



At the Court at Buckingham Palace

THE 11th DAY OF FEBRUARY 2009

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

The Governing Body of Pembroke College, Cambridge has made a Statute revising the College Statutes in accordance with the Universities of Oxford and Cambridge Act 1923, and in the form set out in the Schedule to this Order.

The Statute has been submitted to Her Majesty in Council, and the provisions of the Act relating to publication in the London Gazette and laying before both Houses of Parliament have been complied with.

No petition or address has been presented against the Statute.

Therefore, Her Majesty, having taken the Statute into consideration, is pleased, by and with the advice of Her Privy Council, to approve it.

Judith Simpson

SCHEDULE

STATUTES TO ALTER AND AMEND THE STATUTES OF THE COLLEGE OR HALL OF VALENCE MARY (COMMONLY CALLED PEMBROKE COLLEGE) IN THE UNIVERSITY OF CAMBRIDGE WHICH AMENDING STATUTES HAVING BEEN DULY MADE AT A MEETING OF THE GOVERNING BODY OF THE SAID COLLEGE SPECIALLY SUMMONED FOR THIS PURPOSE AND HELD ON THE TWENTY NINTH DAY OF APRIL TWO THOUSAND AND EIGHT (NOTICE OF THE PROPOSED AMENDING STATUTES HAVING BEEN GIVEN TO THE UNIVERSITY OF CAMBRIDGE) AND PASSED AT SUCH MEETING BY THE VOTES OF NOT LESS THAN TWO-THIRDS OF THE NUMBER OF THE PERSONS PRESENT AND VOTING, ARE NOW SUBMITTED FOR THE APPROVAL OF HER MAJESTY THE QUEEN IN COUNCIL.

We, the Master and Fellows of Pembroke College in the University of Cambridge (being the Governing Body thereof) do hereby in pursuance of the powers given to us by the 7th Section of the Universities of Oxford and Cambridge Act 1923, alter and amend the Statutes of our said College in manner following:-

1. By deleting the Statutes of our said College in their entirety, namely, Statutes I to XI inclusive.
2. By substituting therefor new Statutes 1 to 11 inclusive and Appendix A in such manner that the Statutes of our said College shall read as hereinafter set forth and affixed hereto.

STATUTES FOR THE COLLEGE OR HALL OF VALENCE MARY COMMONLY CALLED PEMBROKE COLLEGE IN THE UNIVERSITY OF CAMBRIDGE

STATUTE 1: CONSTITUTION OF THE COLLEGE

S1.1 The Foundation shall consist of the Master, Fellows and Scholars.

S1.2 The Master and, except as provided in S5.3, all the Fellows shall constitute the Society.

O1.2 The Society is composed of the Master and all Fellows, as defined in O5.1(1).

S1.3 The Society may, subject to these Statutes, provide for the admission of other persons as members of the College and terminate the membership of any such person.

O1.3 Regulations shall prescribe the terms under which undergraduate, graduate, and visiting students, as well as other persons may become members of the College.

R1.3(1) Undergraduates, graduates, and visiting students shall become members of the College upon matriculation.

(2) Other persons shall become members of College by vote of the College Meeting.

STATUTE 2: GOVERNMENT OF THE COLLEGE

S2.1 The government of the College shall be vested in the Society, who shall exercise the powers of the College and have control over its affairs.

O2.1 Unless otherwise provided in these Ordinances, the government of the College shall be exercised by the Society in a College Meeting.

S2.2(1) The powers conferred on the Society by these statutes shall be exercised by or under the direction of the Society in College Meeting.

O2.2(1) Except as otherwise provided in these Ordinances, a College Meeting shall be summoned by the Master.

R2.2(1) A College Meeting shall be summoned by sending a notice in writing to every member of the Society.

S2.2(2) A College Meeting shall be held at least once a year other than for the purpose set out in S8.6.

O2.2 (2) A College Meeting shall be held once a year on 9th October (St. Denys's Day) or on a day within a fortnight preceding or following that date.

R2.2 (2) All correspondence relating to College Meetings may be sent to a member of the Society at the College unless they have notified the Treasurer of any other address.

S2.2(3) The principal rules for the calling and conduct of a College Meeting shall be prescribed by Ordinance. Other rules may be laid down in Regulation.

O2.2 (3) Except as provided in S2.2(2) (Annual Meeting) and S8.6 (Audit Meeting), a College Meeting shall be summoned whenever the Master thinks fit.

R2.2 (3) A College Meeting may decide that members of the Society may vote on a specified issue at a subsequent College Meeting by means of a postal vote, notwithstanding that a serious reason causes them to be absent for that Meeting. The papers and other materials relating to that issue shall be made available to all members of the Society at least 7 days before the Meeting and those submitting a postal ballot must certify that they have read those papers when they submit their postal vote. The postal vote may be submitted by post or electronically to reach the person presiding at that Meeting no later than 24 hours before the Meeting begins. The number of postal voters shall be included to determine the quorum for the purposes of O2.2(6).

- O2.2(4) Not less than seven clear days' notice shall be given of any College Meeting at which the business is to include
- (a) any consideration or decision under S3.1(4) (election of the Visitor), S4.2 (election of the Master), or the election of Fellows or College officers, or the exercise of powers under Appendix A; or
 - (b) the approval of audited accounts under S8.6(3); or
 - (c) the making or amendment of an Ordinance.

R2.2 (4) Unless otherwise provided in Statutes or Ordinances, any matter for decision at a College Meeting shall be determined in accordance with the votes of a majority of those present and voting. In the event of equality, the person presiding shall have a second vote.

O2.2(5) Where three Members of the Society so request in writing, the Master and any other person having power to do so shall summon a College Meeting. If no such meeting is summoned within seven days, any three Members of the Society may summon the meeting.

- R2.2 (5) A member of the Society shall not be present at a College Meeting or a meeting of a committee during the consideration of or decision on any proposal
- (a) for their continuance in or removal from the Mastership;
 - (b) for their continuance in or removal from a Fellowship;
 - (c) for granting them of leave of absence;
 - (d) for their appointment or re-appointment to, or removal from, a College office; or
 - (e) for any matter in which they have a material interest which conflicts with the interests of the College.

O2.2(6) The quorum at a College Meeting shall be one half of all the Members of the Society (i.e. the quorum does not include the student representatives). For the purpose of determining a quorum at a College Meeting those Fellows on agreed leave (agreed with the Society or by the Master on behalf of the Society prior to that College Meeting) and those who have recused themselves because of a conflict of interest shall not be included.

- R2.2 (6)(a) On election or re-election, Fellows shall register their material interests with the Bursar who shall record that information in a register.
- (b) Fellows shall notify the Bursar of any new material interest that occurs during their membership of the Society.

(c) Fellows shall declare interests which are relevant as and when they come up in the business of a College Meeting or a committee. The person chairing the meeting shall decide whether any Fellow declaring an interest should withdraw during the discussion of that item of business.

O2.2(7) The Master shall preside at College Meetings. If the Master is absent, the President or, in their absence, the Senior Fellow present shall preside.

R2.2 (7) A College Meeting may be adjourned from time to time.

O2.2(8) The conduct of College Meetings shall be prescribed in Regulations. Those Regulations shall include rules on conflicts of interest affecting members of the College Meeting.

R2.2(8) Minutes shall be kept of each College Meeting and shall be approved as a record at a subsequent meeting.

O2.2(9) Minutes shall be kept of proceedings at College Meetings.

S2.3 The Society shall have power to make Ordinances as required by these Statutes. Ordinances shall be passed by a majority of those present and voting at a College Meeting called for the purpose, comprising over half the members of the Society.

S2.4 The Society shall have power to make Regulations for the day-to-day government of the College. Regulations shall be passed by a majority of those present and voting at a College Meeting, comprising at least one-third of the members of the Society. Ordinances shall prescribe the procedure for making Regulations.

- O2.4(1) Ordinances shall set out the basic rules governing the business of the College.
- (2) Regulations shall set out the day-to-day running of the College. Regulations shall be made by a majority of those present and voting at a College Meeting; those in favour should comprise at least one third of the Members of the Society.

S2.5 The Society in College Meeting may create committees and determine their membership, competence and powers. It may delegate to any committee or officer any power other than

- a. the election, continuance in office or removal of the Master or of the Visitor;**
- b. the creation, suspension or removal of any category of Fellow;**
- c. the making of Ordinances and Regulations; and**
- d. the receipt and approval of audited accounts.**

Such delegation may include the power to decide to sell or to purchase property.

O2.5(1) Any decision to delegate powers under S2.5 shall specify the person(s) to whom the powers are delegated, the scope of the delegation, the time period within which the delegation may be exercised, and the duties to report the exercise of such powers to the Society.

(2) The remit and composition of the Committees reporting to the College Meeting shall be as follows:

(a) The Fellowship Committee shall consider and make recommendations on the appointment, re-appointment, tenure, conditions and other contractual issues of any post including the word Fellow in its title. It shall be responsible for the appraisal of College teaching officers. Its members shall be the Master (as chair), the Senior Tutor and six Fellows each elected by the College Meeting for a period of three years.

(b) The Finance and Scrutiny Committee shall recommend budgets and accounts to the Society. It shall review the management of all the College's non-academic affairs including compliance, funds, investments and properties. Its members shall be the Master, the Finance Secretary (as chair), the Bursar, the Senior Tutor, the Development Director, the Director of International Programmes and six Fellows each elected by the College Meeting for a period of three years.

(c) The Investments Committee shall review the management and performance of the College's investments. Its members shall be the Master (as chair), the Bursar, the Finance Secretary, the Development Director and three Fellows each elected by the College Meeting for a period of three years. Members and non-Members of the Society may be co-opted.

(d) The Stipends Committee shall review the stipends and emoluments of College officers and Fellows performing services for the College, and other ad hoc matters as referred to it. Its members shall be the Bursar (recusing if conflicted) and two Fellows or Emeritus Fellows not receiving a stipend from the College each elected by the College Meeting for a period of three years.

(e) The Development Committee shall support and review the activities of the Development Office. Its members shall be the Master, the Bursar, the Development Director and three Fellows each elected by the College Meeting for a period of three years. Members and non-Members of the Society may be co-opted.

(f) The Buildings Committee shall review the maintenance, furnishings and development of the College buildings and the management of the College site. Its members shall be the Bursar, the Senior Tutor, a

student representative, the Rooms Tutor and three Fellows each elected by the College Meeting for a period of three years. The Master is invited to attend.

- (g) The Research Committee shall have an overview of research activity in College, including Fellows' research funds, shortlisting for Research Fellowships, proposals for the appointment of Postdoctoral Research Associates, and the promotion of the College's research profile. Its members shall be the Master (as chair), the Senior Tutor and four Fellows each elected by the College Meeting for a period of three years, including a Professorial Fellow and a Research Fellow.
- (h) The Planning Committee shall make recommendations to the College Meeting about the future of the College. These recommendations shall cover revisions to the Statutes, Ordinances or Regulations, and strategic developments in relation to teaching, research and the development of the College's estate. Its members shall be the Master (as chair), the President, the Senior Tutor, the Finance Secretary, the Bursar, the Dean, the Development Director, the Tutor for Graduate Affairs, the Directors of Admissions (or Tutor or Tutors for Admissions), the Director of International Programmes and six Fellows each elected by the College Meeting for a period of three years.
- (i) The Consultative Committee shall consider matters of common interest to the junior and senior members of the College and report to the College Meeting. Its members shall be the Senior Tutor, the Bursar, the Tutor for Graduate Affairs and the Dean, and the members of the Graduate Parlour and Junior Parlour committees.
- (j) The Teaching Committee shall review the arrangements for the tuition of students of the College and shall monitor their progress. It shall propose the appointment and conditions of appointment of Academic Associates. Its members shall be the Senior Tutor, a Tutor for Admissions, and six other Fellows (one of whom as Chair), who shall normally be Directors of Studies, each elected by the College Meeting for a period of three years. The Bursar is invited to attend.
- (k) The Parlour Committee shall supervise the domestic arrangements for the social functions of the Society and for Fellows. Its members shall be the Steward, the Bursar and six Fellows each elected by the College Meeting for a period of three years. The Master is invited to attend.
- (l) The Nominations Committee shall make recommendations to the College Meeting about the membership of College committees. Its members shall be the Master, the Senior Tutor, the Dean (as secretary) and six Fellows each elected by the College Meeting for a period of three years.
- (m) The International Programmes Committee shall review the management and policy for the international programmes of the College. Its members shall be the Master, the Director of International Programmes, the Bursar, the Senior Tutor and four Fellows each elected by the College Meeting for a period of three years.
- (n) The Student Finance Committee shall oversee all matters concerning student funding support from the College at both undergraduate and graduate level. Its members shall be the Senior Tutor, the Tutorial Bursar, the Finance Secretary, the Tutor for Graduate Affairs, the Development Director and two Fellows each elected by the College Meeting for a

period of three years. At least one of the elected Fellows shall be a tutor or graduate tutor.

- (o) A Grievance Panel shall exercise the functions set out in SA22(6) of Appendix A of the Statutes. The eligible members shall be the elected members of the Planning and Fellowship Committees. The panel for each case shall be composed of three of these eligible members who have had no prior dealing with the case and shall be nominated in accordance with SA4 of Appendix A of the Statutes.
- (p) A Disciplinary Panel shall exercise the powers set out in SA10(b) of Appendix A of the Statutes and OA21(2) and OA21(3). The eligible members of the panel shall be the elected members of the Planning and Fellowship Committees. The panel for each case shall be composed of three of these eligible members who have had no prior dealing with the case and shall be nominated in accordance with SA4 of Appendix A of the Statutes.
- (q) An Appeal Panel shall exercise powers under OA8, OA12, OA19.4, OA20.4 or OA21(4). The eligible members of the panel shall be the elected members of the Planning Committee, Fellowship Committee and Finance and Scrutiny Committee. The panel for each case shall be composed of three of these eligible members who have had no prior dealing with the case and shall be nominated in accordance with SA4 of Appendix A of the Statutes.
- (r) The College Proctor's Prevent and Freedom of Speech Panel shall review the policies and decisions of the College Proctor and shall hear appeals against decisions of the College Proctor. Its members shall be the Senior Tutor, a Tutor, a Fellow who is not a Tutor, the Registrar, two junior members and the Head Porter or their representative. The College Proctor shall attend this Panel except when it is hearing appeals against decisions of the College Proctor.
- (s) The Student Disciplinary Panel shall have authority to direct that measures be taken as a consequence of major breaches of discipline by junior members. Its composition shall be in accordance with disciplinary procedures for junior members of the College that have been agreed by the Society.

S2.6 Ordinances may provide for attendance by and voting rights for student representatives at the College Meeting. Ordinances shall prescribe the voting rights of such representatives and the reserved business, if any, of the College Meeting for which the student representatives either may not be present or may not vote.

O2.6

- (1) The student members of the College Meeting shall be four resident members of the College *in statu pupillari*, two of whom shall be elected by the Junior Parlour Committee and two by the Graduate Parlour Committee.
- (2) Student members who cease to be resident members of the College *in statu pupillari* shall automatically vacate their membership of the College Meeting.
- (3) The student members shall be entitled to vote on all matters at the College Meeting except for items designated as 'reserved business' in O2.6(4) below. Student members shall not be present during the discussion of, or record any vote in relation to, such reserved business.
- (4) Reserved business shall include any financial, personal or academic matter relating to any individual (e.g. the Visitor, the Master, a Fellow, or staff or student member of the College), including any matters arising under Appendix A of the Statutes, and such further business as the Master shall from time to time declare to be reserved. The declaration of the Master that a matter is reserved shall be final.

S2.7 The Common Seal of the College shall not be affixed except in pursuance of an order of the Society. A delegation under S2.5 to affix the Common Seal must specify the transactions in relation to which the delegation applies. The Society shall prescribe by Ordinance the signatories required for an instrument to which the Seal is affixed.

O2.7 Every instrument to which the Seal is affixed shall be signed by at least three persons, namely by the Master or President, by the Treasurer or the Bursar or Finance Secretary, and by one other Member of the Society.

STATUTE 3: THE VISITOR

S3.1(1) The Visitor shall have the duty to safeguard the proper governance of the College.

S3.1(2) He or she shall make a final determination concerning any question as to the interpretation of Statutes and Ordinances.

S3.1(3) The Visitor shall exercise his or her jurisdiction when invited to do so by the Master or by three members of the Society.

S3.1(4) The Visitor shall be elected by a majority of all the members of the Society convened for the purpose. The procedure for electing the Visitor shall be prescribed by Ordinance.

S3.1(5) The Visitor shall hold office for a period of ten years and shall be eligible for renewal.

O3.1(1) The Visitor shall safeguard the proper governance of the College. Where the Visitor is invited to exercise their jurisdiction by three of the Fellows, it shall be the duty of the President to determine whether the requisite number has been met and to communicate with the Visitor on behalf of the Fellows.

O3.1(2) The Visitor shall be elected by the Society. The election shall require a majority of all the Members of the Society and the agreement of the Master.

O3.1(3) Any College Meeting for the purposes of electing the Visitor shall be called by the Master.

O3.1(4) If no person has been elected to fill a vacancy in the Visitorship at the expiration of six months from the occurrence of a vacancy, the power of electing a person to fill the vacancy shall devolve on the Chancellor of the University.

O3.1(5) The Society shall elect the Visitor from amongst the members of the Supreme Court of the United Kingdom.

S3.2 The Visitor shall cease to hold office either by resignation or by decision of the University Commissary that she or he is no longer capable of performing the duties of the office.

O3.2

- (1) A person shall not cease to be Visitor by reason only of the fact that they have ceased to occupy an eligible public office.
- (2) A request to the University Commissary to exercise the powers specified in S3.2 shall only be made after a vote of a College Meeting.

- S3.3(1) 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 academic staff to whom Appendix A applies which concerns the member's appointment or employment or the termination of that appointment or employment; or**
 - b. to disallow or annul any Regulations of the Society made under or having effect for the purpose of Appendix A.**
- (2) The jurisdiction of the Visitor in relation to student matters shall respect the restrictions set out in s.20 of the Higher Education Act 2004.**

STATUTE 4: THE MASTER

S4.1 The Master shall have general authority over the Fellows, Scholars and other members of the College.

O4.1(1) The Master shall exercise their general authority over Fellows, Scholars and other members of College in the best interests of the College.

(2) The Master shall deal with any major breach of discipline by a student member of the College according to the procedures laid down for this purpose in Regulations.

R4.1(1)(a) If the Master is satisfied that there is a *prima facie* case of a major breach of discipline by a student, they shall convene a Student Disciplinary Panel.

(b) The Student Disciplinary Panel shall receive such evidence as it considers necessary from the Senior Tutor and others. The student accused of a major breach of discipline shall have the right to make oral and written submissions and to be accompanied by a person of their choosing.

(c) Where the Panel decides that measures should be taken with respect to the student, these decisions shall be taken in accordance with disciplinary procedures for junior members of the College that have been agreed by the Society.

S4.2 The Master shall be elected by a majority of all the members of the Society convened for the purpose. The Society may elect a person to the Mastership provided that this shall take effect no more than one year after the date of the election.

S4.3 The procedure for electing and admitting the Master shall be prescribed by Ordinance.

- O4.3(1) Any College Meeting for the purpose of electing the Master shall be summoned by the President; and the current Master, if any, shall not count as a Member of the Society.
- (2) At an election, Fellows may vote for themselves.
 - (3) If no person has been elected to fill a vacancy in the Mastership at the expiration of six months from the occurrence of the vacancy, the power of electing a person to fill the vacancy shall devolve on the Chancellor of the University. In calculating the period mentioned in this subsection, any time falling outside University terms shall be left out of account.
 - (4) A Master-elect shall be admitted to the Mastership by the Senior Fellow and shall before the admission make the following declaration:
'Officium custodis pro meo tempore fideliter geram: ordinationes hujus domus illaestas, quantum in me est, observabo; earundem etiam, quantum potero, fidelem et diligentem faciam executionem.'
The Senior Fellow shall admit the Master-elect in the following words:
'Ego nomine meo et omnium sociorum admitto te in custodem ex fundatione dominae.'

S4.4 Subject to Appendix A, the terms and conditions for the tenure of the Mastership shall be prescribed by Ordinance. The stipends and other emoluments of the Master shall be prescribed by Regulation.

- O4.4(1) The Master shall reside in College for at least 210 days in each year, including at least two-thirds of each term, but the Society may relax these requirements.
- (2) Upon application by the Master, the Society may also grant them leave of absence for such period and on such terms as it may determine.
- (3) The Master shall be entitled to such stipend and allowances as the Society may from time to time determine.
- (4) The Master shall serve for such period as is determined by the College Meeting at the time of their election. The normal retirement date for the Master shall be 31 July next after attaining the age of 67 years. Nevertheless, by a two-thirds majority of all its Members, the Society may continue in office the Master for a period ending no later than 31 July next after they attain the age of 75 years. A College Meeting held for this purpose shall be summoned by the President.
- R4.4(1) The Master shall be entitled to occupy the Master's Lodge free of rent and associated taxes or charges.
- (2) The decision of the Society to continue the Master beyond the normal retirement age shall normally be taken no earlier than twelve nor later than six months before the Master is due to retire. A decision to extend the Master's term of office beyond the normal retirement age may be taken at the time of their election. Any extension of the office beyond the normal retirement age shall be for no more than three years in each instance. In any case, the Master may not be continued beyond the 31 July next following their 75th birthday.

S4.5(1) The President shall act on behalf of the Master if the Master is absent or incapacitated. In such circumstances, the President shall have all the powers of the Master set out in S4.1. Other powers and functions may be conferred on the President by Ordinance.

(2) The procedures for appointing the President shall be laid down in Ordinance. Subject to Appendix A, the tenure of the office of President and its termination shall be prescribed by Ordinance.

O4.5(1) With the concurrence of the Society, the Master shall appoint one of its Members to be the President and to act on behalf of the Master if the Master is absent or incapacitated.

(2) Where the Master is incapacitated and a vacancy occurs in the office of President, the Society shall appoint a President at a meeting called specially for the purpose by the Senior Fellow.

(3) The President shall hold office for the period stipulated by the Society. They shall cease to hold office six months after the admission of a new Master, unless they have been re-appointed in accordance with the procedure set out in paragraph (1) above. They shall cease to hold office on resignation or on ceasing to be a Member of the Society.

(4) The President shall have power to act in the place of the Master during a vacancy in the Mastership.

(5) In the absence or incapacity of the President or during a vacancy in the Presidency, the functions of the President shall be exercised by the Senior Fellow.

STATUTE 5: THE FELLOWS

S5.1 The classes of Fellowship carrying membership of the Society shall be prescribed by Ordinance.

O5.1(1) There shall be the following classes of Fellowship carrying Membership of the Society:

- (a) Official Fellowships
- (b) Research Fellowships
- (c) Professorial Fellowships
- (d) Supernumerary Fellowships

(2) Whether any Fellowship is stipendiary or not shall be determined on the election or re-election into the Fellowship.

R5.1 One Research Fellowship shall be known as the Stokes Fellowship and shall be reserved for a person undertaking a plan of research in any branch of mathematics or of the physical sciences, pure or applied, in engineering or in any cognate subject such as the study of physical laws in relation to living matter.

S5.2 Subject to Appendix A, the procedures for the election, tenure, and termination of Fellowships shall be prescribed by Ordinance. The stipends and other emoluments of each category of Fellow shall be prescribed by Regulation. In furtherance of the College's purposes, Fellows shall be entitled to dine daily free of charge at common table.

- O5.2(1)(a) Elections and re-elections into Fellowships shall be by the Society and require a majority of all its Members, except that, in the event of equality, the person presiding shall have a second vote.
- (b) Regulations shall provide for the procedures for election, re-election and resignation of Fellows and their seniority.
- (c) A Fellow-elect shall be admitted to their Fellowship by the Master and shall before admission make the following declaration in the presence of the Society:
'Summam fidelitatem erga collegium praestabo: statuta, privilegia, consuetudines, libertates et ordinationes dictae domus jam facta et futuris temporibus legitime facienda observabo: nec procurabo malum domui aut sociis.'
The Master shall admit the Fellow-elect in the following words:
'Ego nomine meo et omnium sociorum admitto te in socium (*vel* sociam) ex fundatione dominae.'
- (d) The Society may annul an election if the Fellow-elect does not come for admission within such time as it considers reasonable or retains the headship or a Fellowship of any other College in any University.
- (2)(a) The period of tenure of a Fellowship shall run from the date of admission.
- (b) A Fellowship shall be vacated by admission to the Mastership, or, unless the Society otherwise determines, to the headship or fellowship of any other College in any University.
- (c) Regulations may set out the duties of any class of Fellow carrying Membership of the Society.
- (d) Regulations may set out the stipends and emoluments associated with any class of Fellowship.
- (e) The normal retirement date for a Fellow shall be the end of the academical year in which they attain the age of 67 years. Regulations may establish procedures by which the Society considers an application by a Fellow to continue in post beyond retirement. A Fellow so continued retains their Fellowship.
- (3) Appendix A of the Statutes shall govern the discipline, grievances and dismissal of Official Fellows, Research Fellows, Supernumerary Fellows and Professorial Fellows, who shall be treated as 'academic staff' as defined in SA1(2).
- (4)(a) The tenure of an Official Fellowship shall be conditional on the holding of a qualifying office specified by the Society, which shall be either a College office or a University office. The Society may from time to time redesignate a different qualifying office from the one previously specified.
- (b) An Official Fellowship shall be tenable for six years, but may be renewed by re-election for further periods not exceeding six years at a time. In the case of a person holding the office of Senior Tutor, Dean, Treasurer or Bursar, the tenure of an Official Fellowship shall not expire so long as they hold that office.
- (5)(a) The Society may elect into a Research Fellowship any person undertaking a plan of research approved by the Society.

- (b) A Research Fellowship shall be tenable for three years and may be renewed by re-election for further periods, but no Research Fellowship shall be tenable for more than six years in all unless the Society in any case for special reasons otherwise determines.
- (6)(a) The tenure of a Professorial Fellowship shall be conditional on the holding of an office qualifying the holder under University Statutes for a Professorial Fellowship.
- (b) The Society shall comply with University Statutes relating to the election of Professorial Fellows.
- (7)(a) The Society may elect into a Supernumerary Fellowship any person it thinks fit. A person so elected shall be treated as 'academic staff' as defined in SA1(2).
- (b) A Supernumerary Fellowship shall be tenable for a period not exceeding six years, but may be renewed by re-election for further periods not exceeding six years at a time.
- (c) When electing or re-electing a person into a Supernumerary Fellowship, the Society may attach such conditions to the tenure of their Fellowship as it thinks fit.
- (d) Regulations may set out the stipends and emoluments associated with a Supernumerary Fellowship.

- R5.2(1) An election to a Fellowship shall be made so as to take effect on a date not more than one year after the date of the election.
- (2)(a) Re-election into a Fellowship shall not take place more than one year before or more than three months after the expiration of the Fellowship previously held.
 - (b) A person who is re-elected into a Fellowship shall retain their seniority and privileges and need not be re-admitted.
 - (3) On the election of a Fellow who has previously held a Fellowship in the College, the Society may accord them such seniority as it thinks fit.
 - (4) (a) In pursuit of the College's educational purposes, the Society shall determine the stipends and other benefits to which Fellows are entitled.
 - (b) The holders of stipendiary Fellowships shall be entitled to such stipends as the Society may from time to time determine.
 - (c) A Fellow intending bona fide to reside in College shall, on the occurrence of a vacancy, be entitled to rooms in College for their own occupation free of rent. The choice of rooms shall be according to seniority.
 - (5) On their application, the Society may grant leave of absence to a Fellow for such period and on such terms as it may determine.
 - (6) No later than nine months before their normal retirement date, a Fellow may write to the Master requesting to continue beyond retirement for a period not exceeding three years. The Master shall refer the request to the Fellowship Committee which shall make a recommendation about the request to the College Meeting.

S5.3 The Society may make Ordinances to create categories of Fellowship or honorary status that do not carry membership of the Society and are not Fellowships for the purposes of section 7 (2) (as amended) of the Oxford and Cambridge Act 1923. Within these categories of Fellowship or honorary status, the Society shall make Ordinances for Emeritus, Honorary and Bye-Fellowships. Any privileges and emoluments of such Fellows may be prescribed in Regulations.

O5.3

- (1) The Society may by a two-thirds majority of all its Members elect Honorary Fellows and terminate the tenure of Honorary Fellowships.
- (2)(a) A Fellow who retires from their Fellowship after continuously holding a Fellowship for at least ten years shall become an Emeritus Fellow. The Society may by a two-thirds majority of its Members of the Society elect as an Emeritus Fellow any other person who has been a Member of the Society.
- (b) Upon ceasing to hold office, the Master shall become an Emeritus Fellow, unless they were previously an Honorary Fellow, in which case they revert to that status automatically.
- (c) By a two-thirds majority of all its Members, the Society may terminate the tenure of any Emeritus Fellowship.
- (3) (a) The Society shall have the power to elect by a majority of all its Members a person to other positions with 'Fellow' in their title as it sees fit, such as Bye-Fellow, Foundress Fellow, Fellow-Commoner and so on.
- (b) Bye-Fellows shall be elected and re-elected for periods of up to three years. They shall be elected only if they fulfil one or more of the following three criteria:
 - (i) They are a member of staff who represents the College in the University or beyond, who carries significant delegated responsibility, who is making a sustained contribution to the life and success of the College, and for whom the opportunity to engage actively and regularly with Fellows is central to that contribution.
 - (ii) They are a senior University Officer with a commitment to offer expertise to the College and engagement with Members of the Society.
 - (iii) They are filling a critical teaching need, with a significant contribution or significant eminence, in a discipline where College teaching provision would otherwise be at risk; or they are taking on a role on an acting basis which would normally be reserved for a Fellow.
- (4) The Society may elect the nominee of a corporate partner or any other person engaged in the corporate partnership programme as a William Pitt Fellow. The Society may also elect former William Pitt Fellows to the status of Associate William Pitt Fellow. Regulations shall prescribe the tenure and rights associated with these positions.

R5.3(1) Emeritus and Honorary Fellows, Bye-Fellows, Fellow Commoners and William Pitt Fellows shall be entitled to dine at Common Table free of charge.

- (2) Bye-Fellows who have served as a teaching Bye-Fellow may apply to the Society for leave of absence. The Society may grant leave of absence to a Bye-Fellow for such period and on such terms as it may determine.

STATUTE 6: COLLEGE OFFICERS

S6.1(1) The Society shall create by Ordinance such College offices as it considers necessary from time to time.

(2) College offices established by Ordinance shall include

- (a) the Senior Tutor,**
- (b) the Dean, who shall be in priest's orders that are recognised and accepted by the Church of England,**
- (c) the Treasurer,**
- (d) the Bursar,**
- (e) the Praelector, and**
- (f) the Fellow Librarian.**

(3) Ordinances shall define the properties, powers and functions of each office.

O6.1(1)(a) The holders of the offices mentioned in paragraphs (2) to (15) of this Ordinance shall be the College officers. The duties of those offices shall include those set out in paragraphs (2) to (15), but may include other duties determined by the Society from time to time.

(b) With the exception of Directors of Studies, Assistant Directors of Studies and the Chaplain, all College officers shall be appointed from among the Members of the Society.

(c) A Fellow may hold two or more offices at the same time.

(2) The Senior Tutor shall have responsibility for the educational provision in the College. This responsibility shall include student discipline on academic matters other than those mentioned in O4.1(2) above (major breach of discipline).

(3) The Society shall appoint as many Tutors, College Lecturers, Directors of Studies and Assistant Directors of Studies as it determines from time to time. Together with the Senior Tutor, the Directors of Admissions, the Tutors for Admissions and the Tutor for Graduate Affairs, these officers shall be the educational staff of the College.

(4) The Directors of Admissions or Tutor or Tutors for Admissions shall be responsible for overseeing the arrangements for the admission of students to the College.

(5) The Tutor for Graduate Affairs shall exercise oversight over the arrangements for the education and support for graduate students of the College.

(6) The Dean shall have control over the Chapel, Divine Service (which shall be according to the liturgy of the Church of England) and religious instruction. The Dean shall be in priest's orders that are recognised and accepted by the Church of England. The Society may from time to time appoint a Chaplain to assist the Dean.

(7) The Bursar shall be responsible for managing the non-academic operations of the College, and the financial affairs of the College and the employment of its non-academic staff.

(8) The Finance Secretary shall be responsible for overseeing the scrutiny of the College accounts and of other College financial arrangements and reporting on these to the College Meeting.

(9) The Treasurer shall be responsible for management of the investments and investment properties of the College.

(10) The Development Director shall be responsible for encouraging gifts and endowments to the College and for relations with alumni.

- (11) The Director of International Programmes shall be responsible for managing the programmes for non-matriculated students and Semester students in the College.
- (12) The Praelector shall be responsible for matriculating members of the College and presenting them for degrees.
- (13) The Fellow Librarian shall be responsible for the management of the Library Collection.
- (14) The Steward shall be responsible for the domestic arrangements of the Society.
- (15) The College Proctor shall be responsible for all matters concerning the discipline of junior members of the College, excluding academic matters.

- R6.1(1) The College Proctor shall have power to determine the appropriate measures to be taken for all non-academic disciplinary matters concerning a student member of the College, except for major breaches of discipline.
- (2) The measures that the College Proctor may take shall be in accordance with disciplinary procedures for junior members of the College that have been agreed by the Society.
 - (3) A student with respect to whom measures have been taken under (2) may appeal within 10 working days to the Senior Tutor, who shall refer the matter to the College Proctor's Prevent and Freedom of Speech Panel. That Panel shall hear the appeal and shall have the same powers as the College Proctor to determine appropriate measures to be taken.
 - (4) In the case of a major breach of discipline, the Senior Tutor shall prepare such information as the Master requires for the exercise of their powers under O4.1(2).

S6.2 Subject to Appendix A, Ordinances shall prescribe the tenure of each College office.

- O6.2(1) Apart from the Senior Tutor, the initial appointment to all College offices shall be made by a majority of all the Members of the Society in a College Meeting.
- (2) The initial appointment of the Senior Tutor shall be made by the Society, on the recommendation of the Master, following an interview process involving a range of Fellows.
 - (3) Unless the Society otherwise directs, appointments and reappointments to any College office (including that of the Senior Tutor) shall be made by a majority of all the Members of the Society in a College Meeting for a period of six years and thereafter for further periods not exceeding six years.
 - (4) The normal retirement date for a College officer shall be the end of the academical year in which they attain the age of 67 years.
 - (5) Unless their office can be held without being a Member of the Society, a College officer shall cease to hold their office on ceasing to be a Member of the Society.
 - (6) A College officer may resign at any time by notice in writing to the Master.
 - (7)
 - (a) The dismissal of any person holding a College office designated by the Society as one to which Appendix A applies shall be governed by the rules and procedures laid down therein.
 - (b) In other cases, the Society may by a two-thirds majority of all its Members remove a College officer from their office.

- R6.2(1) An appointment to a College office may be made so as to take effect on a date not more than one year after the date on which the appointment is made; and a person shall not be re-appointed to an office more than one year before the date on which their term of office would otherwise expire.
- (2) A College officer may apply to the Master to continue in their office beyond the normal retirement age. The procedure for deciding on such a request shall be the same as that set out in R5.2(6).

S6.3 The stipends and emoluments of each Office shall be determined by Regulation.

R6.3(1) A College officer shall be entitled to such stipends and emoluments as the Society shall from time to time determine.

(2) On their application, the Society may grant leave of absence to a College officer for such period and on such terms as it may determine.

STATUTE 7: SCHOLARSHIPS AND STUDENTSHIPS

S7.1 The Society shall determine the classes of Scholarship and Studentship by Ordinance.

O7.1(1) The classes of Scholarship and Studentship shall be:

- (a) Organ Scholar
- (b) College Scholar and exhibitioner
- (c) Foundation Scholar
- (d) Graduate Scholar

(2) The reference to Scholars in S1.1 shall apply to all holders of the above awards.

S7.2 The procedures for appointment, the tenure and the emoluments of any Scholarship or Studentship shall be prescribed by Regulation; the procedures for their removal shall be provided for in Ordinance.

O7.2(1) The Society may promote an exhibitioner to be a Scholar or deprive a Scholar or exhibitioner of their award.

(2) The Society shall give any person whom it is proposed to deprive of an award the right to a hearing and to be accompanied by a person of their choosing.

R7.2(1)(a) Foundation scholarships may be awarded to undergraduate members of the College and shall be tenable for one year only.

(b) College scholarships may be awarded to undergraduate members of the College at the end of the first year of residence and shall be tenable for one year only.

(c) Graduate scholarships may be awarded to students joining the College in order to undertake study for postgraduate degrees. Such scholarships may be awarded for one or more years not extending beyond the date on which the student ceases to be in residence.

(d) The holders of a scholarship, exhibition or studentship shall be entitled to receive such emoluments as the Society may from time to time determine.

(e) Undergraduate scholars shall be entitled, on the occurrence of a vacancy, to rooms in College but shall pay rent.

(2) When it is proposed to deprive a Scholar or exhibitioner of their award, the Senior Tutor shall inform the person affected at least ten working days before the meeting of the Society. The Senior Tutor shall set out in writing the reasons justifying the removal of the award and informing the person affected of their right to make representations orally or in writing to the Society and to be accompanied by a person of their choosing.

STATUTE 8: FINANCIAL PROVISIONS

S8.1

- (1) The Society shall have power to purchase, retain, sell or transfer property, real or personal, and securities, which term includes financial instruments of any description, on behalf of the College; and it may also apply monies to any purpose to which capital monies arising under the Universities and College Estates Acts 1925 and 1964, may be applied.**
- (2) The powers listed in (1) above may be exercised in relation either to trusts of which the College is sole trustee, or to a trust created more than 60 years before this provision comes into force. They do not apply to any trust included in a scheme under the Universities and Colleges (Trusts) Act 1943 or to any trust created after the coming into force of the 1990 statutes.**
- (3) In furtherance of the College's purposes the Society shall have power to borrow or raise money in any manner; and to secure, guarantee, or in any other way support the payment or repayment of moneys.**
- (4) In furtherance of the College's purposes the Society shall have power to carry on any business which the College is authorized to carry on by means of, or through the agency of any body corporate or incorporate.**
- (5) The powers listed in this section are subject to any restrictions and obligations imposed on the College by law.**

O8 Property and accounts

O8.1 Decisions on the investment of Restricted Funds shall be managed in the same manner as the College's other endowment investments.

S8.2 The College may accept endowments or other gifts, for any purpose in furtherance of the interests of the College as a place of education, religion, learning, and research. Regulations may be made to give effect to the wishes or suggestions of donors recorded in writing regarding the application of such endowments or gifts.

O8.2 Endowments and gifts may be accepted on behalf of the Society by the Development Director. Acceptance of any conditions on endowments or gifts requires the prior approval of the Society in a College Meeting.

S8.3 The College shall have the power to apply the surplus income of endowments as specified in Ordinances.

O8.3

- (1) The College shall maintain a list of Restricted Funds, which shall be approved at each Audit Meeting. The list shall identify those funds whose purposes are for the support of students, those that are for the support of Fellows, and those that are for the support of other staff.
- (2) The surplus income from any Restricted Fund may be applied by the College for such purposes as the Society may decide by resolution at an Audit Meeting. In the case of funds whose purposes are listed as being for the support of students or Fellows, the Society shall apply any surplus for those same purposes.
- (3) In this Ordinance, 'surplus income', in relation to any endowment, means income which in any year is unexpended after the purposes of the endowment, as defined in the list mentioned in O8.3(1) above, have been fully provided for in that year. The Treasurer shall ensure that, so far as possible, the capital value of any permanent Restricted Fund is maintained.

S8.4 The College shall pay annually to the University the sum authorised to be levied from the College under University Statutes.

S8.5 The College may create and continue such funds as are prescribed in Ordinances.

S8.6

- (1) The College accounts relating to funds administered either for general purposes or in trust or otherwise shall be prepared annually for an accounting year ending on such date as the Society may determine, subject to University Statutes.**
- (2) The College accounts shall be audited annually by an accountant (not being a member of the Society) appointed by the Society.**
- (3) The audited accounts shall be presented to the approval of the Society at a College Meeting (known as the “Audit Meeting”) to be held no later than six months from the end of the accounting year.**

O8.6

- (1) The College Financial Year shall end on 30 June.**
- (2) The Audit Meeting shall be held in Michaelmas Term. A Member of the Society shall not without leave of the Society be absent from the Audit Meeting.**

S8.7 The College shall send to the designated officer of the University in such form and at such time as may be prescribed by University Statutes an abstract of the College accounts together with a certificate of audit.

S8.8 The College shall have power to make provision for the pensions of its employees, including the Master and Fellows. The Society shall make Regulations for participation in and administration of pension schemes and other superannuation arrangements.

R8.8(1) The College shall participate in the Universities Superannuation Scheme.

(2) Any terms and conditions of the employment of academic staff shall be compatible with the constitution and rules of the Universities Superannuation Scheme.

STATUTE 9: COMMEMORATION OF BENEFACTORS

S9.1 There shall be annually a Commemoration of the Foundress and Benefactors of the College.

- R9.1(1) The Commemoration of the Foundress and benefactors of the College shall be held in the accustomed manner on days appointed by the Master and Dean.
- (2) A Foundress' Feast may be held annually on a day appointed by the Society.

STATUTE 10: AMENDMENT AND INTERPRETATION

S10.1 Changes of statutes shall be made by the Society acting as Governing Body in accordance with section 7(2) (as amended) of the Universities of Oxford and Cambridge Act 1923.

O10.1

- (1) In these Ordinances and in the associated Regulations, the definitions and interpretations made in paragraphs (2)–(5) of O10.1 shall apply.
- (2) O5.1(1) defines the categories of Fellowship carrying Membership of the Society. Any other titles given by the Society containing the words ‘Fellow’ or ‘Fellowship’ such as Honorary Fellow, Foundress Fellow, Bye-Fellow, William Pitt Fellow etc. do not imply Fellowship or Membership of the Society.
- (3) Except for the election of a Master, a Fellow on leave of absence for one term or longer shall not count as a Member of the Society for the purpose of the transaction of any business under the Statutes or Ordinances or Regulations, and references to the Society shall be construed accordingly. Such a Fellow may attend a College Meeting but may not vote at it.
- (4) ‘College offices’ shall be those defined in O6.
- (5) The expression ‘Senior Fellow’ shall mean the senior Member of the Society (other than the Master). Unless otherwise specified by the Society under R5.2(3), seniority shall be determined by date of admission.

S10.2 All employment matters under these Statutes shall be governed by Appendix A, which shall be part of these Statutes.

S10.3 These Statutes shall come into force on 1 March 2009.

STATUTE 11: TRANSITIONAL PROVISIONS

S11.1 Except as provided in section S11.2, the rights to tenure and emoluments of any person holding a Fellowship at the date on which these Statutes come into force shall thereafter be governed by these statutes.

S11.2 Those Fellows who have rights governed by Statutes of the College made before 1990 shall retain those rights under the present Statutes unless he or she consents to have those rights governed by these present Statutes. Such consent shall be notified to the Master in writing and reported to the Society in a College meeting.

O11.2 Fellows whose rights under previous Statutes are protected by S11.2 are Members of the Society for the purposes of these Statutes, but are not governed by the provisions of Appendix A.

S11.3 The following concluding Exhortation, taken from the ancient Statutes, shall remain on the Statute Book of the College:

Postremo, omnes hujus Collegii Socios et Studiosos vehementer in Domino hortamur, ut, memores beneficiorum quae hujus rei gratia a Domino acceperunt, optimis studiis et omni pietati se totos consecrent; Statuta nostra diligenter et fideliter observent, nullam callidam aut sinistram interpretationem contra ipsorum sensum adhibeant, sed firma ac rata habeant, suam et Ecclesiae Dei utilitatem quaerentes, et omnes conatus ad Domini ac Servatoris nostri gloriam illustrandam conferentes; cui cum Patre et Sancto Spiritu sit omnis honor, gloria, et imperium in saecula saeculorum.

APPENDIX A

Academic Staff: Dismissal, Discipline, Grievance Procedures and related matters

PART I: GENERAL

SA1 Application

(1) This Statute applies to the following:

- (a) any person holding a College Office designated by the Society as one to which this Statute applies;**
- (b) any person employed by the College to carry out teaching or research, save for those holding appointments which have been excluded by the Society from the Scope of this Statute on the ground that the duties in that regard are only of a limited nature; and**
- (c) the Master only to the extent that Part VIII applies.**

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

(3) This Statute will override any provision in any contract, term or condition of employment or in any College statute which is inconsistent with this Statute, whether dated before or after the commencement of this Statute, but -

- (a) it shall not affect the validity of any compromise agreement under section 203 of the Employment Rights Act 1996, or any similar agreement permitted by law; and**
- (b) it shall not preclude any member of staff deciding or agreeing to terminate employment with the College, whether by voluntary severance, early retirement or otherwise, on whatever terms have been agreed.**

OA1 Application

OA1

- (1) For the purposes of these Ordinances, ‘academic staff’ shall include any Fellow within the categories specified in Ordinance O5.1(1).**
- (2) These Ordinances apply to the Master only insofar as OA23 prescribes.**
- (3) These Ordinances apply to the holders of a College office which the Society has designated under O6.2(7)(a), and the term ‘academic staff’ shall be construed accordingly.**
- (4) These Ordinances do not apply to any person other than those mentioned above who are employed by the College to carry out teaching or research.**
- (5) These Ordinances do not apply to Fellows who are not Members of the Society under O10.1.**
- (6) Where the President has a conflict of interest or is otherwise unable to act, the Senior Fellow shall act in their stead.**

SA2 General principles of construction and application

- (1) This Statute and any Ordinances or Regulations made under it shall be applied and construed in every case to give effect to the following guiding principles:**
 - (a) to ensure that members of staff 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, promote learning and engage in research efficiently and economically; and**
 - (c) to apply the principles of justice and fairness.**
- (2) Where, in any proceedings under this Statute, a member of staff invokes sub-clause (1) (a) above, the procedures for considering that claim shall ensure that the matter is considered by at least two academics, with no prior involvement in the case, one of whom is a member of the academic staff of another university. If it is found that any action has been taken against the member of academic staff because that member of staff within the law questioned or tested received wisdom or put forward new ideas or controversial opinions, the person or persons dealing with the matter shall cancel that action and it shall be treated as invalid.**
- (3) Where there is any issue as to the meaning of “academic freedom” in any proceedings under Parts II, III, IV, V, VI and VII of this Statute, regard shall be had to Sections VI and VII of the Recommendation concerning the Status of Higher-Education Teaching Personnel adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) in Paris on 11 November 1997.**
- (4) This Statute deals with the dismissal of staff, but the College shall ensure security and continuity of employment for as many of its staff as is reasonably practicable. Fixed term contracts will only be used in specifically defined circumstances. Every reasonable effort will be made to avoid redundancy situations arising and to avoid making individual members of staff redundant.**
- (5) Any reference in this Statute to a provision in an Act of Parliament shall be taken to be a reference to that provision as it may have been amended or superseded from time to time.**

SA3 Dismissal

- (1) For the purpose of this Statute, “dismissal” shall have the same meaning as in section 95 of the Employment Rights Act 1996.**
- (2) A member of academic staff may be dismissed if that dismissal is for a reason set out in section 98 of the Employment Rights Act 1996.**
- (3) A dismissal by reason of redundancy (other than the non-renewal of a fixed-term contract) shall be handled in accordance with Part II; a dismissal for disciplinary reasons shall be handled in accordance with Part III; a dismissal on grounds of capability or performance shall be handled in accordance with Part IV; a dismissal on health grounds shall be handled in accordance with Part V; and a dismissal on any other grounds, including the non-renewal of a fixed-term contract, shall be handled in accordance with Part VI.**

SA4 Hearing, appeal and grievance panels

- (1) Any panel established pursuant to SA8(1) (appeal against dismissal for redundancy), SA10(b)(iv) (hearing under disciplinary procedures) and (vii) (appeal against a decision of a disciplinary panel), SA15(c)(iii)(hearing under capability and performance procedures) and (v) (appeal against a decision of a capability or performance panel), SA18(2) (hearing under ill-health procedures and appeal against a decision of an ill-health panel), SA21(2) (hearing for dismissal on other grounds and appeal against a decision of such a panel), SA22(5) (hearing of a grievance) and SA23 (2) (c) (appeal against the Tribunal considering complaints against the Master) of this Statute shall consist of at least three persons, none of whom shall previously have had any involvement with the case, at least one of whom shall be nominated by the Society, one person by the member concerned, or in default by the Master; and a member agreed between those two nominees, or in default by the Visitor. Such panels shall be balanced in their membership and in particular shall include, where possible, at least one person of each sex.**
- (2) At any panel within sub-clause (1) above, the member of staff shall be entitled to be represented or assisted by any person.**
- (3) Any panel within sub-clause (1) above shall give a reasoned decision in writing, which shall be provided to the member of academic staff and reported to the Society.**
- (4) Any dismissal under this Statute shall remain in force pending the outcome of an appeal.**

RA4 Hearing, appeal and grievance panels

RA4.1 In any proceedings involving redundancy (OA7 and OA8), dismissal (OA10, OA12, and OA21), non-renewal of a fixed-term contract (OA19) or an initial service review (OA20), the member of academic staff affected may be accompanied by another employee of the College or of the University or by a trade union official. The accompanying person may speak on behalf of a member of academic staff at the hearing.

RA4.2 The members of an Appeal Panel shall not take part in the deliberations of any meeting of the Society or any committee relating to the matter which may come before them by way of appeal, nor shall they count towards the quorum of such a meeting

PART II: REDUNDANCY

SA5 Application

- (1) The power to dismiss, and the procedures prescribed, under this Part shall not apply to those staff defined in sub-sections (3) to (6) of section 204 of the Education Reform Act 1988 [staff appointed prior to, and not promoted after, 20 November 1987], who shall for this purpose continue to be subject to such powers, if any, as applied to them prior to the introduction of the Statute made by the University Commissioners in the exercise of their powers under sections 203 and 204 of the Education Reform Act 1988.**
- (2) This Part shall not apply to the non-renewal of a fixed-term contract, which shall be dealt with under SA19 relating to non-renewal of fixed-term contracts, below.**

SA6 Definition of “redundancy”

Subject to SA5 (2) above, dismissal by reason of redundancy for the purpose of this Part has the same meaning as in section 139 of the Employment Rights Act 1996. It shall apply both to where the Society has decided that there should be a reduction in the academic staff of the College as a whole or of any area of academic work within the College.

SA7 Procedure for dismissal by reason of redundancy

(1) The Society shall by Ordinance prescribe the procedures for dismissing members of staff on grounds of redundancy, which shall include the following:

- (a) a preliminary stage involving consultation with appropriate representatives in accordance with and to the extent required by section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 and discussion with the staff concerned;**
- (b) a procedure which is fair and which allows each staff member concerned, having been informed of the selection criteria for redundancy to be employed, to make written and oral representations on his or her behalf;**
- (c) provision for informing any member of staff dismissed under this Part of the reasons for the dismissal and, where selection has taken place, why he or she was selected; and**
- (d) authorisation for an officer of the College to act with full authority to dismiss any member of staff selected for dismissal under this Part and requiring reports of dismissals to be submitted to the Society.**

(2) The procedures following the preliminary stage may be used at any particular time only after the Society has first determined that the circumstances are such that the procedures should be instituted.

OA7 Procedure for dismissal by reason of redundancy

OA7.1

- (1) A potential situation for redundancy arises where the College Meeting has decided that there should be a reduction by way of redundancy in the academic staff either of the College as a whole, or of any area of academic work within the College.
- (2) Before reaching such a decision, the Fellowship Committee shall consult with all those who would be affected.
- (3) If the Fellowship Committee so recommends, the Society shall (a) constitute an Appeal Panel; and (b) decide whether the College should declare a redundancy situation; and (c) identify the criteria for selection.

OA7.2

- (1) Where the Society has reached a decision under OA7.1, it shall instruct the Master to select the requisite members of the academic staff for dismissal by reason of redundancy.
- (2) Regulations shall set out the procedure that the Master should follow in reaching their decision under OA7.2(1).
- (3) The decision of the Master shall be approved by the Fellowship Committee.
- (4) Regulations shall prescribe the form of notice to be given to the individual who is dismissed by reason of redundancy

RA7 Procedure for dismissal by reason of redundancy

RA7.1

- (1) In determining whether a redundancy is necessary, the Master shall give notice to all members of academic staff potentially affected. The Master shall invite them to make observations to the Fellowship Committee.
- (2) The Committee shall consider the written or oral observations of those members potentially affected by any redundancy. RA4.1 applies to such proceedings.
- (3) If the Fellowship Committee recommends a redundancy, the President and those affected by the potential redundancy shall nominate members of an Appeal Panel in accordance with SA4. The members of this Panel shall take no part in any deliberations of the Fellowship Committee or of the College Meeting relating to the declaration of redundancy nor shall they count towards the quorum.

RA7.2

- (1) Once the Society has declared a redundancy under OA7.1, the Master shall select the individuals for redundancy according to the criteria approved by the Society.
- (2) The Master shall write to the individuals affected and invite them to make representations in writing or orally. The Master shall notify them of their right to be accompanied under RA4.1.
- (3) The Fellowship Committee shall determine whether to approve the Master's decision to make a member of staff redundant.

RA7.3

- (1) Where the Master has made a selection and the Fellowship Committee has approved it, the Master is authorised to dismiss any member of the academic staff so selected.
- (2) Each member of the academic staff selected shall be given separate notice of the selection.
- (3) Each separate notice shall sufficiently identify the circumstances which have satisfied the Master acting on behalf of the Society that the intended dismissal is reasonable and in particular shall include
 - (a) a summary of the action taken by the Society under OA7.1;
 - (b) an account of the selection processes 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 SA8 of Appendix A of the Statutes; and
 - (d) a statement as to when the intended dismissal is to take effect.

SA8 Appeal against dismissal by reason of redundancy

- (1) The Ordinances shall include provision for an appeal to a panel by a member of staff who has been given notice of dismissal under this Part.
- (2) The panel shall be entitled to review all aspects of the matter other than Society's determination under clause 7(2) above.
- (3) The panel shall have the power to reach a final decision on the matter or to remit the matter for further consideration by the College officer whose decision is being appealed.

OA8 Appeal against dismissal by reason of redundancy

OA8(1) A member of the academic staff who wishes to appeal against a decision under OA7 to dismiss them shall inform the President within 10 working days of the notification of the decision.

(2) Regulations shall set out the procedures to be followed by the Appeal Panel.

RA8 Appeal against dismissal by reason of redundancy

RA8.1 The Appeal Panel shall be composed under the provisions of O2.5(2)(q) and SA4(1).

PART III: DISCIPLINARY PROCEDURES

SA9 Grounds for disciplinary action

Disciplinary action under this Part may be taken, and where found to be appropriate a penalty imposed, in respect of the following:

- (a) conduct amounting to a criminal offence, whether or not there has been a prosecution and conviction, of a kind that is judged in all the circumstances to be relevant to the member of staff's employment by the College;**
- (b) failure, refusal or neglect to perform some or all of the duties or to comply with some or all of the conditions attaching to the post, or to perform those duties or comply with those conditions in a satisfactory or adequate manner;**
- (c) conduct of a kind judged to be inappropriate or unacceptable on the part of a holder of the post held by the member of staff, such as (but not confined to) the following:**
 - (i) breach of any obligation or duty arising under any of the College's Ordinances or Regulations regarding financial matters, harassment, equality and diversity, public interest disclosure, health and safety, data protection, computer misuse, conflict of interest or any other rules, regulations or codes binding on the member of staff;**
 - (ii) wilful or negligent damage to or improper use of College's facilities, premises, property or equipment;**
 - (iii) disruption of, or improper interference with, the activities of the College or of any employee, student, fellow or visitor (other than any lawful industrial action);**
 - (iv) violent, indecent, disorderly, threatening, abusive, insulting or harassing behaviour or language (whether written, spoken or in any other form);**
 - (v) fraud, deceit, deception or dishonesty in relation to the College or any related activity, including research and teaching;**
 - (vi) research misconduct;**
 - (vii) action likely to cause injury or impair safety;**
 - (viii) divulging information or material received in confidence (unless the disclosure is permitted under the Public Interest Disclosure Act 1998 or in accordance with the University's Public Interest Disclosure Procedure).**

SA10 Disciplinary procedures

The Society shall by Ordinance promulgate disciplinary procedures for members of staff, which shall provide:

- (a) for less serious matters to be dealt with by warnings following a fair and appropriate procedure and for a member of staff to be able to appeal against the imposition of a warning to a person designated by the Society; and**
- (b) for more serious matters to be dealt with by a fair and appropriate procedure, which shall include provision for the following:**
 - (i) fair and reasonable time limits for each stage;**
 - (ii) investigating complaints and dismissing those found to be without substance;**
 - (iii) suspension on full pay by the Master pending an investigation or hearing, where this is necessary for the protection of persons or property, subject to regular reviews;**
 - (iv) a hearing by a panel, authorised by the Master, at which the member of staff against whom the complaint has been made shall have been informed of the complaint, shall be entitled to be present, to hear the evidence, to call relevant witnesses, and to examine and cross-examine witnesses;**
 - (v) appropriate penalties, which shall include warnings and dismissal**
 - (vi) designating the conduct of a member of staff as constituting “gross misconduct” such as to merit summary dismissal without notice; and**
 - (vii) a right to appeal against the finding of, or penalty imposed by, the panel, including a finding under paragraph (vi) above. An appeal shall not take the form of a re-hearing of the evidence and witnesses may be called only with the appeal panel's permission.**

OA10 Disciplinary procedures

OA10.1

- (1) If it appears to the Master that there are grounds for believing that the conduct or performance of a member of the academic staff is or has been unsatisfactory, they shall inquire into the matter. If the Master concludes after investigation that the member is or has been at fault, they may issue an oral warning to the member. The Master shall specify the reason for the warning, shall indicate that it constitutes the first stage of the College’s disciplinary procedure, and shall advise the member that they may appeal against the warning in the manner specified in OA10.1(4).**
- (2) If the Master concludes after investigation that the fault is sufficiently serious to justify it, or if a further offence occurs, they may issue a written warning to the member. Such a warning shall specify the complaint made against the member, the improvements required in the member's conduct or performance, and the period of time within which such improvements are to be made. The Master shall advise the member that they may appeal against the warning in the manner specified in OA10.1(4), and shall indicate that, if no satisfactory improvement takes place within the stated time, a complaint may be made seeking the institution of charges to be heard by a Disciplinary Panel.**

- (3) The Master shall keep a written record of any warning issued under OA10.1(1) or OA10.1(2). No further account shall be taken of an oral warning when one year has elapsed after the date of issue, and no further account shall be taken of a written warning when two years have elapsed after the date of issue.
- (4) A member of the academic staff who wishes to appeal against a disciplinary warning shall inform the President within 10 working days. The Appeal Panel appointed by the Society as set out in O2.5(2)(q) shall hear the appeal and the Appeal Panel's decision shall be final. If the appeal is allowed, the warning shall be disregarded.

OA10.2

- (1) If there has been no satisfactory improvement following a written warning given under OA10.1, or in any case where it is alleged that the conduct or performance of a member of the academic staff may constitute good cause for dismissal or removal from office, a complaint seeking the institution of charges to be heard by a Disciplinary Panel appointed under OA10.3 may be made to the Master.
- (2) To enable the Master to deal fairly with any complaint brought to their attention under OA10.2(1), they shall institute such enquiries (if any) as appear to them to be necessary.
- (3) If it appears to the Master (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, they shall write to the person concerned inviting comment in writing and may, if they consider that the College might otherwise suffer significant harm, suspend the person concerned from the performance of their duties without loss of emolument.
- (4) As soon as may be following the comments (if any), or in any event not later than twenty-eight days after they were invited, the Master shall consider the matter in the light of all the available material and may dismiss the matter summarily, or issue an oral or written warning to the person concerned, or determine that the matter be considered by a Disciplinary Panel appointed under OA10.3 of this Statute.

OA10.3

- (1) If the Master has determined that the matter should be considered by a Disciplinary Panel, the Society shall at their request appoint such a Panel to hear the charge or charges, to determine whether the conduct or performance of the person concerned constitutes good cause for dismissal or otherwise constitutes a serious complaint relating to their appointment or employment, and to make recommendations concerning the action (if any) to be taken as a result of the Panel's findings. Pending the consideration of such recommendations, the Master, after consulting the Society, may suspend the person charged from the performance of their duties without loss of emolument.
- (2) A Disciplinary Panel shall be composed in accordance with O2.5(2)(p). In choosing the members of the Panel, the Society shall exclude the person charged, any person responsible for originating the charge (whether by making a complaint to the Society or otherwise), and any person who has been involved at an earlier stage in considering the charge or charges. The Disciplinary Panel shall be chaired by the Master or, at the Master's discretion, by the Senior Fellow.

OA10.4

- (1) When a Disciplinary Panel has been appointed, the Society may instruct a solicitor or other suitable person to formulate a charge or charges and to present, or arrange for the presentation of, the charges before the Disciplinary Panel.
- (2) It shall be the duty of the person formulating the charge or charges
 - (a) to forward the charge or charges to the Panel 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 Panel.

OA10.5

- (1) The procedure to be followed in respect of the preparation, hearing, and determination of charges by a Disciplinary Panel shall be prescribed by Regulations made under this Statute. Such Regulations 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 Panel;
 - (b) that a charge shall not be determined without an oral hearing at which the person charged and any person appointed to represent them are entitled to be present;
 - (c) that witnesses may be called, both on behalf of the person charged and by the person presenting the charge, and may be questioned concerning any relevant evidence;
 - (d) that no new witness or documentary evidence may be introduced by the person presenting the charge without the Panel's consent, which shall not be given save for good reason, and that if late introduction is allowed, the person concerned shall be allowed an adjournment sufficient to allow them to consider and respond to the new evidence; and
 - (e) that any charge is heard and determined expeditiously as is reasonably practicable.

SA11 Code of Practice

In drawing up the procedures, and in any regulations made or action taken thereunder, regard shall be had to Section 1 of the Code of Practice on Disciplinary and Grievance Procedures (as may be amended or replaced from time to time) issued in September 2000 by the Advisory Conciliation and Arbitration Service (ACAS) and brought into effect by order of the Secretary of State under section 199 of the Trade Union and Labour Relations (Consultation) Act 1992.

SA12 Dismissal

(1) Having consulted the Society, the Master or other officer of the College designated by the Society shall give effect to a decision of a panel that a member of staff should be dismissed:

(a) where the panel has designated the conduct as “gross misconduct” such as to merit summary dismissal pursuant to SA10 (b) (vi), by dismissing the member of staff forthwith;

(b) in all other cases, by issuing the notice of dismissal.

(2) If an appeal panel decides that the member of staff should not be dismissed or should only be dismissed with notice, the Master shall cancel or modify the dismissal accordingly.

OA12 Dismissal

OA12(1) The Appeal Panel shall have power to decide whether to dismiss the member of staff or not.

(2) Regulations shall prescribe the procedure of the Appeal Panel.

RA12 Dismissal

RA12(1) Before the Master or other designated officer consults the Society to dismiss a member of academic staff, the President shall appoint an Appeal Panel in relation to a member of academic staff in question. The provisions of RA4.2 shall apply to its members.

(2) A member of the academic staff who wishes to appeal against a decision by the Master or designated officer to dismiss them shall inform the President within 10 working days of the notification of the decision.

SA13 Relationship with Part V

The Ordinances shall make provision for dealing with a case in progress under this Part or under Part IV where it emerges that the member of staff's conduct or performance may have been wholly or partly attributable to a medical condition.

PART IV: CAPABILITY AND PERFORMANCE

SA14 Grounds for action

Action under this Part may be taken in respect of inability to perform some or all of the duties or to comply with some or all of the conditions attaching to the post, or inability to perform those duties or comply with those conditions in a satisfactory or adequate manner.

SA15 Capability and Performance Procedures

The Society shall by Ordinance promulgate procedures on capability and performance, which shall provide:

- (a) for additional support and training where appropriate;**
- (b) for less serious matters to be dealt with by notifications of concern or warnings following a fair and appropriate procedure, and for a member of staff to be able to appeal against the imposition of a notification of concern or warning to a person designated by the Society; and**
- (c) for more serious matters to be dealt with by a fair and appropriate procedure, which shall include provision for the following:**
 - (i) fair and reasonable time limits for each stage;**
 - (ii) investigating allegations of lack of capability or poor performance and dismissing those found to be without substance;**
 - (iii) a hearing by a panel, authorised by the Master, at which the member of staff shall have been informed of the allegations of lack of capability or poor performance, shall be entitled to be present, to hear the evidence, to call relevant witnesses, and to examine and cross-examine witnesses;**
 - (iv) appropriate sanctions, which shall include notifications of concern, warnings and dismissal; and**
 - (v) a right to appeal against the finding of, or outcome imposed by, the panel. An appeal shall not take the form of a re-hearing of the evidence and witnesses may be called only with the appeal panel's permission.**

OA15 Capability and performance procedures

OA15.1(1) If it appears to the Master that there are grounds for believing that a member of the academic staff is not able to perform their duties satisfactorily not as a result of misconduct or ill health, they shall convene a meeting with the member of academic staff, setting out the reasons for the meeting.

(2) At a capability meeting, the Master may decide

- (a) to require the member of academic staff to undertake further training or agree to receive additional support in the performance of their duties;
- (b) where the matter is not serious, to issue an oral warning to the member;
- (c) where the matter is serious, to issue a written warning.

OA15.2 Where an oral or a written warning is issued, the procedures to be followed shall be the same as in OA10, and the member of academic staff shall have equivalent rights of appeal and to make representations.

OA15.3 The procedures for the investigation of continued poor performance and potential dismissal, as well as for appeals, shall be the same those in OA10 and OA12.

SA16 Code of Practice

In drawing up the procedures, and in any regulations made or action taken thereunder, regard shall be had to Section 1 of the Code of Practice on Disciplinary and Grievance Procedures (as may be amended or replaced from time to time) issued in September 2000 by the Advisory Conciliation and Arbitration Service (ACAS) and brought into effect by order of the Secretary of State under section 199 of the Trade Union and Labour Relations (Consultation) Act 1992.

SA17 Dismissal

(1) Having consulted the Society, the Master shall give effect to a decision of a panel that a member of staff should be dismissed by issuing a notice of dismissal.

(2) If an appeal panel decides that the member of staff should not be dismissed, the Master shall cancel the dismissal accordingly.

PART V: INCAPACITY ON HEALTH GROUNDS

SA18 Dismissal on health grounds

- (1) The Society shall by Ordinance prescribe a procedure for dealing with staff, including dismissal, because of incapacity on health grounds, whether physical or mental.**
- (2) The procedure shall include a hearing by a panel, with a right of appeal to another panel, and both panels shall contain an appropriately medically qualified person.**

OA18: Dismissal on health grounds

OA18.1

- (1) Where it appears that the removal of a member of the academic staff on medical grounds should be considered, the Master
 - (a) shall inform the member accordingly;
 - (b) shall notify the member in writing that it is proposed to make an application to the member's doctor for a medical report and shall seek the member's consent in writing in accordance with the requirements of the Access to Medical Reports Act 1988; and
 - (c) may suspend the member from the performance of their duties without loss of emolument.
- (2) If the member agrees that their removal on those grounds should be considered, the College shall meet the reasonable costs of any medical opinion required.
- (3) If the member does not agree the Master shall refer the case in confidence, with any supporting medical and other evidence (including any such evidence submitted by the member), to a Board comprising one person nominated by the Society; one person nominated by the member concerned or, in default of the latter nomination, by the Master; and a medically qualified chairman jointly agreed by the Society and the member or, in default of agreement, to be nominated by the President of the Royal College of Physicians.
- (4) The procedure to be followed in respect of the preparation, hearing, and determination of a case by a Board shall be prescribed by Regulations made under this section. Such Regulations shall ensure
 - (a) that the member concerned is entitled to be represented by another person, whether such person is legally qualified or not, in connection with and at any hearing by the Board;
 - (b) that a case shall not be determined without an oral hearing at which the member's representative, but not the member, is entitled to be present;
 - (c) that witnesses may be called and questioned concerning any relevant evidence; and
 - (d) that the case is heard and determined expeditiously as is reasonably practicable.
- (5) The Board may require the member concerned to undergo medical examination at the College's expense.

OA18.2 If the Board determines that the member should be required to retire on medical grounds, the Master, after consulting the Society, may terminate the employment of the member concerned on those medical grounds.

PART VI: OTHER DISMISSALS

SA19 Non-renewal of a fixed-term contract

- (1) The Master, or other person or persons designated by the Society, shall in every case where a fixed-term contract is due to terminate consider whether that contract should be renewed or extended or whether a permanent contract should be offered, having consulted any appropriate representatives in accordance with and to the extent required by section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 and having given an opportunity to the member of staff to make representations.**
- (2) A decision not to renew or extend a fixed term contract or offer a permanent contract under the preceding paragraph must be justified on the basis of transparent, necessary and objective reasons, as set out by Ordinance.**
- (3) A member of staff whose fixed-term contract is not renewed or extended on termination or is not offered a permanent contract shall be given full reasons for the decision and shall be entitled to have the decision reviewed by a panel in accordance with a procedure to be prescribed by Ordinance.**
- (4) The panel, whose decision shall be final, shall consider whether the reasons advanced in support of the decision are reasonable and supportable.**

OA19 Non-renewal of a fixed-term contract

OA19.1 The Society shall produce a ‘Code of Practice for the re-appointment of members of academic staff’, setting out a policy on the use of fixed-term contracts and the procedures for the review of the performance of the individual.

OA19.2 Any decision as to whether a member of academic staff should be renewed or not shall be based transparently on reasons relating to the need within the College for teaching in the subject and on the personal qualities and abilities of the individual member of academic staff.

OA19.3 The Fellowship Committee shall make the initial review of whether, in the light of the needs of the College and the performance of the individual, a fixed-term contract should be renewed. The Committee shall invite a member of academic staff in question to make representations orally or in writing before it makes any recommendation to the Society.

OA19.4 The Society in a College Meeting shall decide whether to renew the fixed-term contract. It shall invite a member of academic staff in question to make representations orally or in writing before it makes any recommendation to the Society. A member of academic staff shall be entitled to representation at that meeting. Regulations shall determine the procedure for the conduct of business in a College Meeting relating to this issue.

OA19.5 A member of academic staff shall have a right of appeal to an Appeal Panel.

RA19 Non-renewal of a fixed-term contract

RA19.3(1) When considering whether to renew the position of a member of academic staff, the Fellowship Committee shall receive the following evidence:

- (a) a comment from the Master on the future plans and aspirations of the member of academic staff;
 - (b) a statement from the Senior Tutor on the short- and long-term teaching need in the subject, and on the quality and extent of the teaching and other activities of the member of academic staff;
 - (c) a curriculum vitae, list of publications and a statement of future plans and aspirations together with any other material information provided by the member of academic staff;
 - (d) references provided by at least two persons named by the member of academic staff; and
 - (e) reports from a referee or referees chosen by the Fellowship Committee.
- (2) The Fellowship Committee shall consider the evidence presented. It shall invite the member of academic staff to attend a meeting of the Fellowship Committee.
- (3) The Fellowship Committee shall commence the procedure stated above normally in the second term of the penultimate year of the tenure of the member of academic staff and make a recommendation to the first College Meeting of the following third term.

RA19.4

- (1) Normally in the first term of the penultimate year of the tenure of a member of academic staff, the Society shall appoint an Appeal Panel in relation to a member of academic staff in questions. The provisions of RA4.2 shall apply to its members.
- (2) The College Meeting shall receive the recommendation of the Fellowship Committee in writing, together with the evidence listed in RA19.3(1) above. Where the member of academic staff is a Fellow, they shall not be permitted to participate in the deliberation of the College Meeting relating to their re-appointment, nor shall they count towards the quorum.
- (3) Having considered the evidence presented relating to the member of academic staff's personal qualities and abilities, as well as the need in the subject concerned for teaching, the College Meeting may either
 - (a) decide the evidence is satisfactory and offer them a reappointment on a permanent basis from the end of the fixed-term contract;
 - (b) decide that the evidence is sufficiently unsatisfactory that they should not be offered re-appointment; or
 - (c) decide that further evidence is needed, in which case it shall instruct any individual or committee to provide it with that further evidence. Such additional information, if any, shall be produced to the Fellowship Committee and the College Meeting within 10 working days.
- (4) Where the College Meeting requests further information as set out in (c) of the preceding paragraph, the Fellowship Committee shall make a recommendation based on all the evidence including the further information. A further College Meeting shall decide whether to reappoint the member of academic staff or not.
- (5) The member of academic staff shall be informed in writing of the decision of the College Meeting within 5 working days, of the right to appeal and of the names of the members of the Appeal Panel.

RA19.5

- (1) A member of academic staff shall have the right to appeal the decision of the College Meeting. They must inform all the members of the Appeal Panel in writing of their

intention to appeal within 10 working days of receipt of the College Meeting's written decision.

- (2) The Appeal Panel shall consider the information on which the College Meeting made its decision. It shall invite a member of academic staff to attend.
- (3) The Appeal Panel shall decide whether to uphold the appeal. Its decision shall be final. It shall inform a member of academic staff in writing as soon as possible after its decision.

SA20 Initial Service Review

- (1) This clause shall apply to members of staff who have been appointed subject to initial service review.**
- (2) The Society shall by Ordinance prescribe a procedure under which staff subject to an initial service review period shall be reviewed and shall include provision for non-confirmation in post during or at the end of the initial service review if their performance is found to be deficient or for any other substantial reason or reasons they are judged unsuitable to be confirmed in post.**
- (3) The review referred to in sub-clause (2) may encompass matters which, in other circumstances, would fall to be dealt with under Parts III, IV or V of this Statute.**
- (4) The substance of sub-clauses (3) and (4) of SA19 shall apply to a member of staff who has not been confirmed in post under this clause.**

OA20 Initial service review

OA20.1 The Society shall produce a ‘Code of Practice for the management of probation of members of academic staff’, setting out the policy and procedures for the probationary period of the appointment of a member of academic staff.

OA20.2 The decision whether a member of academic staff has completed a satisfactory period of probation shall be based transparently on reasons relating to the personal qualities, abilities and achievements of the individual member of academic staff.

OA20.3 The Fellowship Committee shall make the initial review of whether the performance of the individual has satisfied the conditions of probation. The Committee shall invite a member of academic staff in question to make representations orally or in writing before it makes any recommendation to the Society.

OA20.4 The Society in a College Meeting shall decide whether to continue the appointment of a member of academic staff whose contract is subject to satisfactory completion of probation. It shall invite a member of academic staff in question to make representations orally or in writing before it makes any recommendation to the Society. A member of academic staff shall be entitled to representation at that meeting. Regulations shall determine the procedure for the conduct of business in a College Meeting relating to this issue.

OA20.5 A member of academic staff shall have a right of appeal to an Appeal Panel.

RA20 Initial service review

RA20.3

- (1) When considering whether to continue the position of a Member of academic staff beyond probation, the Fellowship Committee shall receive the following evidence:
 - (a) a comment from the Master on the performance and aspirations of a member of academic staff;
 - (b) a statement from the Senior Tutor on the quality and extent of the teaching and other activities of a member of academic staff;
 - (c) a curriculum vitae, list of publications and a statement of future plans and aspirations together with any other material information provided by a member of academic staff;
 - (d) references provided by at least two persons named by a member of academic staff; and
 - (e) reports from a referee or referees chosen by the Fellowship Committee.
- (2) The Fellowship Committee shall consider the evidence presented. It shall invite a member of academic staff to attend a meeting of the Fellowship Committee.
- (3) The Fellowship Committee shall commence the procedure set out in paragraph (1) normally in the second term of the probation of the member of academic staff and make a recommendation to the first College Meeting of the following third term.

RA20.4

- (1) Normally in the first term of the probation of a member of academic staff, the Society shall appoint an Appeal Panel in relation to a member of academic staff in questions. The provisions of RA4.2 shall apply to its members.
- (2) The College Meeting shall receive the recommendation of the Fellowship Committee in writing, together with the evidence listed in RA20.3(1). The member of academic staff shall be informed of their right to attend and to be accompanied by another person. Where a member of academic staff is a Fellow, they shall not be permitted to participate in the deliberation of the College Meeting relating to the continuation of their contract beyond probation, nor shall they count towards the quorum.
- (3) Having considered the evidence presented relating to a member of academic staff's personal qualities and abilities and achievements, the College Meeting may either
 - (a) decide the evidence is satisfactory and continue the contract beyond the end of probation;
 - (b) decide that the evidence is sufficiently unsatisfactory that they should not be continued beyond the end of probation;
 - (c) decide more time is needed for the probation conditions to be met and that the probation should be extended for a period no longer than a further year; or
 - (d) decide that further evidence is needed, in which case it shall instruct any individual or committee to provide it with that further evidence. Such additional information, if any, shall be produced to the Fellowship Committee and the College Meeting within 10 working days.
- (4) Where the College Meeting requests further information as set out in (d) of the preceding paragraph, the Fellowship Committee shall make a recommendation based on all the evidence including the further information. A further College Meeting shall decide whether to continue the appointment of the Officer beyond the end of probation.
- (5) A member of academic staff shall be informed in writing of the decision of the College Meeting within 7 days, of the right to appeal and of the names of the members of the Appeal Panel.

RA20.5

- (1) A member of academic staff shall have the right to appeal the decision of the College Meeting. They must inform all the members of the Appeal Panel in writing of their intention to appeal within 10 working days of receipt of the College Meeting's written decision.
- (2) The Appeal Panel shall consider the information on which the College Meeting made its decision. It shall invite a member of academic staff to attend.
- (3) The Appeal Panel shall decide whether to uphold the appeal. Its decision shall be final. It shall inform a member of academic staff in writing as soon as possible after its decision.

SA21 Dismissal on other grounds

- (1) This clause covers dismissals on any ground falling within SA3(2) other than those covered by Parts II, III, IV and V and SA19 and SA20 of Part VI of this Statute (i.e. “some other substantial reason of a kind such as to justify the dismissal of an employee holding the position which the employee held” (Employment Rights Act 1996, s. 98(1)(b); “the employee could not continue to work in the position which he held without contravention (either on his part or on that of his employer) of a duty or restriction imposed by or under an enactment” (s. 98 (2)(d)).**
- (2) Dismissals covered by sub-clause (1) above shall be handled in accordance with a procedure prescribed by Ordinance, which shall include the right to be heard by the College officer making the decision and the right to appeal to a panel.**

OA21 Dismissal on other grounds

OA21

- (1) Where it appears to the Master that there is some substantial reason justifying the dismissal of a member of academic staff other than the matters mentioned in OA8, OA10, OA15, OA18, OA19 or OA20, they shall write to the person concerned inviting comment in writing and may, if they consider that the College might otherwise suffer significant harm, suspend the person concerned from the performance of their duties without loss of emolument.
- (2) As soon as may be following the comments (if any), or in any event not later than twenty-eight days after they were invited, the Master shall consider the matter in the light of all the available material and may dismiss the matter summarily, or issue an oral or written warning to the person concerned, or determine that the matter be considered by a Disciplinary Panel.
- (3) The appointment and procedure of the Disciplinary Panel shall follow the rules set out in OA10.3, OA10.4 and OA10.5. Regulations may make further provision in relation to the procedure to be followed.
- (4) A member of academic staff shall have a right of appeal to an Appeal Panel.

PART VII: GRIEVANCE PROCEDURE

SA22 Grievance Procedure

- (1) The Society shall by Ordinance promulgate a Grievance Procedure for members of staff and in doing so shall have regard to Section 2 of the ACAS Code of Practice (as may be amended or replaced from time to time) referred to in SA11 above.**
- (2) Subject to sub-clause (3) the Procedure shall apply to grievances raised by members of staff concerning their employment, which relate to themselves as individuals or their personal dealings or relationships with other staff of the College.**
- (3) The Procedure shall not apply (a) to grievances for which provision is made elsewhere in this Statute or (b) in respect of the outcome of any matter dealt with under this Statute or (c) where the Society has prescribed other procedures.**
- (4) The Procedure shall provide that consideration of a complaint under the Procedure may be deferred if other proceedings under this Statute concerning the individual and relevant to the application are pending or in progress.**
- (5) The Procedure shall provide for the fair and speedy resolution of complaints, informally wherever possible, and for the complainant to be entitled to be assisted by a friend or representative at any hearings prior to that under sub-clause (6) below.**
- (6) The Procedure shall make provision for a member of staff who is dissatisfied with the outcome of a complaint to be able to have the complaint heard by a Grievance Panel unless the complaint has been ruled frivolous, vexatious or invalid in accordance with the Procedure.**

OA22 Grievance procedure

OA22.1 The Society shall approve and promulgate a Code of Practice concerning the handling of grievances.

OA22.2 The Society shall nominate a 'Grievance Officer' to hear complaints concerning grievances raised by members of staff concerning their employment, which relate to themselves as individuals or their personal dealings or relationships with other staff of the College for which no other procedure has been set out in Statutes, Ordinances or Regulations.

OA22.3 The procedure to be followed in respect of the preparation, hearing, and determination of any formal grievance or hearing by a grievance panel shall be prescribed by Regulations made under this Statute. Such Regulations shall ensure, inter alia, 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 grievance.

RA22 Grievance procedure

RA22.2 The Grievance Officer shall be the Senior Tutor, unless another person is appointed by the Society.

RA22.3

- (1) If it appears to the Grievance Officer that there are grounds for believing that the grievance may be well founded, they shall inquire into the matter. They shall try to resolve the matter informally and may seek assistance from another member of the Society or any other person. If the matter cannot be resolved informally and the Grievance Officer concludes after investigation that the grievance is well founded, they shall recommend an appropriate form of redress to the Master.
- (2) The Master shall notify the person against whom a complaint is made of the steps that they must take to redress the grievance and of a right of appeal.
- (3) Either the complainant or the person against whom the complaint is made may appeal against the decision of the Master made under subsection (1) above. The appellant shall notify the President within 10 working days of the notification of that decision. The President shall then constitute a Grievance Panel under O2.5(2)(o).
- (4) The Grievance Panel has the power to substitute a form of redress for that set out by the Master.

PART VIII: THE MASTER

SA23 Complaints against and removal of the Master

- (1) The Society shall by Ordinance prescribe a procedure for dealing with complaints against the Master, including the removal of the Master for good cause, viz. any of the grounds set out in SA9 above.**
- (2) The procedure shall involve a fair and appropriate procedure and shall include**
 - (a) a review of the existence of a prima facie case;**
 - (b) a hearing by a specially constituted Tribunal appointed by the Society, which shall consist of three persons who are not Fellows of the College and are not employed by the College as follows:**
 - (i) one person who holds or has held judicial office or who is a barrister or solicitor of at least ten years' standing, who shall be Chairman; and**
 - (ii) two other persons;**
 - (iii) in a case concerning the incapacity of the Master one of the persons mentioned in (ii) shall be appropriately medically qualified**
 - (c) a right of appeal against the finding of, or outcome imposed by, the Tribunal. An appeal shall not take the form of a re-hearing of the evidence and witnesses may be called only with the appeal panel's permission.**
- (3) If the Tribunal finds that the complaint constitutes good cause for dismissal, the President, having consulted the Society, may dismiss the Master.**

OA23 Complaints against and removal of the Master

OA23.1(1) Any Fellow may make a complaint to the President that the Master has been guilty of misconduct in relation to any of the grounds specified in SA9.

(2) If it appears to the President that there are grounds for believing that the conduct or performance of the Master is or has been unsatisfactory, they shall inquire into the matter. If the President concludes after investigation that the Master is or has been at fault, they shall refer the matter to the tribunal set up under OA23.2.

OA23.2(1) At the request of the President, the Society shall establish a tribunal to decide on any complaint against the Master. The tribunal shall consist of three persons who are not Fellows of the College and are not employed by the College as follows:

- (i) one person who holds or has held judicial office or who is a barrister or solicitor of at least ten years' standing, who shall be the chair; and
- (ii) two other persons;
- (iii) in a case concerning the incapacity of the Master one of the persons mentioned in (ii) shall be appropriately medically qualified.

(2) Pending the outcome of the tribunal investigation, the Society may resolve to suspend the Master from their functions.

OA23.3(1) The tribunal shall investigate the complaint in the manner it considers most appropriate. The procedure shall include an opportunity for the Master to make oral or written representations and to be accompanied by another person chosen by the Master.

(2) If the tribunal considers that the Master has been guilty of misconduct in relation to any of the grounds specified in SA9, it shall determine the appropriate sanction. In determining that sanction, it shall have power, inter alia,

- (i) to issue an oral warning;
- (ii) to issue a written warning; or
- (iii) to instruct the President to consult the Society with a view to dismissing the Master.

OA23.4 The President shall keep a record of any oral or written warning. No further account shall be taken of an oral warning when one year has elapsed after the date of issue, and no further account shall be taken of a written warning when two years have elapsed after the date of issue.

OA23.5 Where the tribunal has concluded that the Master shall be dismissed from office, the President shall convene a meeting of the Society and consult it on the recommendation. They shall notify the Master and invite the Master to make representations in writing to the meeting of the Society. Having consulted the Society, the President shall decide whether to dismiss the Master or to impose a lesser sanction within those specified in OA23.3(2).

OA23.6 The Master shall have a right of appeal to an appeal panel against the finding of, or outcome imposed by, the tribunal. An appeal shall not take the form of a re-hearing of the evidence and witnesses may be called only with the appeal panel's permission. The appeal panel shall be appointed by the Visitor and composed similarly to the tribunal specified in OA23.2(1). It shall have the powers specified in OA23.3(2).

The Common Seal of the Master, Fellows and Scholars of Pembroke College Cambridge was hereunto affixed this Ninth day of May Two Thousand and Eight.

SIR RICHARD DEARLOVE
Master

C. BLENCOWE
Treasurer and Bursar

M.R. WORMALD
Tutor