ten years from the date of his or her election, or on the first day of August next after he or she has attained the age of seventy years, whichever is the sooner.

Retirement

10. The Warden shall be entitled at any time to inform the electoral body, either by giving notice to each member in writing or at a meeting of the Governing Body, that he or she intends to vacate the Wardenship at a date which (except by the consent of the Governing Body) shall not be earlier than the last day of the ensuing Full Term.

Absence of Warden: Acting Warden

11. In the event of the Warden being on sabbatical leave, or being sick or otherwise absent for a period in excess of one month, Governing Body shall have the power to elect an Acting Warden, to discharge, so far as may be necessary, the duties and exercise the powers of the Warden in his or her absence. The appointment to take effect from a date to be

determined by Governing Body but the appointment to be submitted for approval to a Stated Meeting to be held within the next term.

STATUTE 4

THE FELLOWS AND OFFICERS

Classes of Fellowship

1. The Fellowships which may be held in the College shall be of the following classes:

(a) *Official Fellowships*, tenable by those responsible for research and supervision in the College and the holders of such College offices as the Governing Body shall from time to time determine at a Stated Meeting.

(b) *Professorial Fellowships*, tenable by University Professors, University Readers, and holders of other University offices which are declared by any University Statute or Decree to qualify the holder for a Professorial Fellowship.

(c) *Faculty Fellowships*, tenable by members of any Faculty in the University who are qualified to assist in furthering the objects of the College.

(d) *Visiting Fellowships*, tenable by persons competent to assist those engaged in the College and the University in research by giving them the fruits of their experience in practical affairs.

(e) *Research Fellowships*, tenable by persons who have conducted, or are likely to conduct, valuable advanced study or research and who undertake to pursue some course of advanced study or research in the College or in the University or (with the approval of the Governing Body) elsewhere.

(f) *Professorial Visiting Fellowships*, tenable by persons visiting the college who are qualified to assist in furthering its objects.

(g) *Supernumerary Fellowships*, tenable by persons whose services as a Fellow would be of advantage to the College.

(h) *Emeritus Fellowships*, tenable by any person who has held the office of Warden or who having held a Fellowship in the College, has resigned from it after not less than ten years service in the College (whether as a Fellow or otherwise) or upon reaching the age of compulsory retirement prescribed in the Statute.

(i) *Honorary Fellowships*, tenable by distinguished persons.

Official Fellowships.

2. (a) The election or re-election of all Official Fellows of the College shall, subject to the provisions of these Statutes, be made by the Governing Body at a Stated Meeting.

(b) Official Fellows shall be appointed for such periods not exceeding seven years as the Governing Body may from time to time determine at a Stated Meeting, at the expiration of which they shall be re-eligible. Any Official Fellow whom the Governing Body shall decide to re-elect shall, in so far as may be practicable, be re-elected at least one year before

the expiration of his or her Fellowship. Such re-election shall take effect as from the date on which the term of his or her Fellowship expires.

(c) Every Official Fellow shall unless prevented by illness or some other sufficient cause, attend every meeting of the Governing Body, shall carry out advanced study and research, and shall supervise any Student assigned to his or her supervision by the Governing Body.

(d) Subject to the needs and financial resources of the College, the Governing Body shall have power to grant leave of absence to an Official Fellow on such terms as it may determine.

(e) Subject to the provisions of these Statutes, the Governing Body may from time to time at a Stated Meeting determine the reasonable stipends and emoluments of the Official Fellows.

(f) Every Official Fellow except those first elected to Official Fellowships before 1 October 1986 shall vacate his or her Fellowship upon the thirtieth day of September next after he or she has attained the age of sixty-five, or if he or she shall attain the age of sixty-five on the 30th September he or she shall vacate his or her Fellowship on that day. An Official Fellow first elected to his or her Official Fellowship before 1 October 1986 shall vacate his or her Fellowship upon the thirtieth day of September next after he or she has attained the age of sixty-seven.

Professorial Fellowships.

3. (a) Every Professor or Reader whose Professorship or Readership has been allotted to the College shall be admitted a Fellow on his or her appointment to the Professorship or Readership, provided always that the College had the right to be represented on the Board which made the election.

(b) The election of the holder of any other Professorship or Readership or qualifying office to a Professorial Fellowship shall be made by the Governing Body at a Stated Meeting on such terms as it thinks fit.

(c) A Professorial Fellow shall vacate his or her Fellowship and any office which he or she holds in the College on resigning or otherwise vacating his or her Professorship or Readership or other qualifying office.

(d) If a Professorial Fellow be deprived of his or her Professorship or Readership or other qualifying office by any authority constituted in that behalf by Statutes made for the University he or she shall *ipso facto* vacate his or her Fellowship.

(e) Subject to the statutory terms of his or her appointment and the powers of the Visitation Board a Professorial Fellow may be invited by the Governing Body to undertake the supervision of Students or other academic duties.

Faculty Fellowships

4. The Governing Body may from time to time at a Stated Meeting elect as a Faculty Fellow any person qualified as in clause 1(c) of this Statute on such terms and conditions as it thinks fit provided always that no person who is a Fellow of another College in the University shall

be so elected. He or she shall cease to hold such a Fellowship as soon as he or she ceases to be so qualified.

Visiting Fellowships.

5. (a) The Governing Body may from time to time at a Stated Meeting elect as a Visiting Fellow any person qualified as in clause 1(d) of this Statute. Provided that no further election to a Visiting Fellowship be made unless the number of such Fellows already holding office shall be less than the total number of Official, Professorial and Faculty Fellows already holding office or appointed to hold office.

(b) A Visiting Fellow shall be elected for a stated period but under such conditions as will not create any expectation of re-election.

(c) A Visiting Fellow may be paid a small honorarium and be entitled to such other rights and privileges and may be required to undertake such duties as the Governing Body at a Stated Meeting shall determine.

Research Fellowships.

6. The Governing Body may from time to time at a Stated Meeting elect as a Research Fellow any person duly qualified as in clause 1(e) of this Statute on such terms as it thinks fit. It may designate such a Fellowship 'Senior' or 'Junior' or give it such other designation as the circumstances warrant.

Professorial Visiting Fellowships

7. The Governing Body may from time to time at a Stated Meeting elect as a Professorial Visiting Fellow any person duly qualified as in Clause 1(f) of this Statute on such terms and conditions as it sees fit.

Supernumerary Fellowships.

8. The Governing Body may from time to time at a Stated Meeting elect as a Supernumerary Fellow any person duly qualified as in clause 1(g) of this Statute on such terms and conditions as it thinks fit.

Emeritus Fellowships.

9. (a) The Governing Body may from time to time at a Stated Meeting elect as an Emeritus Fellow any person duly qualified as in clause 1(h) of this Statute upon such conditions and for such terms of years as it may decide.

(b) An Emeritus Fellow as such shall have no stipend from the College, and shall not be eligible for membership of the Governing Body.

Honorary Fellowships.

10. (a) The Governing Body may from time to time at a Stated Meeting elect as an Honorary Fellow any person duly qualified as in clause 1(i) of this Statute.

(b) An Honorary Fellow shall not be entitled to receive any pecuniary emolument or to exercise any functions, and shall not be eligible for membership of Governing Body, but may enjoy such privileges and advantages as the Governing Body shall from time to time determine.

(c) The Founder was the first Honorary Fellow of the College.

Procedure of Election

11. No election to any Fellowship in the College shall be made except upon the recommendation of an Ordinary Meeting of the Governing Body.

Declaration on Appointment

12. Every person elected to a Fellowship shall make before the Warden a declaration the following terms: 'I, N. M., hereby declare that I will be true and faithful to the College, will observe its Statutes and By-laws and promote its interests and studies.'

Vacation of Fellowships

13. No Fellowship except an Honorary or an Emeritus Fellowship shall be tenable with a Headship or with a Fellowship (other than an Honorary or an Emeritus Fellowship) in any College within the University.

External Appointments

14. No stipendiary Fellow shall hold any office or appointment inconsistent with the proper performance of his or her duties.

Deprivation of Fellowship

15. If any Fellow shall be guilty of grave immorality or misconduct, or shall contumaciously persist in disobeying any of the Statutes or By-laws of the College in force for the time being, it shall be lawful for the Visitor, upon a petition of not less than two-thirds of the Governing Body present at a Stated Meeting, and after due inquiry held, at which the Fellow shall be entitled to be heard in his or her own defence, to deprive him or her of his or her Fellowship. Provided that subject to the provisions of clause 7(1) of Statute 12 nothing in this clause shall apply to any member of the academic staff to whom Statute 12 applies.

Precedence

16. Fellows shall rank and take precedence in the College according to the dates prescribed at their election for the commencement of their Fellowships. A Fellow re-elected whether to a Fellowship of the same or of a different class not more than one year after the end of his or her previous term shall take rank according to his or her original precedence. In cases in which the person elected had been a Fellow of the College more than one year earlier the Governing Body may assign him or her precedence so as to take account of this fact.

Common Dinner and Common Lunch

17. The Governing Body may set apart and allow out of the revenues of the College a moderate sum for the provision of a Common Dinner and a Common Lunch whether in the Dining Hall, or in some public room in the College of which the Warden, Honorary, Official, Professorial, Faculty, Visiting and Research Fellows and such other Fellows as may be admitted to this privilege or part thereof by the Governing Body from time to time shall be entitled to partake without charge. The same privilege or part thereof may be extended by the Governing Body to any Officer, Associate Member or Lecturer of the College not being a Fellow.

OFFICERS

Appointment

18. The Officers of the College shall be appointed by the Governing Body at a Stated Meeting upon the recommendation of an Ordinary Meeting of the Governing Body. They shall include a Dean who shall be responsible, under the superintendence of the Warden, for discipline in the College. They may also include a Sub-Warden, Bursar or Bursars, Chaplain, Senior Tutor and Librarian.

Powers and Duties

19. The powers and duties of any College Office and the tenure, reasonable stipends or emoluments of the holder of any such Office shall be determined (subject to Statute 12) from time to time by the Governing Body at a Stated Meeting.

Senior Fellow

20. (a) In the temporary absence or sickness of the Warden, the Acting Warden, the Sub-Warden, or if none be appointed or he or she be absent or sick, the senior Official, Professorial or Faculty Fellow in terms of precedence, as laid down in Clause 16, who is not on leave, absent or sick, shall, so far as may be necessary, discharge the duties and exercise the powers of the Warden.

(b) For the purpose of Statute 12, the Senior Fellow shall be defined as the senior of Official, Professorial and Faculty Fellows in terms of precedence, as laid down in Clause 16, who is not on leave.

STATUTE 5

STUDENTS

Studentships

1. The Governing Body shall have power to establish Studentships in the College, and to determine the number of Studentships to be offered for competition in each academical year.

Election

2. Subject to the provisions of these Statutes, and of any relevant trust deed, the Governing Body shall determine the subjects for which Studentships shall be awarded, the method of election and admission and the conditions of tenure including the conditions under which a Student may be deprived of his or her Studentship.

Emoluments

3. The College shall have power to provide Funded Studentships. The Governing Body shall have the power to determine what sum in addition to any sums provided by trust funds or other special endowments shall be set aside out of general revenues of the College in each academical year for the provision of Funded Studentships. Students in residence shall be entitled to a furnished room in College for the period of their Studentship. Students deemed by the College to be in need of financial assistance may receive such other emoluments as the Governing Body shall from time to time decide.

Visiting Students

4. The Governing Body shall have power to admit as Visiting students persons who are not holders of Studentships but are visiting the College for the purpose of research or study; they shall be admitted by such a procedure and subject to such conditions as the Governing Body may from time to time decide. The College may apply funds for the purpose of supporting students admitted as Visiting Students.

Residence, &c.

5. Students and Visiting Students shall be required to conform to such By-laws as to residence, instruction and discipline as the Governing Body shall from time to time enact at a Stated Meeting, and the Governing Body may enforce such By-laws by such penalties as it thinks fit.

No Religious, &c., Test

6. No applicant for a Studentship or for admission as a Visiting Student shall be subject to any religious, political or racial test.

Tuition

7. The Governing Body shall provide supervision and instruction for Students and Visiting Students of the College during at least twenty-four weeks in the academical year.

STATUTE 6

ASSOCIATE MEMBERS

Classes

1. The Governing Body may, from time to time, extend the facilities of the College to visitors or to other persons whose temporary association with the College would further the objects of the College.

Title

2. The Governing Body may at a Stated Meeting give the title of Associate Member to any such person and may give him or her such rights, privileges, and emoluments and require him or her to undertake such duties as seem most appropriate.

STATUTE 7

DISPOSAL OF REVENUES

University Statutes

1. The application of the revenues of the College under the provisions and to the purposes of these Statutes shall be subject to any Statute or Statutes made for the University under the powers of the Universities of Oxford and Cambridge Act, 1877, and the Universities Oxford and Cambridge Act, 1923, for enabling or requiring the Colleges to make contributions out of their revenues for University purposes, and for the payment of charges imposed thereby provided that regard always be had in the first place to the needs of the College itself for educational and other collegiate purposes.

Reserve Fund

2. The Governing Body may out of Corporate Revenues not required for the purposes of these Statutes set apart from time to time such a sum as it may think fit to form a reserve fund for new or additional College buildings or repairs to College buildings, or for acquiring or providing houses or buildings to be occupied and used in connexion with the College and for College purposes, or for other desirable or necessary expenditure for College purposes provided that the sum so set apart in any year shall not be allowed as a deduction from the sum upon which the contributions of the College for University purposes in that year are assessed.

New Building

3. No new College buildings shall be undertaken by the Governing Body except with the approval of a Stated Meeting.

STATUTE 8

POWERS OF INVESTMENT

Powers

1. Any funds of the College which require investment other than funds which are held on any specific trust, may be invested by the Governing Body upon or in such securities, shares, stocks, funds, or other investments (including land) in any part of the world and whether involving liability or not as the Governing Body shall in their absolute discretion think fit so that the Governing Body shall be empowered to invest and transpose the investments of such funds in the same unrestricted manner as if they were the beneficial owners thereof.

Experienced Advice

2. The Governing Body shall make provision in the By-laws of the College for adequate experienced advice to be available in the formulation of investment policy.

STATUTE 9

ACCOUNTS

Accounts

1. The Governing Body shall cause the accounts of the College to be kept in proper books of Account in such a form as to enable them to be duly checked and balanced. Separate accounts shall be kept of all special trust funds.

Audit

2. The accounts of the College shall be audited annually by an Auditor who shall be a member of a body of accountants established in the United Kingdom and for the time being recognised for the purposes of Section 35 of the Companies Act 1989 by the Secretary of State for Trade and Industry.

Records and Inventories

3. Proper records shall be kept of all property held for the benefit of the College, or of the members or any member of it as such, including an inventory of all silver plate, pictures, printed books, manuscripts, and other articles of value and historic interest.

Publication

4. The Governing Body shall in every year cause to be prepared and delivered to the Registrar of the University for publication such information relating to the accounts of the College as may be prescribed from time to time by any Statute of the University in force for the time being.

STATUTE 10

PROVISIONS RELATIVE TO THE UNIVERSITY

General Powers of the Council

1. If at any time it appears to the Council of the University that any provision of these Statutes or of any other Statutes of the College in force for the time being respecting the accounts of the College, or any other provision of such Statutes by the non-observance of which any interest of the University is liable, to be prejudicially affected, is not duly observed, the Council may submit a representation to the Visitor; and the Visitor shall, upon receiving such representation, inquire into the matter, and after considering any representation made by the College, make such order therein as he or she shall deem just for enforcing the due observance of the said Statutes in the matter to which the representation shall relate.

Notice to the Warden

2. Before any representation is made under the foregoing provisions, the Vice-Chancellor shall communicate the matter of the proposed representation to the Warden for the information of the Governing Body, and when a representation is made shall forthwith send him or her a copy of it.

Notice of Change of Charter or Statutes

3. Every proposal for a change in the Charter or in the Statutes of the College in force for the time being shall be communicated to the Council before it is submitted for the approval of Her Majesty in Council, and the Governing Body, in forwarding the Special Statute or Statute for such approval, shall state expressly that it has been so communicated.

Consent of University

4. No Statute made by the Governing Body and affecting the University shall be altered except with the consent of the University.

STATUTE 11

SPECIAL PROVISIONS

Commencing Date

1. These Statutes as amended shall come into force on the day on which they were approved by Her Majesty in Council.

Alteration of Statutes

2. Subject to the provisions of Article 5 of the Charter, these Statutes shall be subject to alteration from time to time by Statute made by the College and passed at a meeting of the Governing Body, as defined in Statute 1 (3) (b), specially summoned for the purpose, by the votes of not less than two-thirds of the number of persons present and voting.

Status of Statutes

3. These Statutes are made wholly for Nuffield College within the meaning of the Universities of Oxford and Cambridge Act, 1877, Section 30, as set out in the Schedule to the Universities of Oxford and Cambridge Act, 1923.

Existing Interest

4. These Statutes (except where therein expressly provided) shall operate without prejudice to any existing interest of the Warden, Fellows, or staff of the Association hitherto known as Nuffield College, Oxford, on the date on which they come into force.

STATUTE 12

ACADEMIC STAFF

PART I CONSTRUCTION APPLICATION AND INTERPRETATION

- 1 This Statute and any By-law 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.
- 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 of a limited nature; and
 - c) to the Warden, to the extent and in the manner set out in Part VII.
- 3.(2) 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 55 of the Employment Protection (Consolidation) Act 1978.
- 5.(1) 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 -

- a) conviction for an offence which may be deemed by a 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
- 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 office or employment; or
- d) wilful disruption of the activities of the College; or
- e) wilful disobedience of any of the Statutes or By-laws of the College in force for the time being; or
- f) physical or mental incapacity established under Part IV.

5.(2) In this clause -

- a) “capability”, in relation to such a member, means capability assessed by reference to skill, aptitude, health or any other physical or mental quality; and
- b) “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 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.

7.(1) In any case of conflict, the provision of this Statute shall prevail over those of any other Statute of the College 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 By-law and the provisions of any By-law made under this Statute shall prevail over those of any By-law 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.

- 7.(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.

- 7.(3) For the avoidance of doubt it is hereby declared that nothing in Part III shall be construed as affecting the Statutes and By-laws of the College concerning re-election on the expiry of a fixed term of a Fellowship.
- 7.(4) 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 presented by By-laws made under this Statute.
- 7.(5) Nothing in any other Statute shall enable the Governing Body to delegate its power to reach a decision under clause 10(2).
- 7.(6) 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 By-laws made under this Statute.
- 7.(7) In this Statute references to numbered Parts, clauses, and sub-clause are reference to Parts, clauses, and sub-clauses 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.(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) his appointment is made, or his contract of employment is entered into, on or after 20th November 1987; or
 - b) he is promoted on or after that date.

9. (2) For the purposes of this clause 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.

10.(1)The Governing Body shall be the appropriate body for the purposes of this Part.

10.(2)This clause 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 an area of academic work within the College by way of redundancy.

11.(1)Where the Governing Body has reached a decision under clause 10(2) it shall select the requisite members of the academic staff for dismissal by reason of redundancy.

11.(2)A member of the academic staff shall not be selected for dismissal under this clause unless he has been afforded a reasonable opportunity to make representations to the Governing Body.

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.

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

12.(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 processes it has 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

13.(1)If the conduct or performance of a member of the academic staff does not meet acceptable standards, but does not constitute sufficient cause for dismissal, an oral warning may be given by the Warden who shall keep a note of the matter. The member of the academic staff concerned 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 clause. An oral warning shall be disregarded for disciplinary purposes after 12 months.

- 13.(2) 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 Warden, who shall keep a copy of the warning. This will give details of the complaint, the improvement required and the timescale. It will warn that a complaint may be made seeking the institution of charges under clause 14 if there is no satisfactory improvement and will advise of the right of appeal under this clause. A copy of this written warning will be kept by the Warden but it will be disregarded for disciplinary purposes after 2 years.
- 13.(3) A member of the academic staff who wishes to appeal against a disciplinary warning shall inform the Warden within two weeks of the warning. A Grievance Committee appointed under Part VI of this Statute shall hear the appeal and the Committee's decision shall be final.
- 14.(1) If there has been no satisfactory improvement following a written warning given under clause 13(2), 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 a Disciplinary Committee appointed under clause 15 may be made to the Warden.
- 14.(2) To enable the Warden to deal fairly with any complaint brought to his attention under sub-clause (1) he shall institute such enquiries (if any) as appear to him to be necessary.
- 14.(3) If it appears to the Warden (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 of the College could constitute good cause for dismissal, he shall write to the person concerned inviting comment in writing and may, if he considers that the College might otherwise suffer significant harm, suspend the person concerned from the performance of his duties without loss of emoluments.
- 14.(4) As soon as may be following the comments (if any) the Warden 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 Disciplinary Committee appointed under clause 15.
15. If the Warden has determined that the matter is to be considered by a 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 concerned constitutes good cause for dismissal or otherwise constitutes a serious complaint relating to his 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 Warden, after consulting the Governing Body, may suspend the person charged from the performance of his duties without loss of emoluments.
- 16.(1) A Disciplinary Committee appointed by the Governing Body shall comprise
- a) a Chairman; and

- b) one Fellow who is not a member of the Ordinary Meeting of the Governing Body;
and
- c) one Fellow who is a member of the Ordinary Meeting of the Governing Body.

16.(2) In selecting member of the panel for appointment as members of a 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.(1) When a Disciplinary Committee has been appointed, the Governing Body shall instruct a suitable person to formulate a charge or charges and to present, or arrange for the presentation of, the charges before the Disciplinary Committee.

17.(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 Disciplinary Committee shall be prescribed by By-laws made under this Statute. Such By-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 a 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;
- 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 witnesses 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 and respond to the new evidence; and
- e) that any charge is heard and determined as expeditiously as is reasonably practicable.

- 19.(1)The 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 Warden, the person charged, the person presenting the charge and any person who shall have been added as a party by the Disciplinary Committee.
- 19.(2)The 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 clause.
- 20.(1)Where the charge or charges are upheld and the Disciplinary Committee finds good cause and recommends dismissal or removal from office, but in no other case, the Warden shall consult the Governing Body and shall decide whether or not to dismiss the person concerned.
- 20.(2)Where any charge or charges are upheld, other than where the Warden has decided under sub-clause (1) to dismiss the person concerned, the action available to the Warden after consulting the Governing Body (not comprising a greater penalty than that recommended by the Disciplinary Committee) shall be -
- a) to discuss the issues raised with the person concerned; or
 - b) to advise the person concerned about his future conduct; or
 - c) to warn the person concerned; or
 - d) to suspend the person concerned for such period as the Warden 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 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 Warden to impose such a penalty; or
 - e) any combination of any of the above or to take such further 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.
- 21.(1)The Warden shall be the appropriate officer to exercise the powers conferred by clause 20 but he may appoint a delegate to exercise these powers.
- 21.(2)Any action taken by the Warden or his 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.
- 22.(2)In this Part references to medical grounds are references to capability assessed by reference to health or any other physical or mental quality.

- 22.(3) In this Part the Warden shall be the appropriate officer to perform any duties or exercise any powers, but he may appoint a delegate to act on his behalf.
- 22.(4) 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 a person with authority to act on behalf of that member in addition to (or instead of) that member.
- 23.(1) Where it appears to the Warden that the removal of a member of the academic staff on medical grounds should be considered, the Warden -
- a) shall inform the member accordingly; and
 - b) may, if the member agrees or if the Warden considers that the College might otherwise suffer significant harm suspend the member from duty without loss of pay; and
 - c) 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.
- 23.(2) 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.
- 23.(3) If the member does not elect to apply for early retirement on medical grounds the Warden shall refer the case in confidence, with any supporting 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 Warden; 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.
- 23.(4) 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 By-laws made under this sub-clause. Such By-laws 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 person charged and any person appointed to represent him are entitled to be present;
 - c) that witnesses may be called and may be questioned concerning any relevant evidence; and

- d) that the case is heard and determined as expeditiously as is reasonably practicable.
- 23.(5)The Board may require the member concerned to undergo medical examination at the College's expense.
- 24.(1)If the Board determines that the member shall be required to retire on medical grounds, the Warden shall consult the Governing Body, and may terminate the employment of the member concerned on those medical grounds.
- 24.(2)Any action taken by the Warden 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.(1)This Part applies -
- a) to appeals against any decision of the Governing Body to dismiss in the exercise of its powers under Part II;
 - b) to appeals arising in any proceedings, or out of any decision reached, under Part III other than appeals against disciplinary warnings under clause 13;
 - c) to appeals against dismissal otherwise than in pursuance of Part II, Part III, Part IV or Part VII;
 - d) to appeals against any disciplinary decision otherwise than in pursuance of Part III;
 - e) to appeals against any decision reached under Part IV; and
 - f) to appeals against any decision reached under Part VII

and "appeal" and "appellant" shall be construed accordingly.

- 26.(2)No appeal shall however lie against -
- a) a decision of the Governing Body under clause 10(2);
 - b) the findings of fact of a Disciplinary Committee under clause 19(1) 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 clause 23(3) 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.

- 26.(3) In this Part references to “the person appointed” are references to the person appointed by the Governing Body under clause 29 to hear and determine the relevant appeal.
- 26.(4) The parties to an appeal shall be the appellant and the Warden 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 Warden, within the time allowed under clause 28, notice in writing setting out the grounds of the appeal.
- 28.(1) 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-clause (3).
- 28.(2) The Warden 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.
- 28.(3) Where the notice of appeal was served on the Warden outside the 28 day period the person appointed under clause 29 shall not permit the appeal to proceed unless he considers that justice and fairness so require in the circumstances of the case.
- 29.(1) Where an appeal is instituted under this Part the Governing Body shall appoint a person described in sub-clause (2) to hear and determine that appeal subject to sub-clause (3) of this clause.
- 29.(2) The persons described in this sub-clause are
- a) the person who is the Visitor; or
 - b) persons not employed by the College holding, or having held, judicial office or being barristers or solicitors of at least ten years’ standing.
- 29.(3) 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.
- 29.(4) The other persons who may sit with the person appointed shall be -
- a) one Fellow who is not a member of the Ordinary Meeting of the Governing Body; and
 - b) one Fellow who is a member of the Ordinary Meeting of the Governing Body.
- 30.(1) The procedure to be followed in respect of the preparation, consolidation, hearing and determination of appeals shall be that set out in By-laws made under this clause.

30.(2) Without prejudice to the generality of the foregoing such By-laws 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 his appeal;
- b) 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;
- 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.

30.(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 to the Governing Body as the appropriate body (or any issue arising in the course of such an appeal) 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 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 Warden 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 Warden following the finding by the Disciplinary Committee which heard and determined the original charge or charges.

31. The person appointed shall send the reasoned decision, including any decision reached in exercise of his powers under clause 30(3)(a), (b), (c) or (d) on any appeal together with any findings of fact different from those of the Governing Body under Part II or by the Disciplinary Committee under Part III or of the Board under Part IV or of the Tribunal appointed under Part VII, as the case may be, to the Warden 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 maybe, 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 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.
- 34.(1) If other remedies within the relevant area have been exhausted the member of the academic staff may raise the matter with the Warden.
- 34.(2) If it appears to the Warden that the matter has been finally determined under Part III, IV or V 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 Warden he shall inform the member and may inform the Governing Body accordingly.
- 34.(3) If the Warden is satisfied that the subject matter of the grievance could properly be considered with (or form 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
- 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.
- 34.(4) If the Warden does not reject the complaint under sub-clause (2) or if he does not defer action upon it under sub-clause (3) 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 clause 34(4), the Warden shall refer the matter to the Grievance Committee for consideration.
36. The Grievance Committee to be appointed by the Governing Body shall comprise three Fellows of the College appointed annually by the Governing Body.
37. The procedure in connection with the consideration and determination of grievances shall be determined in By-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.

PART VII REMOVAL OF THE WARDEN FROM OFFICE

39. Any three members of the Governing Body may make a complaint to the Senior Fellow seeking the removal of the Warden from office for good cause.
40. The Senior Fellow shall refer such a complaint to the Governing Body, exclusive of the Warden and the members making the complaint. If it appears to the Governing Body that the complaint is not supported by sufficient evidence of good cause for the removal of the Warden from office, it may determine that no further action shall be taken upon it.
41. If it appears to the Governing Body that the complaint is supported by sufficient evidence of good cause for the removal of the Warden from office, it shall appoint a Tribunal to hear and determine the matter.
42. The Tribunal appointed by the Governing Body shall comprise:
 - a) an independent Chairman; and
 - b) one Fellow who is not a member of the Ordinary Meeting of Governing Body; and
 - c) one Fellow who is a member of the Ordinary Meeting of Governing Body (not the Senior Fellow).
43. A charge referred to the Tribunal shall be dealt with in accordance with the procedure prescribed in clauses 17 to 19, provided -
 - a) that the Senior Fellow shall perform any duty and exercise any power there assigned to the Warden; and
 - b) that the only recommendation the Tribunal may make is whether or not the Warden 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 Warden.
45. Where a complaint is to be referred to a Tribunal under clause 41, the Senior Fellow may, if he considers that the College might otherwise suffer significant harm, suspend the Warden 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 Warden from his office for incapacity on medical grounds, the provisions of Part IV shall have effect, provided that the Senior Fellow shall perform any duty or exercise any power there assigned to the Warden.
47. For the purpose of appeals by the Warden against removal from office, the provisions of Part V shall have effect, provided that the Senior Fellow shall perform any duty or exercise any power there assigned to the Warden.

BY-LAWS

I. DATES OF STATED MEETINGS

A Stated Meeting of the Governing Body shall be held on the Saturday of the seventh week of each term. In the event that this meeting is unable to transact any business, e.g. through not being quorate, then the Governing Body shall hold a meeting to transact that business on the following Wednesday as its Stated Meeting.

(Originally made at the First Stated Meeting, 3 May 1958 and amended by the Stated Meeting, 29 November 2003)

II. THE COLLEGE SEAL

1. The Warden shall be responsible for the custody of the Seal of the College. It may be affixed to any transfer, dividend mandate or other document relating to investments with the authority of any two of the people who are by Statute I. 12 (b) authorized to attest the affixing of the Seal. It shall not be affixed to any other document except with the authority of the Governing Body.

(Printed as amended at the Twenty-sixth Stated Meeting, 4 June 1966)

2. A record of all documents to which the Seal is attached, together with the names of those present at the sealing thereof, shall be made in a Register kept by the Warden for that purpose. The Register shall be available for inspection by any member of the Governing Body at any reasonable time.

(Made at the First Stated Meeting, 3 May, 1958)

III. INVESTMENTS

1. An Investment Bursar, or Investment Bursars shall be appointed by the Governing Body at a Stated Meeting for a period not exceeding three years renewable. The Investment Bursar/s shall be entrusted with the care and management of the investments of the College. The Investment Bursar/s shall present a Report each year to that Body giving an account of the investments held by the College, the main changes that have taken place during the year, and any other relevant information.

2. The Governing Body at a Stated Meeting shall appoint an Investment Committee composed of no fewer than five members including the Investment Bursar (or Bursars). At least one of the members appointed shall be qualified to give experienced advice in the formulation of investment policy and shall not be a resident holder of any teaching or administrative post in the University or in any College in the

University, nor be employed as Broker by the College whilst a member of the Committee.

3. The Investment Committee shall meet on at least one occasion during each Full Term. The Committee shall advise the Investment Bursar (or Bursars). The Committee or any member of it may submit a report to the Governing Body on any aspect of investment policy which it or the member feels merits the attention of that Body.

(Made at the First Stated Meeting, 3 May 1958, amended by the Stated Meeting, 29 November 2003, and by the Stated Meeting, 7 June 2008).

IV. ACADEMIC STAFF

Part I - Construction, Application and Interpretation

The Statute applies to all Official, Professorial, Faculty and Research Fellows employed by the College, and applies to all College offices held by those fellows. Until such time as Governing Body decides otherwise, the By-Laws also apply to all other Fellows employed by the College.

Part III - Discipline, Dismissal and Removal from Office

3. Dismissal.

In any case before the Warden, whether on a complaint under Clause 14(1) or otherwise, he shall consider all the circumstances of the case including the outcome of any enquiries instituted under Clause 14(2) and any comments from the person concerned invited under Clause 14(3). If, after such consideration, it appears to the Warden that there are *prima facie* grounds for dismissal for good cause as defined in Clause 5 of the Statute, the Warden may call on the Governing Body to appoint an Academic Disciplinary Committee to consider and report on the case in accordance with Clauses 16-19 of the Statute. The Warden may suspend the person concerned at this stage in accordance with Clause 14(3).

- 3.1 Upon receipt of a request under Clause 15 of the Statute from the Warden, the Governing Body shall appoint the Academic Disciplinary Committee (the "Committee") as soon as reasonably practicable and shall inform the person to be charged by written notice that the Committee has been appointed to consider any charge or charges to be brought. The written notice shall include the names of the members of the Committee and shall enclose a copy of this By-law. At the same time the Governing Body shall appoint a solicitor or other suitable person to formulate charge(s) and to conduct or arrange for the conduct of the hearing. The Committee shall elect one of the members to act as Chairman.
- 3.2 Subject to the provisions of the Statute and any provision to the contrary in this By-law, the Committee shall have power to regulate its own proceedings. The Committee shall be quorate at any time provided at least two members including the Chairman are present, and in the event of any vote of the Committee which is tied, the Chairman shall have a casting vote. The Committee shall be entitled to appoint a secretary to support it in discharging its function at any time and to take notes of evidence at any hearing.

- 3.3 The person appointed to formulate the charge or charges (“the prosecutor” - which expression may include a firm of solicitors or any person instructed to act on that person’s behalf) shall notify the person charged of the date and time set for the hearing of the charge or charges.
- 3.4 The person charged shall notify the prosecutor of any representative he has appointed to act for him/her and any further communications shall be addressed to the person charged and to any representative appointed by him. Any fees or expenses payable to the representative (other than reasonable travel costs and out of pocket disbursements) shall be at the charge of the person accused.
- 3.5 The Committee Chairman may make any interlocutory directions he considers necessary for the fair conduct of the hearing, including but not limited to any directions as to the hearing date(s), whether at the request of either party or otherwise of his own motion. The Chairman may also remit any matters to the Warden for further consideration and has power to join further parties to the case if he considers it appropriate to do so upon notice to the parties of such joinder. The Chairman of the Committee shall set the date, time and place for the hearing and may also set appropriate time limits for each stage (including the hearing), to the intent that any matters be heard and determined expeditiously. If the Chairman considers it appropriate in all the circumstances of the case he may request the Warden to consider the suspension of the person charged under Clause 14(c).
- 3.6 At least 21 days before the date set for the hearing, the prosecutor shall forward the following to the Committee and person charged and any other parties to the hearing:
- (a) the charge or charges;
 - (b) copies of any documents specified or referred to in the charge or charges;
 - (c) a list of witnesses to be called by the prosecutor;
 - (d) copies of statements containing the witnesses’ evidence.
- 3.7 At least 7 days before the date set for the hearing, the person charged shall forward to the prosecutor copies of any documents on which he wishes to rely, a list of his witnesses and copies of their statements of evidence. The prosecutor shall ensure that copies of all these are prepared and forwarded to the Committee as soon as practicable.
- 3.8 The jurisdiction and power of the Committee shall not be restricted by the fact that the person charged has been, or is liable to be, prosecuted in a court of law in respect of any act or conduct which is the subject of proceedings before the Committee. The Committee may postpone or adjourn a hearing, if it considers it appropriate, to enable a prosecution to be undertaken.
- 3.9 Subject to the consent of the Committee, both the prosecutor and the person charged may introduce new evidence at the hearing save that in the case of the prosecutor such new evidence shall not be admitted except for good reason. In the event that new evidence is admitted, the other party shall have the right to an adjournment to allow him time to consider the evidence and its effect on the case and may then submit further evidence in response, provided that the Committee consents, such consent not to be unreasonably withheld.

- 3.10 The Committee may proceed with the hearing in the absence of any party but shall not do so in the absence of the person charged unless it is satisfied that it is reasonable to do so in all the circumstances of the case or unless the person charged agrees or so requests.
- 3.11 Subject to the right of the person charged, his representative and the prosecutor to be present throughout the hearing, the Committee may decide whether to admit any persons to, or exclude them from, the hearing or any part of it.
- 3.12 Each party to the proceedings shall be entitled to give evidence at the hearing, to make an opening statement, to call witnesses, and to question any witness. Closing statements may be made by the prosecutor first and then any other parties, with the person accused being given the opportunity to speak last.
- 3.13 Without prejudice to the Committee's general power to regulate its own conduct, it shall specifically have the power to set time and other limits on the evidence to be called for each side consistent with providing a fair opportunity for each party to present its relevant evidence whilst ensuring that the charge is heard and determined as expeditiously as is reasonably practicable. The Committee shall have power to adjourn the proceedings from time to time as it sees fit.
- 3.14 The Committee shall ensure that its secretary or some other appropriate person is present throughout the hearing so that a full and accurate record of the evidence may be taken.
- 3.15 It is for the prosecutor to prove the charge or charges. In determining whether the charges or any of them are proved the Committee shall consider the evidence and decide whether on balance it considers that good cause for dismissal within the meaning of Clause 5 of the Statute has been proved in respect of each charge before it.
- 3.16 If the Committee decides that a charge has been proved, it shall give each party an opportunity either orally or in writing at the option of the Committee to address it on the question of penalty and/or mitigation prior to determining any recommendations that it may make to the Warden.
- 3.17 The decision of the Committee shall be recorded in a document in which the Committee's findings of fact, its reasons for the decision and any recommendations as to penalty are contained. The document shall be sent directly by the secretary of the Committee to the person charged and to his representative in addition to the other parties specified in Clause 19 of the Statute. The person charged shall be notified of his right of appeal against the decision or against any recommendation of the Committee as to penalty.
- 3.18 Where any charge has been upheld and the Committee has recommended dismissal, the Warden or his delegate shall inform and consult the Governing Body prior to making any decision as to penalty. He shall arrange for a special meeting of the Governing Body for this purpose and shall keep the person charged informed as to the process. The person charged shall have the right to make further representations to the Warden at this stage.
- 3.19 If the Warden decides to dismiss the person charged he may do so forthwith or upon such terms as he considers fit. If the Warden decides not to dismiss, the actions he may take are as set out in Clause 20(2) of the Statute. Any warning given under Clause 20(2)(c) shall

be recorded in writing and shall remain live for two years. In all cases the Warden's decision shall be communicated to the person charged in writing as well as to the Governing Body.

- 3.20 No decision as to dismissal or otherwise implementing recommendations of the Committee shall be implemented until after any appeal has been determined under Part V.

Part IV - Procedure for Removal on Medical Grounds

4. Medical Board

- 4.1 If after considering all the circumstances of the case the Warden concludes that the removal on medical grounds of the member of staff (hereafter the person concerned) should be considered, he shall so inform the person concerned. The notification shall be provided in writing and shall be presumed to have reached the person concerned two days after being sent. The Warden shall notify the person concerned that a Medical Board (the Board) is to be appointed to consider whether he shall be removed from office on medical grounds, and shall request the person concerned to nominate someone to sit on the Board. If, within a reasonable period of time, the person concerned fails to nominate a person who is willing and able to sit on the Board reasonably expeditiously, the Warden shall presume a default and shall himself nominate someone.
- 4.2 At the same time as notifying the individual, the Warden shall also convene a special meeting of the Governing Body to consider the matter confidentially and shall request the Governing Body to nominate a member to sit on the Board. If possible the member nominated by the Governing Body shall have some experience of the mental or physical incapacity apparently affecting the person concerned. The Governing Body shall canvass and propose the names of medically qualified people to the person concerned to act as Chairman of the Board. For this purpose the Governing Body may seek the advice of the College doctor or any other suitable person on a confidential basis. In the event that agreement cannot be reached between the Governing Body and the person concerned as to the appropriate person to chair the Board, the Governing Body shall request the President for the time being of the Royal College of Physicians to nominate a Chairman. The Governing Body shall nominate an appropriate person who is unconnected with the case to act as secretary to the Board.
- 4.2 Where a Medical Board has been appointed to determine a case referred to it under Clause 23(3) of the Statute, the Chairman shall appoint the time, date and place for the hearing and the secretary shall notify all parties in writing. The Board shall have power to adjourn the hearing from time to time as it sees fit.
- 4.3 At least 21 days before the hearing, the Warden shall refer whatever relevant evidence he has in confidence to the Board and shall make the evidence available to the person concerned and/or any representative he has nominated to act for him, except for information for which a medical practitioner has claimed exemption from disclosure under the provisions of section 7 of the Access to Medical Reports Act 1988.

- 4.4 The Warden shall consider the case and, if he thinks it necessary, may appoint someone to present the case for removal as well as the relevant oral and documentary evidence to the Board. Witnesses may be called by the person presenting the case, in which case copies of their statements shall be made available to the Board and the person concerned at least 21 days prior to the date set for hearing.
- 4.5 The person concerned shall be entitled to an oral hearing before the matter is determined by the Board. The parties to the hearing shall be the person concerned (including any person appointed to act for or instead of him), any one appointed to present the case for removal and any other party which the Board may join at its own discretion. The secretary to the Board, the person concerned and/or his representative and the person presenting the case shall be entitled to remain throughout the hearing; otherwise it shall be for the Board to determine who may be present at any time.
- 4.6 The person concerned shall be entitled to present whatever evidence he considers relevant, subject to the overall right of the Board to regulate its own conduct of the hearing. At least 10 days before the hearing, the person concerned shall provide the secretary to the Board with copies of any evidence, including medical evidence, on which he wishes to rely. The secretary to the Board shall be responsible for ensuring that copies are made available to Board members and other parties as soon as possible. The person concerned and the person presenting the case for removal may each call expert witness(es) whose statement(s) shall first be presented in writing to the other parties.
- 4.7 Any party may produce additional evidence during the hearing subject to the Board's consent and subject to any adjournment that may be required to give the parties time to consider and respond.
- 4.8 Each party to a hearing shall be entitled to give evidence at the hearing, to make opening and closing statements (either personally or through a representative) and to call witnesses and to question any witness concerning any relevant evidence. Subject to the provisions of this By-law and of the Statute, the Board may regulate its own procedure and shall ensure that the case is heard and determined as expeditiously as is reasonably practicable.
- 4.9 The Board may proceed with the hearing in the absence of any party but shall not do so in the case of the person concerned and/or his representative unless it is satisfied that it is reasonable to do so in all the circumstances of the case or the person concerned agrees or so requests. Provided that the Chairman remains on the Board throughout, no proceedings of the Board shall be invalid because a member has been unable to continue.
- 4.10 The person presenting the case for removal shall specifically draw the attention of the Board to the provisions of the Disability Discrimination Act 1995 and provide the Board with information as to what adjustments have been considered to avoid the removal of the person concerned from his employment, together with information as to cost and effectiveness of the adjustment(s).

- 4.11 At any stage before making its decision the Board may call for additional information including requiring the person concerned to undergo medical examination by a medical practitioner chosen or agreed by the Board, at the College's expense. In the event that the person concerned fails to undergo any medical examination required by the Board, or if the medical evidence is inconclusive, the Board shall exercise its judgement on the basis of the evidence available to it.
- 4.12 The Board's decision shall be recorded in writing and shall contain its findings on the main facts and on the medical evidence available to it, as well as its conclusion as to whether the person concerned should be required to resign on medical grounds. The Board shall specifically record the matters it has taken into consideration in determining whether any reasonable adjustments can be made to enable the person concerned to remain in employment. If the Board concludes that the person concerned should be required to retire on medical grounds it shall clearly so state and, in the case where the person concerned is a member of the USS, confirm that in its opinion he is suffering from permanent ill-health or infirmity.
- 4.13 It is the responsibility of the Board secretary to ensure that the Warden and all the parties to the hearing receive a copy of the decision. The decision document, which shall be signed by the Chairman, shall be sent to the person concerned as well as his representative, except in the case where it is clear that the representative has authority to act in place of the person concerned, or in any other case with the consent of the person concerned.
- 4.14 Upon receipt of the Board's decision, the Warden shall consult the Governing Body prior to making any decision to terminate the employment of the person concerned but in so doing shall, in so far as possible, respect medical confidentiality. He shall arrange for a special meeting of the Governing Body for this purpose and shall keep the person concerned and/or his representative informed as to the process. Provided he acts within 14 days of receiving the decision document, the person concerned shall have the right to make further representations to the Warden at this stage. Prior to making any decision to terminate the employment of the person concerned on medical grounds, and depending on the circumstances of the case, including the length of time taken, the Warden may afford him an opportunity to retire on such grounds in accordance with the rules of the USS where applicable.
- 4.15 In the event that the Board does not determine that the person concerned should be required to retire on medical grounds, for example because it is not satisfied that he is incapacitated on medical grounds, the Warden shall consider the position and, if he so determines, may invoke the Disciplinary Procedure at any stage including requesting the Governing Body to appoint an Academic Disciplinary Committee.
- 4.16 In the event that such a Committee is appointed, it shall proceed in accordance with the procedures established under Part III save that any findings of fact made by the Board shall be binding on the Committee.
- 4.17 No decision as to termination or otherwise implementing the conclusion of the Board shall be implemented until after any appeal has been determined under Part V.

Part V - Appeals

5. Appeals procedure

- 5.1 A Notice of Appeal against any decision under Parts II, III or IV of the Statute must be served on the Warden within 28 days of the decision. The Warden shall bring the fact that an appeal has been made to the attention of the Governing Body and inform the appellant that he has done so. If in all the circumstances of the case the Warden in his discretion considers it appropriate he shall call a special meeting of the Governing Body for the purpose of bringing the appeal to the attention of the Governing Body and in any event will ensure that the appeal is brought to the attention of the Governing Body within 28 days. The Warden shall consider any appropriate action, including suspension, that may be required in relation to the appellant and/or his position in the College pending the outcome of the appeal.
- 5.2 The Governing Body shall appoint a person to hear the appeal in accordance with Clause 29 of the Statute who shall be called the Chairman, and the two further persons in accordance with Clause 29(4) of the Statute who shall sit with the Chairman if the Chairman so decides under Clause 4 of this By-law.
- 5.3 In the event that the notice of appeal is not served in time in accordance with Clause 28 of the Statute, the Chairman shall consider the circumstances of the case including the length and the reason for the delay and the grounds of appeal and shall determine whether justice and fairness require that the appeal shall be permitted to proceed.
- 5.4 The Chairman shall consider whether to sit alone or with two other persons. In the event that he decides to sit with two other persons, they shall be the persons appointed by the Governing Body in accordance with Clause 5.2 above and the body so constituted shall be referred to as the Appeal Body, which term shall also refer to the Chairman in the event that the Chairman sits alone.
- 5.5 The Chairman shall appoint a date, time and place for the hearing and shall make such other directions for the disposal of the case as appear to him appropriate including the joinder of other parties, and any directions that may be required to clarify the grounds of appeal. The Appeal Body shall have power to adjourn the hearing from time to time as it sees fit.
- 5.6 Notice of the date, time and place and any directions made by the Chairman shall be served on all parties to the appeal at least 14 days before the date appointed and the appellant shall be notified of his right at his own expense to be represented by another person who may, but need not, be legally qualified. The appellant and any other party shall also be notified of their right to call witnesses with the consent of the Appeal Body.
- 5.7 Any committee, board or other body shall, if joined as a party to the appeal by the Chairman,¹ appoint one or more persons either from among their number or otherwise, who may, but need not, be legally qualified, to prepare and present the response to the appeal,

¹As it may be, the Governing Body, Academic Disciplinary Committee or Medical Board. Under Clause 26(4) the parties to the appeal are the appellant and the Warden and any other person added as a party at the direction of the Appeal Body.

such response to be served on the Appeal Body, the appellant and any other parties at least seven days before the day appointed for the hearing of the appeal.

- 5.8 Any hearing of the appeal may be adjourned or postponed at the discretion of the Chairman. The Appeal Body may dismiss the appeal for want of prosecution. However no decision to dismiss in such circumstances shall be made without first having provided the appellant with an opportunity to make representations whether orally or in writing.
- 5.9 Except as provided in Clause 8 of this By-law no appeal may be determined without an oral hearing, due notice of which has been served on the appellant and any persons appointed by him to represent him.
- 5.10 Each party to the hearing shall be entitled to make a statement and to address the Appeal Body. Witnesses may be called with the consent of the Appeal Body. Leave to adduce fresh evidence and/or the calling of witnesses examined at first instance shall only be given if the Appeal Body is satisfied that it is necessary or expedient in the interests of justice.
- 5.11 Subject to the provisions of the Statute and of this By-law, the Appeal Body shall determine its own procedure. The Chairman may at his discretion set time limits at each stage of the proceedings to the intent that any appeal shall be heard and determined as expeditiously as is reasonably practicable having regard to the principles of justice and equity.
- 5.12 In accordance with the provisions of Clause 30(3) of the Statute the Appeal Body may allow or dismiss an appeal in whole or in part or remit the appeal in such manner and for such purpose as it sees fit within the provisions of Clause 30(3) of the Statute. In the event that the Appeal Body remits the appeal in accordance with Clause 30(3)(a)–(e) the Chairman may set such time limits for further consideration as he considers appropriate.
- 5.13 The reasoned decision of the Appeal Body, including any decision under Clause 30(3)(a)–(e), shall be recorded in writing and shall be sent to the Warden and to the parties to the appeal.
- 5.14 The Chairman may, by an appropriate certificate in writing, correct any accidental errors and/or any omissions in documents recording the decisions of the Appeal Body.

Part VI - Grievance Procedures

6. Grievance Committee

- 6.1 In any case where the complaint has not been disposed of by the Warden, or where an appeal is made under Clause 13(3) of the Statute, the Warden shall refer the matter to a Grievance Committee (“the Committee”) established in accordance with the provisions of Clause 36 of the Statute. The Committee shall appoint one of its members to act as Chairman. The Warden shall notify the Committee of the nature of the complaint or appeal and shall provide the Committee with copies of any statements or other relevant documents which he considers will assist in the fair disposal of the matter. Any appeal under Clause 13(3) of the Statute shall be in writing and shall specify with sufficient detail the grounds of appeal and any supporting information.

- 6.2 The Warden shall notify the individual concerned that the matter has been referred to the Committee and shall provide the individual concerned with copies of the documents which he has provided to the Committee.
- 6.3 The Committee shall meet as soon as is reasonably practical to consider the matter on a preliminary basis. At this stage, the Committee may appoint someone to act as secretary or clerk to assist in all aspects of the grievance hearing or appeal and the preparatory steps. The Committee may call for written statements from the individual concerned or any other person and may cause such investigations to be conducted as appear appropriate, if necessary by an independent person specifically appointed for the purpose. The Committee shall appoint a time for the matter to be heard and may make such arrangements as it considers fit for the fair and just hearing of the matter. The Committee may appoint its Chairman to act in its stead in all preliminary matters. The Committee shall have power to adjourn the proceedings from time to time as it sees fit.
- 6.4 The matter shall not be disposed of without an oral hearing at which the individual concerned, and any person against whom the grievance or appeal lies, shall be entitled to be heard and to be accompanied by a friend or representative. Save that the hearing may proceed in the absence of the individual concerned or any other party who fails to attend without reasonable cause.
- 6.5 Provided that due regard is had to the interests of justice and fairness, the conduct of the hearing and any associated matters may be determined by the Committee. In particular, the Committee may determine whether and to what extent oral examination of witnesses shall be permitted, whether any evidence may be taken in the absence of the individual concerned (or the person against whom any complaint is made) and whether and what time limits shall be set for the proceedings.
- 6.6 The reasoned decision of the Committee as to whether the complaint or appeal is well-founded shall be notified in writing to the individual concerned and any person against whom any complaint is made, as well as to the Governing Body. In the event that any part of the grievance or appeal is upheld, the Committee shall also notify the Governing Body of its recommendations as to the proper redress for the individual concerned and any other recommendations as it sees fit.
- 6.7 No appeal lies from the decision and/or recommendations of the Committee.

(Made at the 134th Stated Meeting, 8 June 2002)

V. QUORA FOR MEETINGS

The quorum for Governing Body shall be at least one quarter of the members for any business transacted at a Stated or Special Meeting. For Ordinary Meeting the quorum shall be at least twelve members of whom at least ten shall be Official, Professorial or Faculty Fellows.

(Made at the 138th Stated Meeting, 29 November 2003)

VI. TIMING OF MEETINGS FOR ELECTION OF WARDEN

The preliminary meeting of the electoral body (as specified in Statute 3.2.a) shall have the power, in the light of the prevailing circumstances and on the understanding that the meeting for election be not unreasonably delayed, to fix a day, hour, and place for the meeting for election of a Warden. The meeting for election shall take place no sooner than a month after the preliminary meeting, and, unless at least two-thirds of the members present assent, not later than nine months after the office of Warden becoming vacant.

(Made at the 138th Stated Meeting, 29 November 2003)

VII. FELLOWS' REMUNERATION

1. The Governing Body at a Stated Meeting shall appoint a Fellows' Remuneration Review Committee composed of no fewer than three members qualified by experience to give advice on matters of remuneration and conditions of service. All of the members so appointed shall not be employed by the College whilst a member of the Committee.

2. The Remuneration Review Committee shall consider reports and recommendations on Fellows' remuneration and advise Governing Body at a Stated Meeting on changes to the framework or basis of the pay and conditions of the Fellows under College Statute 4.

3. The task of the Committee is to test recommendations against the standards which have been set by Governing Body and these are:

- (a) Procedural. To confirm that the due process has been followed.
- (b) Affordable. To confirm that the Endowment Expenditure Rule for the time being in force allows for planned expenditure.
- (c) Rational and equitable. That the proposals have been framed so as to reasonably achieve their objectives.

(Made at the 155th Stated Meeting, 13 June 2009)

VIII. CONFLICT OF INTEREST POLICY

1. The establishment of links between College members and outside bodies - whether Government departments, commerce, industry, or others - is not only in the public interest but also benefits the College and the individuals concerned. However it is possible that such links may give rise to potential conflicts of interest. The College shall prepare guidelines and rules to help individuals assess whether or not proposed activities could cause a conflict of interest, and to outline the procedure for disclosure of any perceived or potential conflict.

(Made at the 155th Stated Meeting, 13 June 2009)

IX AUDIT COMMITTEE

1. The Governing Body at a Stated Meeting shall appoint an Audit Committee composed of no fewer than five members. Of the members so appointed three persons, the external members, shall not be employed by the College whilst a member of the Committee. The Chairman and Deputy Chairman shall be appointed from among the external members.
2. At least two of the external members shall be qualified by experience to give advice on financial or accounting procedures.
3. The remaining members shall be Governing Body Fellows, who shall not be the Bursar, or Investment Bursars or the holder of any other College officership that, in the view of Governing Body, involves the exercise of executive authority within College.
4. The Committee shall review the effectiveness of the financial and other internal control systems of the college, reporting to Governing Body as necessary, and shall in any case make an annual report to the Stated Meeting of Governing Body in Michaelmas Term.
5. The Chairman of the Audit Committee may receive an honorarium as agreed by Governing Body.

(Made at the 155th Stated Meeting, 13 June 2009)