



STATUTORY INSTRUMENTS

1995 No 1861

UNIVERSITIES AND COLLEGES

The University Commissioners (Statute Modifications)
(Queens' College, Cambridge) Order 1995

Made

26th July 1995

At the Court at Buckingham Palace, the 26th day of July 1995

Present,

The Queen's Most Excellent Majesty in Council

Whereas the University Commissioners, in exercise of the powers conferred on them by section 204 of the Education Reform Act 1988 (a), and having undertaken consultations as required by section 205 of the said Act, have duly made modifications, as set out in the Schedule to this Order, to the Statutes of Queens' College, Cambridge:

And whereas the said modifications have been submitted to Her Majesty in Council for approval:

Now, therefore, Her Majesty, having taken the said modifications into consideration, is pleased, by virtue and in exercise of powers conferred by the said section 204 or otherwise in Her Majesty vested, by and with the advice of Her Privy Council, to approve the same.



Clerk of the Privy Council

UNIVERSITY COMMISSIONERS
MODIFICATIONS TO THE STATUTES OF
QUEENS' COLLEGE, CAMBRIDGE

MODIFICATIONS MADE BY THE UNIVERSITY COMMISSIONERS IN EXERCISE OF THE POWERS CONFERRED ON THEM BY SECTION 204 OF THE EDUCATION REFORM ACT 1988 IN RELATION TO QUEENS' COLLEGE, CAMBRIDGE, COPIES HAVING BEEN DULY SENT TO EACH OF THE PERSONS SPECIFIED IN SECTION 205(2) AFFORDING THOSE PERSONS A REASONABLE OPPORTUNITY OF MAKING REPRESENTATIONS AS TO THE ISSUES ARISING, ARE NOW SUBMITTED FOR THE APPROVAL OF HER MAJESTY THE QUEEN IN COUNCIL.

WHEREAS we were appointed under section 202 of the Education Reform Act 1988 to be University Commissioners to exercise, in accordance with subsection (2) of the said section, in relation to Queens' College, Cambridge (in these modifications called "the College"), being a qualifying institution, the functions assigned to us by sections 203 to 207 of the said Act;

NOW THEREFORE we the University Commissioners DO HEREBY MODIFY the existing Statutes of the College in the manner following:

STATUTE 10

OF THE REMOVAL OF THE PRESIDENT

By repealing the Statute

STATUTE 17

OF THE REMOVAL OF FELLOWS

By adding at the end of the Statute the following new paragraph:

"3. Subject to the provisions of paragraph 6(1) of Statute 40, nothing in this Statute shall apply to members of the academic staff to whom Statute 40 applies."

STATUTE 25

OF THE TUTORS

By adding at the end of the paragraph 4 the following new proviso:

"Provided that subject to the provisions of paragraph 6(1) of Statute 40, nothing in this paragraph shall apply to members of the academic staff to whom Statute 40 applies."

STATUTE 39

By inserting after Statute 39 the following new Statute:

"STATUTE 40

OF ACADEMIC STAFF

PART I CONSTRUCTION APPLICATION AND INTERPRETATION

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

- (a) to ensure that members of the academic staff of the College have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges; and
- (b) to enable the College to provide education, to promote learning, and to engage in research efficiently and economically; and
- (c) to apply the principles of justice and fairness.

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

3. - (1) This Statute shall apply -

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

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

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

"dismiss" and "dismissal" refer to the dismissal of a member

of the academic staff and

- (a) include remove or, as the case may be, removal from office; and
- (b) in relation to employment under a contract, shall be construed in accordance with section 55 of the Employment Protection (Consolidation) Act 1978

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

- (a) conviction for an offence which may be deemed by a Disciplinary Committee appointed under Part III to be such as to render the person convicted unfit for the execution of the duties of his office or for employment as a member of the academic staff of the College; or
- (b) conduct of an immoral, scandalous, or disgraceful nature incompatible with the duties of the office or employment; or
- (c) conduct constituting failure or persistent refusal or neglect or inability to perform the duties or comply with the conditions of the office or employment; or
- (d) physical or mental incapacity established under Part IV.

(3) In this paragraph -

- (a) "capability" means capability assessed by reference to skill, aptitude, health, or any other physical or mental quality; and
- (b) "qualifications" means any degree, diploma, or other academic, technical, or professional qualification relevant to an office or position held.

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

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

members of the academic staff of the College to carry out work of a particular kind in that place have ceased or diminished or are expected to cease or diminish.

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

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

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

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

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

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

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

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

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

(2) In any case where an officer of the College or any person

is designated to perform any duties or exercise any powers under this Statute, and that officer or person is himself involved in the matter in question, the Council may appoint an alternate to act in his place under procedures prescribed by a College Order made under this Statute.

PART II REDUNDANCY

8. This Part enables the Governing Body, as the appropriate body for the purposes of section 203(1)(a) of the Education Reform Act 1988, to dismiss any member of the academic staff by reason of redundancy.

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

(a) his appointment is made, or his contract of employment is entered into, on or after 20th November 1987; or

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

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

10. This Part applies where the Governing Body have decided that there should be a reduction in the academic staff -

(a) of the College as a whole; or

(b) of any area of academic work within the College

by way of redundancy.

11. - (1) If the Governing Body have reached a decision under paragraph 10 -

(a) they may themselves decide to select the requisite members of the academic staff for dismissal by reason of redundancy if such a course satisfies the guiding principles set out in paragraph 1; or

(b) they shall appoint a Redundancy Committee to be constituted in accordance with sub-paragraph (2) of this paragraph to give effect to their decision by such date as they may specify and for that purpose

(i) to select and recommend the requisite members of the academic staff for dismissal by reason of redundancy; and

(ii) to report their recommendations to the Governing Body.

(2) A Redundancy Committee appointed by the Governing Body shall comprise -

- (a) a Chairman being a member of the Governing Body;
- (b) two Fellows not being members of the academic staff; and
- (c) two members of the academic staff.

(3) The Governing Body shall either approve any selection recommended by the Redundancy Committee or remit it to the Redundancy Committee for further consideration in accordance with such further directions as the Governing Body may give.

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

12. - (1) If the Governing Body have themselves selected a member or members of the academic staff for dismissal by reason of redundancy or have approved a selection recommended by the Redundancy Committee they may authorise an officer of the College as their delegate to dismiss any member of the academic staff so selected.

(2) Each member of the academic staff selected for dismissal shall be given separate notice of such selection. The notice shall sufficiently identify the circumstances which have satisfied the Governing Body that the intended dismissal is reasonable and in particular shall include -

- (a) a summary of the action taken by the Governing Body under this Part;
- (b) an account of the selection procedure used;
- (c) a reference to the rights of the person notified to appeal against the notice and to the time within which any such appeal is to be lodged under Part V of this Statute; and
- (d) a statement indicating when the intended dismissal is to take effect.

PART III DISCIPLINE, DISMISSAL AND REMOVAL FROM OFFICE

13. - (1) If it appears to the President that there are grounds for believing that the conduct or performance of a member of the academic staff is or has been unsatisfactory, he shall inquire into the matter. If the President concludes after investigation that the member is or has been at fault, he may

issue an oral warning to the member. The President shall specify the reason for the warning, shall indicate that it constitutes the first stage of the College's disciplinary procedure, and shall advise the member that he may appeal against the warning under sub-paragraph (4) of this paragraph.

(2) If the President concludes after investigation that the fault is sufficiently serious to justify it, or if a further offence occurs, he may issue a written warning to the member. Such a warning shall specify the complaint made against the member, the improvements required in the member's conduct or performance, and the period of time within which such improvements are to be made. The President shall advise the member that he may appeal against the warning under sub-paragraph (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 Committee.

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

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

14. - (1) If there has been no satisfactory improvement following a written warning given under paragraph 13, or in any case where it is alleged that conduct or performance may constitute good cause for dismissal or removal from office, a complaint seeking the institution of charges to be heard by a Disciplinary Committee appointed under paragraph 15 may be made to the President.

(2) To enable the President to deal fairly with any complaint brought to his attention under sub-paragraph (1) he shall institute such enquiries (if any) as appear to him to be necessary.

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

(4) As soon as may be following the comments (if any) or in

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

15. If the President has determined that the matter should be considered by a Disciplinary Committee, the Governing Body shall at his request appoint such a Committee to hear the charge or charges, to determine whether the conduct or performance of the person concerned constitutes good cause for dismissal or otherwise constitutes a serious complaint relating to his appointment or employment, and to make recommendations concerning the action (if any) to be taken as a result of the Committee's findings. Pending the consideration of such recommendations, the President, after consulting the Governing Body, may suspend the person charged from the performance of his duties without loss of emolument.

16. A Disciplinary Committee shall consist of three persons selected by the Governing Body from a panel of nine persons appointed annually by the Governing Body. The members of the panel shall be Fellows of the College or other persons, being members of the Regent House of the University. In selecting members of the panel for appointment as members of a Disciplinary Committee, the Governing Body shall exclude the person charged and any person who has been involved in or associated with the making of the complaint or any part of it, or who has been involved in any preliminary hearing or investigation.

17. (1) When a Disciplinary Committee has been appointed, the Governing Body shall instruct a 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 Committee.

(2) It shall be the duty of the person formulating the charge or charges -

- (a) to forward the charge or charges to the Committee and to the member of the academic staff concerned, together with the other documents therein specified and a list of all witnesses the College proposes to call, with statements containing the evidence they are expected to give; and
- (b) to make any necessary administrative arrangements for the summoning of witnesses, the production of documents and generally for the proper presentation of the case before the Committee.

18. The procedure to be followed in respect of the preparation, hearing, and determination of charges by a Disciplinary Committee shall be prescribed by College Orders made under this

Statute. Such College Orders shall ensure:

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

19. - (1) The Disciplinary Committee shall send its decision on any charge referred to it (together with its findings of fact and the reasons for its decision regarding that charge and its recommendations, if any, as to the appropriate penalty) to the President, the person charged, the person presenting the charge and any person who shall have been added as a party by the Disciplinary Committee.

(2) The Disciplinary Committee shall draw attention to the period of time within which any appeal should be made by ensuring that a copy of Part V (Appeals) accompanies each copy of its decision sent to a party to the proceedings under this paragraph.

20. - (1) If the charge or charges are upheld and the Disciplinary Committee finds that the conduct of the person concerned constitutes good cause for dismissal and recommends that he be dismissed, but in no other case, the President, after consulting the Governing Body, shall decide whether or not to dismiss the person concerned.

(2) In any case where the charge or charges are upheld, other than where the President has decided under sub-paragraph (1) to dismiss the person concerned, the action available to the President, after consulting the Governing Body (not comprising a greater penalty than that recommended by the Disciplinary

Committee) may be -

- (a) to discuss the issues raised with the person concerned; or
- (b) to advise the person concerned about his future conduct; or
- (c) to warn the person concerned; or
- (d) to suspend the member concerned or exclude him from any College premises for such period as the President shall think fair and reasonable, provided that the suspension or exclusion shall not extend beyond three months after the date on which the Governing Body shall have considered the Disciplinary Committee's decision; or
- (e) to take such further or other action under the person's contract of employment or terms of appointment as appears fair and reasonable in all the circumstances of the case; or
- (f) to combine any of the courses of action specified above.

21. - (1) Any reference in paragraph 20 to the President shall include a reference to an officer acting as his delegate.

(2) Any action taken by the President or his delegate shall be confirmed in writing to the member concerned.

PART IV REMOVAL FOR INCAPACITY ON MEDICAL GROUNDS

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

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

(3) In this Part references to the appropriate officer are references to the President or an officer acting as his delegate.

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

23. - (1) Where it appears to the appropriate officer that the removal of a member of the academic staff on medical grounds should be considered, the appropriate officer -

- (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 his duties without loss of emolument.

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

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

(4) The procedure to be followed in respect of the preparation, hearing, and determination of a case by a Medical Board shall be prescribed by College Orders made under this paragraph. Such College Orders 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 himself, is entitled to be present;
- (c) that witnesses may be called and questioned concerning any relevant evidence; and
- (d) that the case is heard and determined as expeditiously as is reasonably practicable.

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

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

PART V APPEALS

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

26. - (1) This Part applies -

- (a) to appeals against the decisions of the Governing Body as the appropriate body (or of a delegate of that body) to dismiss in the exercise of its powers under Part II;
- (b) to appeals arising in any proceedings, or out of any decision reached, under Part III other than appeals under paragraph 13 (Appeals against disciplinary warnings);
- (c) to appeals against dismissal otherwise than in pursuance of Part II or Part III;
- (d) to appeals against disciplinary decisions otherwise than in pursuance of Part III;
- (e) to appeals against decisions reached under Part IV; and
- (f) to appeals arising in any proceedings, or out of any decision reached, under Part VII, including appeals against decisions reached in pursuance of paragraph 47;

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

(2) No appeal shall however lie against -

- (a) a decision of the appropriate body under paragraph 10;
- (b) the findings of fact of a Disciplinary Committee under Part III, or of a Tribunal under Part VII save where, with the consent of the person or persons hearing the appeal, fresh evidence is called on behalf of the appellant at that hearing;
- (c) any medical finding by a Medical Board set up under paragraph 23(3) save where, with the consent of the person or persons appointed, fresh evidence is called on behalf of the appellant at that hearing.

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

(4) The parties to an appeal shall be the appellant and the

President and any other person added as a party at the direction of the person appointed.

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

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

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

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

29. - (1) Where an appeal is commenced under this Part the appeal shall, subject to the provisions of paragraph 28(3) and sub-paragraph (3) of this paragraph, be heard and determined by a person appointed by the Governing Body in accordance with College Orders made under this paragraph.

(2) A person appointed under sub-paragraph (1) above shall be a person who holds or has held judicial office or who is a barrister or solicitor of at least ten years' standing.

(3) The person appointed shall sit alone unless he considers that justice and fairness will best be served by sitting as an Appeal Tribunal with two other persons appointed in accordance with College Orders made under this paragraph.

(4) The other persons who may sit with the person appointed shall be -

(a) one member of the Regent House of the University not being a Fellow of the College; and

(b) one other person whether or not a member of the Regent House but not being a Fellow of the College.

30. - (1) The procedure to be followed in respect of the preparation, consolidation, hearing and determination of appeals shall be that set out in College Orders made under this paragraph.

(2) Without prejudice to the generality of the foregoing such College Orders shall ensure -

- (a) that an appellant is entitled to be represented by another person, whether such person be legally qualified or not, in connection with and at any hearing of his appeal;
 - (b) that an appeal shall not be determined without an oral hearing at which the appellant, and any person appointed by him to represent him are entitled to be present and, with the consent of the person or persons hearing the appeal, to call witnesses;
 - (c) that full and sufficient provision is made for postponements, adjournments, dismissal of the appeal for want of prosecution and for the correction of accidental errors; and
 - (d) that the person appointed may set appropriate time limits for each stage (including the hearing itself) to the intent that any appeal shall be heard and determined as expeditiously as reasonably practicable.
- (3) The person or persons hearing the appeal may allow or dismiss an appeal in whole or in part and, without prejudice to the foregoing, may -
- (a) remit an appeal from a decision under Part II to the Governing Body as the appropriate body (or any issue arising in the course of such an appeal) for further consideration as the person or persons hearing the appeal may direct; or
 - (b) remit an appeal arising under Part III for re-hearing by a differently constituted Disciplinary Committee to be appointed under that Part; or
 - (c) remit an appeal from a decision of the appropriate officer under Part IV for further consideration as the person or persons hearing the appeal may direct; or
 - (d) remit an appeal by the President arising under Part VII for re-hearing or reconsideration by the same or by a differently constituted Tribunal to be appointed under that Part; or
 - (e) substitute any lesser alternative penalty that would have been open to the President following the finding by the Disciplinary Committee which heard and pronounced upon the original charge or charges.

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

appeal.

PART VI GRIEVANCE PROCEDURES

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

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

- (a) to matters affecting themselves as individuals; or
- (b) to matters affecting their personal dealings or relationships with any other staff of the College,

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

34. - (1) If other remedies within the relevant area have been exhausted the member of the academic staff may raise the matter with the President.

(2) If it appears to the President that the matter has been finally determined under Part III, IV and V or that the grievance is trivial or invalid, he may dismiss it summarily, or take no action upon it. If it so appears to the President he shall inform the member.

(3) If the President is satisfied that the subject matter of the grievance could properly be considered with (or form the whole or any part of) -

- (a) a complaint under Part III;
- (b) a determination under Part IV; or
- (c) an appeal under Part V

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

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

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

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

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

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

PART VII REMOVAL OF THE PRESIDENT FROM OFFICE

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

40. The Vice-President shall refer such a complaint to the Governing Body, exclusive of the President and the members making the complaint. If it appears to the Governing Body that the complaint is not supported by sufficient evidence of good cause for the removal of the President from office, or that it is trivial or invalid or unjustified, they may determine that no further action shall be taken upon it.

41. If it appears to the Governing Body, on material presented, that the complaint is supported by sufficient evidence of good cause for the removal of the President from office, they shall appoint a Tribunal to hear and determine the matter. A Tribunal appointed by the Governing Body shall consist of three persons who are not Fellows of the College and are not employed by the College, as follows:

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

42. A complaint referred to the Tribunal shall be dealt with in accordance with the procedure prescribed in paragraphs 17, 18, 30 and 31 provided that the Vice-President shall perform any duty and exercise any power there assigned to the President, and that for the purposes of this Part references in those paragraphs to a Disciplinary Committee shall be construed as referring to the Tribunal, and references in paragraphs 30 and 31 to Part III shall be construed as referring to this Part.

43. The Tribunal shall send its decision on the complaint, together with its findings of fact and the reasons for its decision, to the President and the Vice-President. The

Tribunal shall draw attention to the period of time within which any appeal should be instituted by ensuring that a copy of Part V of this Statute accompanies the notification of its decision sent to the President.

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

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

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

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

48. For the purposes of this Part, references to the Vice-President shall, if the Vice-President is not in residence, or is incapacitated by illness or otherwise, be construed as referring to the senior Fellow in residence."

By renumbering the existing Statutes 40 to 44 as 41 to 45 respectively.

STATUTE 42

OF APPEALS TO THE VISITOR

By inserting at the beginning of the Statute as renumbered the number "1."

By adding at the end the following new paragraph:

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

- (a) to hear any appeal or determine any dispute relating to a member of the academic staff to whom Statute 40 applies which concerns the member's appointment or employment or the termination of that appointment or employment; or

(b) to disallow or annul any College Order made under or having effect for the purposes of Statute 40."

Signed by J D May
Butterworth
A T Gregory
J Munn
University Commissioners
on 21st October 1993.