

KEBLE COLLEGE CHARTER AND STATUTES

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AT THE COURT OF CLARENCE HOUSE

The 9th day of April 1952

Present

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL

Whereas the Governing Body of Keble College, in the University of Oxford, did, under the provisions of the Universities of Oxford and Cambridge Act, 1923, on the 10th day of July 1951, make Statutes amending the College Statutes:

And whereas the said Statutes have been submitted to His Late Majesty in Council, and notice of their having been published in the London Gazette, and the said Statutes have also been laid before both Houses of Parliament in accordance with the directions contained in the said Act, and no Petition or Address against the same has been presented:

Now, therefore, Her Majesty, having taken the said Statutes (a copy whereof is hereunto annexed) into consideration, is pleased, by and with the advice of Her Privy Council, to declare, and doth hereby declare, Her Approval of the same.

FJ Fernau

PREAMBLE

Keble College was founded in 1870 in memory of the Reverend John Keble, on land in the parish of St Giles purchased from the President of St John's College, with the object of providing a University education for young men in a College conducted in accordance with the principles of the Church of England.

The objects of Keble College are:

- (1) The provision of a University education in a College in the University of Oxford to be called Keble College conducted in accordance with the principles of the Church of England
- (2) The advancement of education and learning and the promotion of research

The College was incorporated by Royal Charter dated 6 June 1870, under the name of the Warden, Council and Scholars of Keble College. The Charter of Incorporation was modified by a Supplemental Charter date 7 April 1902, and subsequently by Statutes made by the University of Oxford Commissioners on 14 July 1925, under the provisions of the Universities of Oxford and Cambridge Act, 1923. The Charter of Incorporation and the Statutes of 1925 were further amended in 1952 and have now been further modified by these Statutes, which were approved by Her Majesty in Council on [new date].

STATUTE I

CHARTER OF INCORPORATION AND REPEAL OF STATUTES

1. The Charter of Incorporation of the College dated the sixth day of June 1870, shall remain in full force and effect except in so far as it is repealed or altered by these Statutes.
2. All the words in the said Charter which are subsequent to the words 'within our United Kingdom of Great Britain and Ireland' in clause 2 thereof are repealed with the exception of clause 25.
3. In all those clauses of the Charter which still remain in force, to wit clause 1, part of clause 2, and clause 25, for the words 'Warden, Council and Scholars' or 'Warden and Council', wheresoever they occur, there shall be substituted the words 'Warden, Fellows and Scholars' or 'Warden and Fellows' respectively.
4. The existing Statutes of the College are hereby repealed but this repeal shall not, except with his consent, affect the existing rights of any member of the College at the time of the repeal.

STATUTE II

CONSTITUTION

1. The corporate name of the College shall be the Warden, Fellows and Scholars of Keble College in the University of Oxford.
2. The Governing Body of the College shall consist of the Warden, the Official Fellows, the Professorial Fellows, and such other Fellows of the College as are appointed to membership of the Governing Body in accordance with the provisions of Statute VI and the members of the Governing Body shall be the charity trustees.
3. Persons of either sex may be members of the College, and in these Statutes and in all bye-laws and regulations made under them (if any) and (subject where necessary to the consent of the trustees or governing body of the trust) in such trust instruments relating to the College as are in force on the first day of January 1977 words importing the masculine gender shall where the context so admits include or be deemed to include the feminine.

STATUTE III

ADMINISTRATION

1. There shall be at least two meetings of the Governing Body in every academical year, to be known as Stated Meetings, at which at least one half of the members of the Governing Body shall be present, and of which one shall be held in the Michaelmas term. Not less than one week's notice shall be given of a Stated Meeting and of the business to be transacted thereat.
2. In addition to Stated Meetings there may be other meetings of the Governing Body, to be known as College Meetings, for the disposal of the business not specifically assigned to Stated Meetings.
3. At all meetings of the Governing Body (except as provided in Statute V, clauses 4 and 6) the Warden, or in his absence the Sub-Warden, or in the absence of them both the senior Official Fellow present, shall preside and, in the event of an equality of votes, have a second or casting vote. On all matters not otherwise provided for in these Statutes decisions shall be made by a majority of those present and voting.
4. Subject to the provisions of these Statutes the Governing Body may make bye-laws and regulations for the College. Bye-laws shall be made, altered, or rescinded only at Stated Meetings.
5. The Governing Body shall have power to make all lawful determinations relating to the discipline of members of the College in statu pupillari. Such power may be delegated to any officer of the College or to any disciplinary body constituted in accordance with bye-laws or regulations made under clause 5 of this Statute or appointed at a Governing Body meeting. A member of the College in statu pupillari shall have the right to a fair hearing whenever disciplinary action which may result in his expulsion or rustication is being considered.
6. The common seal of the College shall be in the custody of the Bursar. Every document requiring to be sealed by the common seal shall be sealed in the presence of the Warden and the Bursar or in the presence of one of them and one of the Official Fellows.
7. Contracts on behalf of the College may be made as follows:-
 - (a) a contract which if made between private persons would be by law required to be in writing, and if made according to English law to be made under seal, may be made on behalf of the College in writing under the Common Seal of the College;
 - (b) a contract which if made between private persons would be by law required to be in writing, signed by the parties to be charged

therewith, may be made on behalf of the College in writing signed by any person acting under its authority;

- (c) a contract which if made between private persons would by law be valid although made by parol only, and not reduced into writing, may be made by parol on behalf of the College by any person acting under its authority;
 - (d) a contract made according to this Statute may be varied or discharged in the same manner in which it is authorised by this Statute to be made.
8. The Governing Body shall have the power to delegate such of its powers and responsibilities as it may think fit to standing and ad hoc committees of the Governing Body on such terms and including such individuals who are not members of the Governing Body as it may from time to time determine, provided always that:
- (a) the Governing Body may not delegate any of the powers and responsibilities relating to the discipline, grievances and dismissal of academic staff of the College; and
 - (b) a majority of the members of any such committee, except the Remuneration Committee and the Investment Committee, shall be official members of the Governing Body
9. All members of the Governing Body shall perform their duties as charity trustees gratuitously but, notwithstanding that they are the charity trustees, may receive from the College, directly or indirectly:
- (a) proper and reasonable remuneration, and indirect benefits including but not limited to a salary and pension contributions, use of the College facilities, meals, accommodation, housing allowance, housing assistance through loans at commercial rates or shared equity scheme, reimbursement of expenses incurred in undertaking academic duties, travel and equipment costs for undertaking research activity for the performance of their duties as employees of the College; and participation in any joint equity scheme run by the College, for the performance of their duties as employees of the College; and
 - (b) payment for goods and services supplied to the College, provided always that:
 - (i) the amount of such payment is determined in accordance with a written agreement between the College and the member concerned and is no greater than is reasonable in the circumstances;
 - (ii) before entering into that written agreement, the Governing Body is satisfied that it is in the best interests of the College

for the goods or services to be supplied by the member concerned on the terms of that written agreement; and

- (iii) the total number of members of the Governing Body in respect of whom such a written agreement is in force constitutes a minority of the Governing Body.
10. Members of Governing Body shall be responsible for the regulation and management of remuneration, benefits and other payments to its members under these Statutes and for this purpose shall establish an independent Remuneration Committee whose full remit and composition shall be approved by Governing Body from time to time. The role of the Remuneration Committee shall be to review the level of remuneration and benefits received by members of Governing Body. The members of Governing Body shall also be responsible for the management of potential conflicts of interest on the Governing Body and shall from time to time make decisions to set out the policy and procedures it shall follow in order to fulfil this responsibility.
 11. Members of Governing Body shall have the entire management, direction, superintendence and control of and over the affairs concerns and property of the College and the College shall have full power and capacity to accept, acquire and hold any personal property whatsoever, and shall also, without any further authority, by virtue of Our Charter and these Statutes, have full power and authority to accept, acquire and hold any lands and hereditaments situate in Our United Kingdom of Great Britain and Northern Ireland or elsewhere and to dispose of, either by way of sale or lease, and to exchange, mortgage, charge, improve, manage, develop, turn to account or otherwise deal with all or any part of such property, real or personal, belonging to the College, upon such terms and in such manner as it shall see fit, and likewise to borrow, lend, give and accept guarantees and to accept mortgages, and also to do all other matters incidental or appertaining to a College: provided always that nothing in this Article shall be deemed to empower the College to dispose of, or deal with, its property in the manner mentioned without first obtaining such consent as would otherwise be required by law.

STATUTE IV

THE VISITOR

1. The Archbishop of Canterbury for the time being shall by virtue of his office be Visitor of the College with authority to do all those things which pertain to Visitors of Colleges in Oxford as often as to him shall seem meet.
2. If any question arise on which the Warden and Fellows are unable to agree, depending on the construction of any of the Statutes of the College, the Governing Body or any three members thereof or the Warden alone may submit

the question to the Visitor, and the Visitor may thereupon declare the true construction of the Statutes with reference to the question submitted to him.

3. It shall be lawful for the Warden or for any Fellow if he shall conceive himself to be injured by any act or decision of the Governing Body to appeal to the Visitor: and it shall be lawful for the Visitor to adjudicate on such appeal, and to reverse or vary such act or decision.
4. 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 XIV applies which concerns the member's appointment or employment or the termination of that appointment or employment; or
 - (b) to disallow or annul any bye-law made under or having effect for the purposes of Statute XIV.

STATUTE V

THE WARDEN

1. The Warden shall be the head of the College. He shall exercise a general supervision over the affairs and management of the College and over the admission, education, discipline and well-being of its members *in statu pupillari*. He shall endeavour to the best of his ability to further the interests of the College as a place wherein education and learning shall be promoted and the free exercise of religion permitted and protected. In the exercise of his functions as defined by these Statutes he shall have due regard to the established traditions of the College.
2. At any time not more than eighteen months before a vacancy will occur in the office of the Warden by the retirement or resignation of the Warden, the Sub-Warden, or if for any reason he is unable to act then the senior Official Fellow who is so able, shall on the instruction of the Governing Body or on the petition of not fewer than one third of its members forthwith cause to be sent to all Fellows who are members of the Governing Body notice of a meeting, to be held not less than seven days after the sending of the notice, to consider when to proceed with the election of a Warden to fill the vacancy, and he shall when he does so notify the Visitor that he is so doing; provided that if no such notice has been sent by a date nine months before the vacancy will occur the Sub-Warden or other Official Fellow aforesaid may cause it to be sent of his own motion. The Governing Body shall after this meeting have power to make the election before the vacancy has occurred.

3. If a vacancy occurs in the office of Warden, then if before it occurs no meeting has been held or summoned in accordance with the provisions of clause 2 of this Statute the Sub-Warden, or if for any reason he is unable to act, then the senior Official Fellow who is so able, shall forthwith cause to be sent or given to the Visitor and all members of the Governing Body notice of a preliminary meeting, to be held not less than seven days after the sending of the notice and not more than twenty-one days after the occurrence of the vacancy, to consider the election of a Warden to fill the vacancy. If however, when the vacancy occurs, a meeting has already been held or summoned in accordance with the provisions of clause 2 of this Statute, the Sub-Warden or other Official Fellow aforesaid shall take under this present clause only such action as in his judgement the necessity of the case requires.
4. The Warden shall not be present at a meeting summoned in accordance with the provisions of clause 2 of this Statute, nor shall he be present when at any subsequent meeting the Governing Body is discussing or voting on the election of his successor.
5. The election of the Warden shall be made at a Stated Meeting of which not less than fourteen days' notice has been given. The meeting may at any time be adjourned by the vote of the majority of those present and voting; if it be adjourned to a later day, notice of the adjournment shall be sent forthwith by the person presiding to all Fellows who are members of the Governing Body.
6. At the meeting for the election the Sub-Warden shall preside, or in his absence or if he is a candidate for the office of Warden then the senior Official Fellow present who is not a candidate for the office. The votes of those present shall be given in writing to the person presiding, and only these votes shall be valid. A person shall be declared elected as Warden when there shall have voted thus in his favour an absolute majority of all Fellows who are entitled to vote in accordance with the provisions of Statute III, clause 3. The voting shall be repeated as often as may be necessary to secure such a majority.
7. If no Warden is elected within twelve months from the time at which a vacancy occurs, then on the petition of either Visitor or any three of the Official Fellows Her Majesty in Council may appoint a Warden.
8. As soon as may be after the election of a Warden, one or more of the Fellows deputed for the purpose shall present the Warden-elect to the Visitor and shall deliver to the Visitor a letter under the College Seal announcing the election. The Warden-elect shall make the following declaration in the presence of the Visitor:

'I AB, elected Warden of Keble College, do solemnly declare that I will observe and uphold its Statutes and bye-laws, and that I will endeavour to the best of my ability to further its interests as a place wherein education and learning shall be promoted and the free exercise of religion permitted and protected.'

After he has made this declaration he shall take up the office of Warden on such date as shall have been or shall be agreed between him and the Governing Body.

9. The Warden shall be presented to the College in Full Term, as soon as may be conveniently possible after he has taken up his office. The Sub-Warden or senior Official Fellow present shall say:

‘Fellows and Scholars of Keble College, I present to you AB, duly elected by the Governing Body of the College to be its Warden; and I call on him to make the declaration required of him by the Statutes of the College.’

Then the Warden shall make the following declaration:

‘I, AB, elected Warden of Keble College, do solemnly declare that I will observe and uphold its Statutes and bye-laws, and that I will endeavour to the best of my ability to further its interests as a place wherein education and learning shall be promoted and the free exercise of religion permitted and protected.’

10. The Warden shall reside in College for at least seven months in each year, of which twenty-one weeks at least shall be during Full Term; save to the extent that the Governing Body may dispense him from doing so.
11. The Warden shall receive such stipend and allowances as may be determined by the Governing Body (subject to the approval of the Remuneration Committee) from time to time. He shall be entitled to the use of the Warden’s Lodgings free of rent, rates and taxes; the cost of structural repairs shall be defrayed by the College.
12. The Warden shall not without the consent of the Governing Body hold any office or offices (except the Vice-Chancellorship of the University) the holding of which shall in the opinion of the Governing Body be incompatible with the proper performance of his duties as Warden.
13. If the Warden is deprived of his office under Part VII of Statute XIV the Governing Body shall have power to pay to his use such pension as shall seem just
14. The Warden may hold office until the 30th day of September next after he shall have attained the age of seventy years, or if he shall attain that age upon the 30th day of September, then until that day.
15. Subject to the provisions of Statute XIV, the rights and obligations of a Warden under this Statute shall be governed by the Statute in the form in which it was at the date of his election; provided that when the Statute has been altered after that date the Warden may at any time require at a Stated Meeting that any or all of the provisions of the Statute in its altered form apply to him, and on his so doing in respect of any such provision his rights and obligations shall be governed by that provision forthwith and it shall prevail over any provision in the previous form of the Statute with which it is incompatible. [Amended 1995]

STATUTE VI

THE FELLOWS

1. The Fellows of the College may be of the following kinds, namely:

Official Fellows

Professorial Fellows

Research Fellows

Emeritus Fellows

Honorary Fellows

Fellows by Special Election

Subject to the provisions of this Statute Fellowships shall be held on such terms and conditions as the Governing Body may from time to time determine.

2. Official Fellows shall be elected by the Governing Body at a Stated Meeting on such terms and conditions as the Governing Body (subject to the approval of the Remuneration Committee) may in each case decide. Official Fellows shall reside in college during full term unless dispensed from this obligation by the Governing Body.
3. Official Fellowships shall be tenable by
 - (a) Persons holding the office of Chaplain or any office for the time being existing in the College whether teaching, administrative or disciplinary.
 - (b) University Lecturers, University demonstrators or departmental demonstrators appointed under the provisions of any University Statute or decree in force for the time being.
4. Every Official Fellow shall be admitted to his office by the Warden and shall make the following declaration:

‘I, AB, will be true and faithful to the College, its Statutes and bye-laws, and will endeavour to promote its objects and interests as a place of religion, education and learning.’
5. An Official Fellow shall be on probation for one year from the date of his admission. At or before the expiration of his period of probation the Governing Body may at a Stated Meeting confirm the Fellow in his Fellowship for a further period not exceeding fourteen years, but in the absence of such confirmation his Fellowship shall lapse.

6. At or before the expiration of any period for which he has been appointed, a Fellow may at a Stated Meeting be re-elected for a further period not exceeding fifteen years on such terms and conditions as the Governing Body (subject to the approval of the Remuneration Committee) thinks fit.
7. Professorial Fellowships shall be restricted to University Professors, University Readers and holders of other University offices which are declared by any University Statute or decree to qualify the holder for a Professorial Fellowship.
8. The holder of any Professorship which may be allocated to the College by the Council of the University shall, by virtue of his office, be a Professorial Fellow of the College, provided that the College has the right to be represented on the Board of Electors to that office. The holder of any University Readership or other office which by University Statute or decree qualifies him to hold a Professorial fellowship may at a Stated Meeting be elected to a Professorial Fellowships of the College on such terms as the Governing Body thinks fit.
9. A Professorial Fellow shall not be entitled to any stipend from the College: nor shall he hold his Fellowship after he has resigned or otherwise vacated his qualifying office.
10. The Governing Body may appoint one or more Research Fellows at its discretion and on such terms as it thinks fit. The appointment may be for any period not exceeding seven years, and may be renewed. A Research Fellow may at a Stated Meeting be elected to membership of the Governing Body.
11. Every Professorial and Research Fellow shall on his admission make a declaration that he will be true and faithful to the College, its Statutes and by-laws and will endeavour to promote its interests and studies.
12. The Governing Body may at a Stated Meeting elect or re-elect to an Emeritus Fellowship in recognition of services rendered to the College any person who has been a Fellow of the College. The appointment shall be on such terms and conditions as the Governing Body thinks fit.
13. The Governing Body may at a Stated Meeting elect distinguished persons to Honorary Fellowships of the College. A person so elected shall not be a member of the Governing Body or receive any emolument whatever in virtue of his Fellowship, but shall be entitled to such other privileges as the Governing Body may determine.
14. The Governing Body may at a Stated Meeting elect by the votes of not less than two-thirds of those present and voting to Fellowships by Special Election persons whose services as Fellows would be of advantage to the College. The Election of a Fellow by Special Election shall be on such terms and conditions as the Governing Body thinks fit. A Fellow by Special Election may at a Stated Meeting be elected to membership of the Governing Body in which case the terms and conditions of his election shall be subject to the approval of the Remuneration Committee.

15. A Fellow, other than an Honorary or Emeritus Fellow, shall vacate his Fellowship on any of the following occurrences, that is to say:
 - (a) on ceasing to hold the qualification in respect of which he was last elected:
 - (b) on the acceptance of the Headship of the College or of any other College, Hall or Society within the University, whether stipendiary or non-stipendiary (other than an Honorary or Emeritus Fellowship): or on engaging in any occupation which in the opinion of the Governing Body interferes with the discharge of his duties to the College:
 - (c) if at a Stated Meeting he shall be declared by the votes of not less than two-thirds of the Governing Body, subject to the right of appeal to the Visitor as provided in Statute IV, clause 3, to be guilty of neglect of duty or of conduct rendering him unfit to remain as a Fellow of the College. Provided that, subject to the provisions of clause 7 (1) of Statute XIV, nothing in this clause shall apply to any member of the academic staff to whom Statute XIV applies.
 - (d) and if he holds an Official Fellowship on the thirtieth day of September next following the sixty-fifth anniversary of this birth or if such anniversary falls on the thirtieth day of September then upon such anniversary, provided that if he was admitted as a Fellow before the first day of October 1979 and/or he is permitted by the University to hold a post until at least his sixty-seventh birthday he shall vacate his Fellowship on the thirtieth day of September following the sixty-seventh anniversary of his birth.
16. Subject to the needs and financial resources of the College, the Governing Body shall (subject to the approval of the Remuneration Committee) have power to grant leave of absence to a Fellow on such terms as to period and emolument as it may determine.

STATUTE VII

SCHOLARS AND EXHIBITIONERS

1. The provisions of this Statute shall prevail over the corresponding provisions of any trust instrument for the award of scholarships or exhibitions in so far as they are incompatible but not further.
2. The value of a scholarship or exhibition shall be for such sum as Governing Body may from time to time determine.

3. The emoluments of scholarships and exhibitions shall be paid without regard to the other financial resources of the holders.
4. A scholarship or exhibition shall be awarded for not more than one year in the first instance, and shall be renewable thereafter for not more than one year at a time; provided that no scholarship or exhibition shall be tenable for more than six years in all.
5. Scholarships or exhibitions may be awarded to members of the College in *statu pupillari*.
6. The Governing Body shall have power to elect members of the College in *statu pupillari* to honorary scholarships or honorary exhibitions.
7. Every scholar and exhibitor shall hold his scholarship or exhibition upon such conditions as to conduct, residence and course of study as shall in each case be prescribed by the Governing Body.
8. A scholarship or exhibition shall be vacated on the election of the holder to a place on the foundation of any other College or University, or upon the holder's name being removed from the books of the College.
9. It shall be lawful for the Governing Body to deprive any scholar or exhibitor of his scholarship or exhibition or of any part of the emoluments or of all, if in its judgement his conduct has rendered such a course just and desirable.
10. If and in so far as there may be a surplus in any of the funds for the award of scholarships or exhibitions, the Governing Body may at its discretion use this surplus for the award of further scholarships or exhibitions or for grants to undergraduates in need or otherwise in promoting the education of members of the College *in statu pupillari* (provided that no promise or advertisement of such a grant shall be made to persons not yet in residence).

STATUTE VIII

COLLEGE OFFICERS

1. The officers of the College (other than the Warden) shall be the Sub-Warden, the Bursar, the Dean and the Chaplain (all of whom shall be members of the Governing Body), and such other officers as the Governing Body may deem necessary. All officers shall be elected by the Governing Body at a Stated Meeting. More than one office may be held by the same person. Officers shall be eligible for re-election. Their terms of office shall, subject to the provisions of these Statutes and their contracts of employment (if any), be determined by the Governing Body and may be varied by the Governing Body at any time. The functions of any office shall comprise any functions specifically assigned to it

by these Statutes, or by bye-laws or regulations or resolutions of the Governing Body and functions generally associated with an office of that description. Subject to the provisions of these Statutes, no officer may be appointed for a period of more than seven years; but if on or before the date on which any officer's re-appointment is due to determine he has not resigned or been re-elected, and the Governing Body has not elected some other person to the office or (if so empowered) resolved to leave the office vacant, the officer may continue to exercise the functions of his office until the Governing Body deals with the matter.

2. The Sub-Warden shall in the absence or sickness of the Warden, or during a vacancy in the office of Warden, have power to perform the duties of the Warden, provided that where these Statutes assign a duty to the Warden only if he be a Clerk in Holy Orders the Sub-Warden shall not have power to perform that duty unless he be himself a Clerk in Holy Orders.
3. If, in the opinion of the Governing Body, the absence or sickness of the Warden or the vacancy in the office of Warden is likely to be prolonged, the Governing Body may appoint the Sub-Warden or another of the Official Fellows to the office of Vice-Warden and such Vice-Warden alone, if appointed, shall exercise the powers assigned to the Sub-Warden in these Statutes until the return of the Warden to his duties or until the election of a Warden.
4. The Bursar shall under the direction of the Governing Body have the care of the property, income and expenditure of the College and shall be responsible for the domestic economy of the College and the proper keeping of its accounts.
5. The Dean shall, under the direction of the Governing Body have charge of discipline in the College.

STATUTE IX

THE CHAPEL

1. The Chaplain shall be a Clerk in Holy Orders and an Official Fellow of the College, and shall, under the direction of the Governing Body, be responsible for the Chapel and its services. In the exercise of his functions as defined by these Statutes he shall have due regard to the established traditions of the College.
2. The Governing Body may at its discretion appoint some person being a Clerk in Holy Orders to assist the Chaplain in the execution of his duties. If there be a vacancy in the office of Chaplain, or if the Chaplain be for any reason unable to perform his duties, the Governing Body shall appoint some person being a Clerk in Holy Orders to be Acting Chaplain for so long as the necessity of the case requires.

3. Worship according to the use of the Church of England shall be conducted in the Chapel daily during Full Term; the Holy Communion shall be celebrated there on every Sunday and Holy Day during Full Term according to the same use.
4. The Governing Body shall make reasonable financial provision for the maintenance of the Chapel and its services. No structural alteration shall be made to the Chapel, and no part of its furniture, fittings or equipment shall be disposed of, except by resolution of the Governing Body and with the consent of the Chaplain.

STATUTE X

ADVOWSONS

Presentations to benefices in the gift of the College shall be made by the Governing Body on the recommendation of an Advowsons Committee. If the Warden be a Clerk in Holy Orders, the Committee shall consist of the Warden and not less than two persons appointed by the Governing Body; if the Warden be not a Clerk in Holy Orders, it shall consist of not less than three persons appointed by the Governing Body. The persons appointed by the Governing Body shall be members of the Church of England, and at least one of them shall be an Official Fellow of the College.

STATUTE XI

TUITION

The Governing Body shall provide courses of instruction for the undergraduate members of the College during at least twenty-four weeks in the academical year exclusive of time devoted to any College examination.

STATUTE XII

PENSIONS

1. Whereas the College made an application to the Central Council administering and controlling the Federated Superannuation System for Universities and was admitted to membership of that system on 1 October 1935 (hereinafter called 'the date of admission') the College shall comply with the regulations of the said Central Council.
2. The superannuation scheme (in this Statute referred to as 'the scheme') together with any amendments or modifications which may hereinafter be introduced into the scheme by agreement between the College and the Central Council shall be in force in the College.
3. The scheme shall be compulsory on the Warden and on every member of the teaching and administrative staff of the College (to whom the scheme is applicable) who was appointed for the first time on or after the date of admission or who, being in office on that date, has by notice in writing in that behalf placed himself under the scheme.
4. All monies payable by the College under the scheme and under this Statute shall be provided for either out of the income of any trust funds lawfully applicable for such purposes or out of any monies or revenue of the College.
5. For the purpose of this Statute the stipends payable to the Warden and other members of the College included in the scheme shall be calculated exclusively of the value of any prescribed allowances made under these Statutes or otherwise.
6. Where any person comes under the scheme both under or by virtue of this Statute and also under or by virtue of any Statute of any other College or of any Statute or decree of the University the College shall so far as it is practicable enter into an arrangement with the Governing Body of such other College or the body of authority designated by such Statute or decree as the nature of the case may require, as regards the application of the scheme to such person, and any such arrangement made may provide for the trusteeship arising under the scheme being exercised exclusively either by the College or by such other College or such body or authority as aforesaid and otherwise as may be necessary or convenient for unifying the administration of the scheme as regards such person, provided that no such arrangement shall reduce any deduction or contribution provided for by the scheme as applied by this Statute.
7. Every person coming or placing himself under the scheme by virtue of the provisions of this Statute, shall immediately upon his being required so to do by the Governing Body sign an agreement in the form required by the Federated

Superannuation System for Universities providing for his being bound by the scheme.

8. Notwithstanding the foregoing provisions of this Statute it shall be lawful for the Governing Body by resolution to appoint a day of accession to the Universities Superannuation Scheme and the effect of such accession shall be as follows:
 - (a) a Warden or member of the teaching and administrative staff of the College (to whom this scheme is applicable) who takes up his place, position or office in the College on or after the appointed date and who is not at the time of taking up such place, position or office a member of the Federated Superannuation Scheme shall be required as a condition of his appointment to become a member of the Universities Superannuation Scheme in respect of such emoluments as may by the terms of the Scheme or of the Statutes or bye-laws of the College be made subject to that Scheme.
 - (b) the Governing Body may at the request of a member of the Federated Superannuation Scheme transfer to the Trustees of the Universities Superannuation Scheme the whole or part of the fund (or policies representing such fund) which is held by the College on trust for such member and his dependants under the Federated Superannuation Scheme subject always to the rules in force for the time being of the Federated Superannuation Scheme and of the Universities Superannuation Scheme.

STATUTE XIII

DISPOSAL OF REVENUE

1. The application of the revenues of the College under the provisions and to the purposes of these Statutes shall be subject to any Statute or Statutes made for the University under the powers of the Universities of Oxford and Cambridge Act 1877, and the Universities of Oxford and Cambridge Act 1923, for enabling or requiring the Colleges to make contributions out of their revenues to University purposes, and to the payment of the charges imposed thereby.
2. Income arising from any endowment, benefaction, or trust, and applicable to the maintenance of any Fellowship, Scholarship, or Exhibition within the College, or to any other purpose for the benefit of the College or of the Warden or any member of it (including any fund for the payment of advowsons), shall be liable to contribute for the payment of any charges for University purposes imposed on the College by Statutes made for the University as aforesaid in the same manner as if such income had formed part of the general revenue of the College, except in the following cases:

- (a) Income of or constituting any emolument the trusts of or directions affecting which are protected from alteration by section 13 of the Universities of Oxford and Cambridge Act 1877, or by the Universities of Oxford and Cambridge Act 1923.
 - (b) Income wholly appropriated to any emolument, not being a Fellowship, which is included among the emoluments described in the University Statutes, Tit XIX, sub-section 18, clause 6.
- 3. If at any time it shall appear to the Visitor that the revenues of the College have become more than sufficient to provide for its expenditure, the Visitor may, if he think fit, make an order directing that any part of the surplus revenue shall be set apart and applied to purposes relative either to the College or to the University, and not inconsistent with the Statutes of the College and the University, according to a scheme submitted or to be submitted to him by the College and approved by him. After an order so made by the Visitor, any sums thereby directed to be set apart shall be applied in conformity with a scheme submitted to and approved by the Visitor as aforesaid, and under an order of the Visitor confirming the same, and not otherwise.
- 4. The expenditure of the College shall, in the foregoing clause, be deemed to include as well the payment of charges for University purposes imposed by Statutes made for the University as aforesaid, as the application of revenue to the purposes of these Statutes, reasonable and customary expenditure (not inconsistent with them) for College purposes, extraordinary expenditure (when required) on estates, and any reasonable donations for educational, charitable, or public objects or connected with the duties of the College as a holder of property, including the site of the College.
- 5. Before any scheme is confirmed by the Visitor the College shall communicate it to the Vice-Chancellor for the information of the Council of the University; and the Visitor shall consider any representations which the Council of the University may judge it expedient for the interests of the University to make with reference to such scheme.
- 6. An order made by the Visitor confirming a scheme submitted to him by the College shall continue in force until a new scheme varying it or in substitution for it shall have been submitted and confirmed in like manner.
- 7. The College or any three members of the Governing Body of the College may at any time make a representation to the Visitor requesting him to exercise, if he thinks fit, the powers of this Statute. But this provision shall not be deemed to affect the Visitor's right to exercise such powers proprio motu.
- 8. Subject to the right of any Visitor to exercise the powers hereby given to him, any surplus of the revenues of the College shall from time to time be applied by the Governing Body at their discretion to any purposes relative to the College and not inconsistent with these Statutes, or (subject to the Statutes of the University in force for the time being) to any purposes relative to the University and conducive to the advancement of learning, science or education.

9. No addition shall under the powers of this Statute be made otherwise than by Statute to the emoluments of the Headship, or of any Fellowship, or Scholarship in the College; nor to payments from any corporate revenue which may be made under these Statutes to any College Fund in respect of which the payments from Corporate Revenue are limited by these Statutes, nor to the number of scholarships; and there shall be no payment or reimbursement by the College in respect of income-tax on any stipend or salary payable under these Statutes. But this clause shall not be deemed to prohibit or restrain the College from making payments under the preceding clause out of its surplus revenue for research or other work in any department of learning or science.
10. For the purpose of this Statute, or of any charges imposed by these Statutes, it shall be lawful for the Governing Body, any provision to the contrary notwithstanding, to expend not only the net revenue derived from the endowments of the College (not being subject to any special trust) but also the room rents and furniture rents (after defraying the necessary outgoings connected therewith) and any sums paid by members of the College as admission or College degree fees, College dues and compositions for dues and general establishment charges.
11. This clause applies to the Trust Funds listed below (“the Designated Funds”) being Trust Funds established more than sixty years before 1st January 2000:

Chaffyn Grove

Conroy

Gibbs

Field Marshall Gomme

Gunning Bequest

Henry Hoare

Holroyd Music

Lippincott

Walter Lock

Milligan

Roquette Palmer Prize

Alan Slater

Stevenson and Chatterson

Caroline Talbot

Louisa Wakeman

Wilbraham

12. The Designated Funds shall be combined into one single fund to be known as the “Academic Fund” of which the income shall be applied for any purpose within the College conducive to the advancement of learning religion or education without any qualification of sex or religion.
13. This clause applies to the Trust Funds listed below (“the Listed Funds”) being trust funds established before 1st January 2000 and being established for the support of ordinands at the College:

The Liddon Scholarship

The Philip Moor Prize

The HM Moss Exhibition

The Shacklock Fund

The Richard Taylor Exhibition Fund

14. The Listed Funds shall be combined into a single fund to be known as “the Ordinands’ Fund” of which the income shall be applied as follows:
 - (a) For the support of ordinands and prospective ordinands at the College without (in the case of Richard Taylor Exhibition) any geographical restriction;
 - (b) Insofar as not used for the purpose in paragraph (a) for the support of ordinands who have been members of the College during their time at theological college or during approved pre-theological college experience;
 - (c) Insofar as not used for the purposes in either (a) or (b) above to support ordinands who have not been members of the College; and
 - (d) In relation to the H M Moss Fund insofar as not used to support ordinands who have been members of the College for the purpose of making grants for the support of parishes in the gift of the College in the province of York.
15. In administering the Ordinands’ Fund the Governing Body shall act in consultation with the Advowsons Committee of the College.

STATUTE XIII

EXPENDITURE POWERS

1. This Statute shall apply to the following funds, namely (a) all funds and endowments of the College which are not held on any specific trust (b) any endowment benefaction or trust for purposes connected with the College (1) which was created by an instrument which came into operation not less than sixty years before 1st January 2000 or (2) of which the College is a Trustee or Governing Body and has consented to the provisions of this clause.
2. In this Statute:
 - (a) “fair value” means the amount at which an asset could be exchanged in an arm’s length transaction between informed and willing parties, other than in a forced or liquidation sale.
 - (b) “total return” means return in terms of both income, whether received or accrued and capital appreciation, whether realised or unrealised.
3. The Governing Body may appropriate for expenditure for the purposes of a fund to which this Statute applies so much of the fair value of the particular fund as is prudent in all the circumstances having regard to the total return achieved and reasonably to be expected in the long term of the funds of the College to which this Statute applies.

STATUTE XIV

ACADEMIC STAFF

PART I: CONSTRUCTION, APPLICATION AND INTERPRETATION

1. This Statute and any bye-law made under this Statute shall be construed in every case to give effect to the following guiding principles, that is to say:
 - (a) to ensure that members of the academic staff of the College have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges;

- (b) to enable the College to provide education, to promote learning, and to engage in research efficiently and economically; and
 - (c) to apply the principles of justice and fairness.
- 2. No provision in Part II, Part III, Part IV or Part VII shall enable any member of the academic staff to be dismissed unless the reason for the dismissal may in the circumstances (including the size and administrative resources of the College) reasonably be treated as a sufficient reason for dismissal.
- 3. (1) This Statute shall apply -
 - (a) to any person holding a College Office designated by the Governing Body as one to which this Statute applies;
 - (b) to any person employed by the College to carry out teaching or research save for those holding appointments which have been excluded by the Governing Body from the scope of this Statute on the ground that the duties in that regard are only of a limited nature; and
 - (c) to the Warden, to the extent and in the manner set out in Part VII of this Statute.
- (2) In this Statute any reference to a 'member of the academic staff' is a reference to a person to whom this Statute applies.
- 4. In this Statute 'dismiss' and 'dismissal' mean dismissal of a member of the academic staff and
 - (a) include removal or, as the case may be, removal from office; and
 - (b) in relation to employment under a contract, shall be construed in accordance with section 55 of the Employment Protection (Consolidation) Act 1978.
- 5. (1) For the purpose of this Statute 'good cause' in relation to the dismissal or removal from office or place of a member of the academic staff, being in any case a reason which is related to conduct or to capability or qualifications for performing work of the kind which the member of the academic staff concerned was appointed or employed to do, means -
 - (a) conviction for an offence which may be deemed by an Academic Disciplinary Committee appointed under Part III to be such as to render the person convicted unfit for the performance of the duties of the office or employment as a member of the academic staff, or;
 - (b) conduct of an immoral, scandalous or disgraceful nature incompatible with the duties of the office or employment, or;

- (c) conduct constituting failure or persistent refusal or neglect or inability to perform the duties or comply with the conditions of office, or;
 - (d) physical or mental incapacity established under Part IV
- (2) In this clause –
- (a) ‘capability’, in relation to such a member, means capability assessed by reference to skill, aptitude, health or any other physical or mental quality; and
 - (b) ‘qualifications’, in relation to such a member means any degree, diploma or other academic, technical or professional qualification relevant to the office or position held by that member.
6. For the purposes of this Statute dismissal shall be taken to be a dismissal by reason of redundancy if it is attributable wholly or mainly to:
- (a) the fact that the College has ceased, or intends to cease, to carry on the activity for the purposes of which the person concerned was appointed or employed or has ceased, or intends to cease, to carry on that activity in the place in which the person concerned worked, or;
 - (b) the fact that the requirements of that activity for members of the academic staff of the College to carry out work of a particular kind in that place have ceased or diminished or are expected to cease or diminish.
7. (1) In any case of conflict, the provisions of this Statute shall prevail over those of any other Statute of the College in force on the date on which the instrument making these modifications was approved under subsection (9) of section 204 of the Education Reform Act 1988, and over those of any bye-law, and the provisions of any bye-law made under this Statute shall prevail over those of any bye-law made under such other Statutes:
- Provided that Part III, Part IV and Part VII 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) For the avoidance of doubt it is hereby declared that nothing in Part III of this Statute shall be construed as affecting the Statutes and bye-laws of the College concerning re-election on the expiry of a fixed term of a Fellowship.
- (4) In any case where an officer of the College or any person is designated to perform any duties or exercise any powers under this Statute, and that officer or person is himself involved in the matter in question, the Governing Body may appoint an alternate to act in his place under procedures presented by bye-laws made under this Statute.
- (5) Nothing in any other Statute shall enable the Governing Body to delegate its power to reach a decision under clause 10 (2) of this Statute.
- (6) No one shall sit as a member of any of the bodies established under this Statute, and no one shall be present at a meeting of such a body when the body is considering its decision or discussing a point of procedure, except as provided by this Statute or by bye-laws made under this Statute.
- (7) In this Statute references to numbered Parts, clauses, and sub-clauses are references to Parts, clauses, and sub-clauses so numbered in this Statute.

PART II REDUNDANCY

8. This part enables the Governing Body, as the appropriate body, to dismiss any member of the academic staff by reason of redundancy.
9. (1) Nothing in this Part shall prejudice, alter or affect any rights, powers or duties of the College or apply in relation to a person unless –
 - (a) his appointment is made, or his contract of employment is entered into, on or after 20th November 1987, or.
 - (b) he is promoted on or after that date.
- (2) For the purposes of this clause in relation to a person, a reference to an appointment made or a contract entered into on or after 20 November 1987 or to promotion on or after that date shall be construed in accordance with subsections (3) to (6) of section 204 of the Education Reform Act 1988.
10. (1) The Governing Body shall be the appropriate body for the purposes of this Part.
- (2) This Part applies only where the Governing Body has decided that there should be a reduction in the academic staff –

- (a) of the College as a whole; or
 - (b) of any area of academic work within the College by way of redundancy.
11. (1) Where the Governing Body has reached a decision under clause 10 (2)
- (a) it may itself decide to select the requisite members of the academic staff for dismissal by reason of redundancy if such a course satisfies the guiding principles set out in clause 1; or
 - (b) it shall appoint a Redundancy Committee to be constituted in accordance with sub-clause (3) of this clause to give effect to its decision by such dates as it 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) The Governing Body shall either approve any selection recommendation made under sub-clause (1) (b) (i), or shall remit it to the Redundancy Committee for further consideration in accordance with its further directions.
- (3) A Redundancy Committee appointed by the Governing Body shall comprise –
- (a) a Chairman; and
 - (b) two Fellows, not being persons employed by the College; and
 - (c) two members of the academic staff
- (4) A member of the academic staff shall not be selected for dismissal under this clause unless he has been afforded a reasonable opportunity to make representations to the Governing Body.
12. (1) Where the Governing Body has either itself made a selection or has approved a selection recommendation made by the Redundancy Committee under clause 11 (1) it may authorise an officer of the College as its delegate to dismiss any member of the academic staff so selected.
- (2) Each member of the academic staff selected shall be given separate notice of the selection approved by the Governing Body.
- (3) Each separate notice shall sufficiently identify the circumstances which have satisfied the Governing Body that the intended dismissal is reasonable and in particular shall include –
- (a) a summary of the action taken by the Governing Body under this Part;

- (b) an account of the selection processes it has used;
- (c) a reference to the rights of the person notified to appeal against the notice and to the time within which any such appeal is to be lodged under Part V of this Statute; and
- (d) a statement as to when the intended dismissal is to take effect.

PART III DISCIPLINE, DISMISSAL AND REMOVAL FROM OFFICE

13. (1) Minor faults shall be dealt with informally.
- (2) Where the matter is more serious but falls short of constituting possible good cause for dismissal the following procedure shall be used –

Stage 1 – Oral Warning

If conduct or performance does not meet acceptable standards, but does not constitute sufficient cause for dismissal, the member of the academic staff will normally be given a formal oral warning by the Warden. The member will be advised of the reason for the warning, that it is the first stage of the disciplinary procedure and of the right of appeal under this clause. A brief note of the oral warning will be kept but it will be spent after 12 months, subject to satisfactory conduct and performance.

Stage 2 – Written Warning

If the offence is a serious one, or if a further offence occurs, a written warning will be given to the member of the academic staff by the Warden. This will give details of the complaint, the improvement required and the timescale. It will warn that charges may be instituted to be heard by an Academic Disciplinary Committee appointed under clause 15 if there is no satisfactory improvement and will advise of the right of appeal under this clause. A copy of this written warning will be kept by the Warden but it will be disregarded for disciplinary purposes after 2 years subject to satisfactory conduct and performance.

Stage 3 – Appeals

A member of the academic staff who wishes to appeal against a disciplinary warning shall inform the Warden within two weeks. An Appeals Committee appointed by the Governing Body shall hear the appeal and the Committee's decision shall be final.

14. (1) If there has been no satisfactory improvement following a written warning given under Stage 2 of the procedure in clause 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 an Academic Disciplinary Committee appointed under clause 15 may be made to the Warden.

- (2) To enable the Warden to deal fairly with any complaint brought to his attention under sub-clause 1) he shall institute such enquiries (if any) as appear to him to be necessary.
 - (3) If it appears to the Warden (whether on receipt of a complaint or otherwise) that there are grounds for believing that the conduct or performance of a member of the academic staff of the College could constitute a good cause for dismissal, he shall write to the person concerned inviting comment in writing and, if he considers that the College might otherwise suffer significant harm, may, at this stage or at any stage prior to the conclusion of any hearing by an Academic Disciplinary Committee appointed under clause 15, suspend the person concerned from the performance of his duties without loss of pay.
 - (4) As soon as may be following the comments (if any) or in any event not later than 28 days after they were invited the Warden shall consider the matter in the light of all the available material and may dismiss the matter summarily, or issue a formal warning to the person concerned, or determine that the matter be considered by an Academic Disciplinary Committee appointed under clause 15.
15. If the Warden has determined that the matter is to be considered by an Academic Disciplinary Committee, he shall request the Governing body to appoint such a committee to hear the charge or charges and to determine whether the conduct or performance of the person concerned constitutes good cause for dismissal or otherwise constitutes a serious complaint relating to his appointment or employment, and to make recommendations concerning the action (if any) to be taken as a result of the Committee's findings. Pending the consideration of such recommendations, the Warden, after consulting the Governing Body, may suspend the person charged from the performance of his duties without loss of pay.
16. (1) An Academic Disciplinary Committee shall consist of three persons selected by the Governing Body from a panel of seven persons appointed annually by the Governing Body. The members of the panel shall be members of the Governing Body, Honorary Fellows or Emeritus Fellows of the College.
- (2) In selecting members of the panel for appointment as members of an Academic Disciplinary Committee, the Governing Body shall exclude the person charged, and any person who has been involved in or associated with the making of the complaint or any part of it, or who has been involved in any preliminary hearing or investigation.
17. (1) When an Academic 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 Academic 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 person charged, together with the list of all 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 an Academic Disciplinary Committee shall be prescribed by bye-laws made under this Statute. Such bye-laws shall ensure:
 - (a) that the person charged is entitled to be represented by another person, whether such person is legally qualified or not, in connection with and at any hearing of charges by an Academic Disciplinary Committee;
 - (b) that a charge shall not be determined without an oral hearing at which the person charged and any person appointed to represent him are entitled to be present;
 - (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 person charged 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 Academic Disciplinary Committee shall send its decision on any charge referred to it (together with its findings of fact and the reasons for its decision regarding that charge and its recommendations, if any, as to the appropriate penalty) to the Warden, the person charged, the person presenting the charge and any person who shall have been added as a party by the Academic Disciplinary Committee.
- (2) The Academic Disciplinary Committee shall draw attention to the period of time within which any appeal should be made by ensuring that a copy of Part V (Appeals) accompanies each copy of its decision sent to a party to the proceedings under this clause.

20. (1) Where the charge or charges are upheld and the Academic Disciplinary Committee finds good cause and recommends dismissal or removal from office, but in no other case, the Warden shall consult the Governing Body and shall decide whether or not to dismiss the person charged.
- (2) In any case where the charge or charges are upheld, other than where the Warden has decided under sub-clause 1) to dismiss the person concerned, the action available to the Warden after consulting the Governing Body (not comprising a greater penalty than that recommended by the Academic Disciplinary Committee) shall be –
- (a) to discuss the issues raised with the person concerned; or
 - (b) to advise the person concerned about his future conduct; or
 - (c) to warn the person concerned; or
 - (d) to suspend the person concerned for such period as the Warden shall think fair and reasonable, provided that the suspension shall not extend beyond three months after the date on which the Governing Body shall have considered the Academic Disciplinary Committee's decision, provided that no suspension without pay may be ordered unless the terms of the contract of employment of the person concerned contains provisions expressly entitling the Warden to impose such a penalty; 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) any combination of the above.
21. (1) The Warden shall be the appropriate officer to exercise the powers conferred by clause 20 but he may appoint a delegate to exercise those powers.
- (2) Any action taken by the Warden or his delegate shall be confirmed in writing and notified to the Governing Body.

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 the Warden shall be the appropriate officer to perform any duties or exercise any powers, but he may appoint a delegate to act on his behalf.
 - (4) In this Part references to the member of the academic staff for the purposes of notification, giving consent, agreement, nomination or providing evidence include, in cases where the nature of the alleged disability so requires, a responsible relative or friend or 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 Warden that the removal of a member of the academic staff on medical grounds should be considered, the Warden –
- (a) shall inform the member accordingly
 - (b) may, if the member agrees or if the Warden considers that the College might otherwise suffer significant harm, suspend the member from duty without loss of pay; and
 - (c) shall notify the member in writing that it is proposed to make an application to the member's medical practitioner for a medical report and shall seek the member's consent in writing in accordance with the requirements of the Access to Medical Reports Act 1988.
- (2) If the member elects to apply for early retirement on medical grounds he shall be allowed to do so and the College shall meet the reasonable costs of any medical opinion required.
- (3) If the member does not elect to retire voluntarily on medical grounds the Warden may refer the case in confidence, in accordance with the procedures prescribed by bye-laws made under sub-clause 5), with any supporting medical and other evidence (including any such evidence submitted by the member), to a Board comprising one person nominated by the Governing Body; one person nominated by the member concerned or, in default of the latter nomination, by the Warden; and a medically qualified chairman jointly agreed by the Governing Body and the member, or in default of agreement, to be nominated by the President of the Royal College of Physicians.
- (4) The Board may require the member concerned to undergo medical examination at the College's expense.
- (5) The procedure to be followed in respect of the preparation, hearing and determination of a case by a Medical Board under this Part shall be prescribed by bye-laws made under this sub-clause. Such bye-laws shall ensure:
- (a) that the member concerned is entitled to be represented by another person, whether such person is legally qualified or not, in connection with and at any hearing by the Board;

- (b) that the case shall not be determined without an oral hearing at which the person charged and any person appointed to represent him are entitled to be present;
 - (c) that witnesses may be called and may be questioned concerning any relevant evidence; and
 - (d) that the case is heard and determined as expeditiously as is reasonably practicable.
24. (1) If the Board determines that the member shall be required to retire on medical grounds, the Warden shall consult the Governing Body, and may terminate the employment of the member concerned on those medical grounds.
- (2) Any action taken by the Warden shall be confirmed in writing and notified to the Governing Body.

PART V APPEALS

25. This Part establishes procedures for hearing and determining appeals by members of the academic staff who are dismissed or under notice of dismissal or who are otherwise disciplined.
26. (1) This Part applies –
- (a) to appeals against any decision of the Governing Body (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 against disciplinary warnings under clause 13
 - (c) to appeals against dismissal otherwise than in pursuance of Part II, Part III, Part IV or Part VII;
 - (d) to appeals against any disciplinary decision otherwise than in pursuance of Part III
 - (e) to appeals against any decision reached under Part IV; and
 - (f) to appeals against any decision reached under Part VII
- and ‘appeal’ and ‘appellant’ shall be construed accordingly.
- (2) No appeal shall however lie against –

- (a) a decision of the Governing Body under clause 10 (2)
 - (b) the findings of fact of an Academic Disciplinary Committee under Part III, or of a Tribunal under Part VII save on legal grounds or save where, with the consent of the person or persons hearing the appeal, fresh evidence is called on behalf of the appellant at that hearing;
 - (c) any medical finding by a Board set up under clause 23 (3) save on legal grounds or 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 clause 29 to hear and determine the relevant appeal.
- (4) The parties to an appeal shall be the appellant and the Warden and any other person added as a party at the direction of the person appointed.
27. A member of the academic staff shall institute an appeal by serving on the Warden, within the time allowed under clause 28, notice in writing setting out the grounds of the appeal.
28. (1) A notice of appeal shall be served within 28 days of the date on which the document recording the decision appealed from was sent to the appellant or such longer period, if any, as the person appointed may determine under sub-clause (3).
- (2) The Warden shall bring any notice of appeal received (and the date when it was served) to the attention of the Governing Body and shall inform the appellant that he has done so.
- (3) Where the notice of appeal was served on the Warden outside the 28 day period the person appointed under clause 29 shall not permit the appeal to proceed unless he considers that justice and fairness so require in the circumstances of the case.
29. (1) Where an appeal is instituted under this Part the Governing Body shall appoint a person described in sub-clause (2) to hear and determine that appeal.
- (2) The persons described in this sub-clause are –
- (a) the person who is the Visitor; and
 - (b) persons not employed by the College holding, or having held, judicial office or being barristers or solicitors 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 with two other persons.

- (4) The other persons who may sit with the person appointed shall be -
 - (a) one member chosen from amongst Honorary Fellows; and
 - (b) one member chosen from amongst members of the Governing Body.
- 30. (1) The procedure to be followed in respect of the preparation, consolidation, hearing and determination of appeals shall be that set out in bye-laws made under this clause.
- (2) Without prejudice to the generality of the foregoing such bye-laws shall ensure
 - (a) that an appellant is entitled to be represented by another person, whether such person be legally qualified or not, in connection with and at any hearing of his appeal;
 - (b) that an appeal shall not be determined without an oral hearing at which the appellant, and any person appointed by him to represent him are entitled to be present and, with the consent of the person or persons hearing the appeal, to call witnesses;
 - (c) that full and sufficient provision is made for postponements, adjournments, dismissal of the appeal for want of prosecution and for the correction of accidental errors; and
 - (d) that the person appointed may set appropriate time limits for each stage (including the hearing itself) to the intent that any appeal shall be heard and determined as expeditiously as reasonably practicable.
- (3) The person or persons hearing the appeal may allow or dismiss an appeal in whole or in part and, without prejudice to the foregoing, may –
 - (a) remit an appeal from a decision under Part II (or any issue arising in the course of such an appeal) to the Governing Body as the appropriate body for further consideration as the person or persons hearing the appeal may direct; or
 - (b) remit an appeal arising under Part III for re-hearing by a differently constituted Academic Disciplinary Committee to be appointed under that Part; or
 - (c) remit an appeal from a decision under Part IV for further consideration as the person or persons hearing the appeal may direct; or
 - (d) remit an appeal by the Warden arising under Part VII for re-hearing or reconsideration by the same or by a differently constituted Tribunal to be appointed under that Part; or

- (e) substitute any lesser alternative penalty that would have been open to the Warden following the finding by the Disciplinary Committee which heard and pronounced upon the original charge or charges.
31. The person appointed shall send the reasoned decision, including any decisions reached in an exercise of his powers under clause 30 (3) (a), (b), (c), (d) or (e) on any appeal together with any findings of fact different from those of the Governing Body under Part II or by the Academic Disciplinary Committee under Part III or of the Board under Part IV or of the Tribunal appointed under Part VII, as the case may be, to the Warden and to the parties to the appeal.

PART VI GRIEVANCE PROCEDURES

32. The aim of this part is to settle or redress individual grievances promptly, fairly and so far as 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 employments where those grievances relate –

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

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

34. (1) If other remedies within the relevant area have been exhausted then the member of the Academic staff may raise the matter with the Warden.
- (2) If it appears to the Warden that the matter has been finally determined under Part III, IV or V or that the grievance is trivial or invalid, he may dismiss it summarily, or take no action upon it. If it so appears to the Warden he shall inform the member and the Governing Body accordingly.
- (3) If the Warden is satisfied that the subject matter of the grievance could properly be considered with (or form the whole or any part of) –
- (a) a complaint under Part III
 - (b) a determination under Part IV; or
 - (c) an appeal under Part V

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

- (4) If the Warden does not reject the complaint under sub-clause (2) or if he does not defer action upon it under sub-clause (3) he shall decide whether it would be appropriate, having regard to the interests of justice and fairness, for him to seek to dispose of it informally. If he so decides he shall notify the member and proceed accordingly.
35. If the grievance has not been disposed of informally under clause 34 (4), the Warden shall refer the matter to a Grievance Committee for consideration.
36. A Grievance Committee shall comprise three Fellows of the College appointed by the Governing Body.
37. The procedure in connection with the consideration and determination of grievances shall be determined in bye-laws in such a way as to ensure that the aggrieved person and any person against whom the grievance lies shall have the right to be heard at a hearing and to be accompanied by a friend or representative.
38. The Committee shall inform the Governing Body whether the grievance is or is not well-founded and if it is well-founded the Committee shall make such proposals for the redress of the grievance as it sees fit.

PART VII REMOVAL OF THE WARDEN FROM OFFICE

39. Any ten members of the Governing Body may make a complaint to the Sub-Warden seeking the removal of the Warden from office for good cause.
40. The Sub-Warden shall refer such a complaint to the Governing Body, exclusive of the Warden and the members making the complaint. If it appears to the Governing Body that the complaint does not raise a *prima facie* case, it may determine that no further action shall be taken upon it.
41. If it appears to the Governing Body on the available material that the complaint raises a *prima facie* case and that this could, if proved, constitute good cause for the removal of the Warden from office, it shall appoint a Tribunal to hear and determine the matter.
42. The Tribunal appointed by the Governing Body shall comprise –
- (a) an independent Chairman; and
 - (b) one member chosen from amongst Honorary Fellows; and
 - (c) one member chosen from amongst members of the Governing Body.
43. A charge referred to the Tribunal shall be dealt with in accordance with the procedure prescribed in clauses 17 to 19, provided –

- (a) that the Sub-Warden shall perform any duty and exercise any power there assigned to the Warden; and
 - (b) that the only recommendation the Tribunal may make is whether or not the Warden should be removed from his office.
- 44. Where a charge or charges have been upheld and the Tribunal finds good cause and recommends dismissal, but in no other case, the Sub-Warden shall consult the Governing Body and may then dismiss the Warden.
- 45. Where a complaint is to be referred to a Tribunal under clause 41, the Sub-Warden may, if he considers that the College might otherwise suffer significant harm, suspend the Warden from his duties in all matters relating to the government and discipline of the College without loss of salary.
- 46. For the purpose of the removal of the Warden from his office for incapacity on medical grounds, the provisions of Part IV shall have effect, provided that the Sub-Warden shall perform any duty or exercise any power there assigned to the Warden.
- 47. For the purpose of appeals by the Warden against removal from office, the provisions of Part V shall have effect, provided that the Sub-Warden shall perform any duty or exercise any power there assigned to the Warden.

STATUTE XV

PROVISIONS RELATING TO THE UNIVERSITY

1. If at any time it appears to the Council of the University that any provision of these Statutes, or of any other Statutes of the College in force for the time being, respecting the accounts of the College, or the audit or publication thereof, or the exercise of the borrowing powers of the College, or any other provision of such Statutes, by the non-observance of which any interest of the University is liable to be prejudicially affected, is not duly observed, the Council of the University may submit a representation to the Visitor, and the Visitor shall upon receiving such representation, enquire into the matter, and, after such order therein as he shall deem just for enforcing the due observance of the said Statutes in the matter to which the representation shall relate.
2. The Council of the University may in like manner make a representation to the Visitor if it shall appear that regard is not had by the College in electing its Research Fellows to the requirements of the different branches of study pursued in the University, or that the provisions of clause 3 of Statute VI of these Statutes are not duly observed by the College.

3. Before any representation is made under clause 1 of this Statute the Vice-Chancellor shall communicate the matter of the proposed representation to the Warden for the information of the College, and when a representation is made shall forthwith send him a copy of it.

STATUTE XVI

ALTERATION OF STATUTES

These Statutes shall be subject to alteration in the manner provided by the Universities of Oxford and Cambridge Act 1923, provided that the consent of the Visitor and the Warden shall be required to any alteration in Statute IX and Statute X