

**KING'S COLLEGE  
CAMBRIDGE**

**STATUTES**  
**As approved on 25th July 2007**



*At the Court at Buckingham Palace*

THE 25th DAY OF JULY 2007

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY

IN COUNCIL

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

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

No petition or address has been presented against the Statute.

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

*Judith Simpson*

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# **THE STATUTES**

**As agreed by the Governing Body on 12<sup>th</sup> March 2007**

**and**

**Approved by Order of Her Majesty in Council**

**On**

**25th July 2007**

## INDEX

	Page
<b>PREAMBLE TO THE STATUTES OF THE FOUNDER .....</b>	<b>5</b>
<b>THE STATUTES .....</b>	<b>6</b>
A. THE CONSTITUTION OF THE COLLEGE.....	6
B. THE GOVERNING BODY .....	6
C. THE COUNCIL .....	8
D. THE PROVOST.....	8
E. THE FELLOWS .....	11
F. THE OFFICERS .....	13
G. MEMBERS <i>IN STATU PUPILLARI</i> .....	14
H. SCHOLARSHIPS .....	15
I. DIVINE SERVICE .....	15
J. ENDOWMENTS .....	15
K. THE INVESTMENT AND APPLICATION OF CAPITAL.....	16
L. COLLEGE ACCOUNTS AND AUDIT .....	17
M. COLLEGE FEES AND CHARGES .....	17
N. CONTRIBUTION TO THE UNIVERSITY.....	18
O. THE COMMON SEAL.....	18
P. THE VISITOR.....	18
Q. DISCIPLINE OF MEMBERS <i>IN STATU PUPILLARI</i> .....	18
R. DISCIPLINE OF ACADEMIC STAFF.....	19
S. DATE OF NEW STATUTES AND REPEAL OF PREVIOUS STATUTES.....	30
T. CHANGES TO THE STATUTES.....	30
U. INTERPRETATION.....	30

## PREAMBLE TO THE STATUTES OF THE FOUNDER

In Nomine Sancte ac indiuidue Trinitatis Patris et filii et spiritus sancti, necnon beatissime Marie Virginis gloriose omniumque sanctorum dei, Nos Henricus dei gracia Anglie et Francie Rex ac dominus Hibernie, post conquestum sextus, de summi rerum opificis bonitate confisi qui vota cunctorum in eo fidencium cognoscit dirigit et disponit, de bonisque deus in hac vita nobis de sue plenitudinis gracia tribuit abundanter, duo perpetua Collegia, unum videlicet Collegium perpetuum pauperum et indigencium scolarium clericorum in studio uniuersitatis Cantebrigie, Eliensis diocesis, in diuersis scienciis et facultatibus studere ac proficere debencium, Collegium Regale beate Marie et sancti Nicholai Cantebrigie, vulgariter vero, The Kinges College of oure lady and seynt Nicholas in Cambridge, nuncupatum, Et quoddam aliud Collegium perpetuum aliorum pauperum et indigencium scolarium clericorum grammaticam addiscere debencium in villa nostra de Etona prope Windesoram, Lincolniensis diocesis, Collegium Regale beate Marie de Etona, vulgariter vero, The Kinges College of oure lady of Eton beside Windesore, similiter nuncupatum, ad laudem gloriam et honorem nominis Domini nostri Jhesu Christi ac gloriosissime semper virginis Marie matris eius, sustentacionem et exaltacionem christiane fidei, ecclesie sancte profectum diuini cultus liberaliumque arcium scienciarum et facultatum augmentum, apostolica et nostra regia autoritatibus ordinauimus, instituimus, fundauimus, et stabiliuimus, prout in bullis apostolicis et litteris nostris patentibus super ordinacionibus institutionibus et fundacionibus ipsorum Collegiorum confectum plenius continetur. Unde nos volentes aliqua quæ in præsentī nostræ occurrunt memoriæ facere, statuere, ac etiam ordinare, quæ dicto nostro Regali Collegio Cantebrigie, scholaribus clericis, et personis aliis, ac possessionibus et bonis ejusdem collegii nostri, necnon salubri regimini eorundem, necessaria et utilia reputauimus, et quæ doctrinam, incrementum, et profectum ipsorum respicere dignoscuntur, Christi nomine primitus invocato, ad futuram et perpetuam rei memoriam ad hæc procedimus in hunc modum.

*In the name of the Holy and Undivided Trinity, the Father and Son and Holy Ghost and The Most Blessed Virgin Mary, Glorious, and All the Saints of God, We, Henry, by the Grace of God King of England and France and Lord of Ireland, the Sixth since the Conquest, trusting fully in the Goodness of the Ultimate Creator of all things who knows, directs, and settles the prayers of all who trust in Him, from the goods which God in this life has assigned to Us in abundance out of the Grace of his Fullness, have ordained, instituted, founded, and established by apostolic and royal authority two Colleges in perpetuity, viz.:*

*(1) A College in perpetuity, of poor and needy scholar clerks, engaged in study within the University of Cambridge in the diocese of Ely, and bound to study and progress in the different departments of learning and skill:*

*The King's College of The Blessed Mary and Saint Nicholas in Cambridge, the same commonly referred to by the name of: "The Kinges College of oure lady and seynt Nicholas in Cambridge"*

*and*

*(2) A certain other College in perpetuity, of other poor and needy scholar clerks, bound to learning language skill, at Our estate at Eton near Windsor in the diocese of Lincoln:*

*The King's College of The Blessed Mary of Eton, the same commonly referred to by the similar name of: "The Kinges College of oure lady of Eton beside Windesore"*

*for the praise, glory, and honour of the name of Our Lord Jesus Christ and the Virgin Mary, His mother, forever most Glorious, to uphold and exalt the Christian Faith, to further the Holy Church, and to extend the liberal arts and departments of learning and skill: in accordance with the more fully drawn-up document contained in the apostolic bulls and Our letters patent on the ordinances, statutes, and foundations of the Colleges themselves.*

*Wherefore, wanting to create, set into Statutes and also into Ordinances, certain matters which present right now to Our memory, which We have considered necessary and useful for Our aforementioned King's College, Cambridge, for the scholar clerks, and for other persons, possessions and goods of the same college, and also for the healthy governance of these same, and which are discerned to have regard for the learning, increase, and progress of these same, after first calling upon the name of Christ, We do proceed to those matters, so as to further the memory of this for time to come and in perpetuity.*

# THE STATUTES

## A. THE CONSTITUTION OF THE COLLEGE

1. The College shall be called as heretofore, 'The King's College of our Lady and Saint Nicholas in Cambridge', or in Latin 'Collegium Regale beatae Mariae et Sancti Nicolai Cantebrigiae'.
2. The College shall in law act through its Provost and Fellows; and when so acting may in deeds and other instruments be described as 'The Provost and Scholars of the King's College of our Lady and Saint Nicholas in Cambridge'.
3. The Foundation of the College shall be the Provost, the Fellows, the Scholars and the stipendiary members mentioned in Statute I.
4. The members of the College shall be the Provost, the Fellows, the Scholars, those *in statu pupillari* who have been admitted under Statute G, and such other persons as the Governing Body shall determine.

## B. THE GOVERNING BODY

### *Composition*

1. The Governing Body of the College shall consist of:
  - (a) the Provost and all the Fellows, other than Visiting Fellows and Honorary Fellows (the "senior members of the Governing Body"); and
  - (b) four members of the College *in statu pupillari* who are in residence, at least one of whom shall be an undergraduate and one a graduate student (the "junior members of the Governing Body");
  - (c) notwithstanding Sections 1(a) and 1(b) of this Statute, no person disqualified by law from serving as a trustee of a Registered Charity shall be a member of the Governing Body.
2. The members of the College *in statu pupillari* who are in residence shall elect the junior members of the Governing Body by secret ballot. The procedure for the ballot shall be determined by Ordinance.

### *Congregations*

3. There shall be held in every academic year a meeting of the Governing Body, to be called the Annual Congregation. The date of the Annual Congregation shall be determined by Ordinance.
4. There shall be at least one meeting of the Governing Body in each Term, including the Long Vacation Term. These meetings shall be called Ordinary Congregations.
5. The Provost may summon an Ordinary Congregation whenever he or she shall deem it necessary for any purpose, and shall do so on receipt of a request signed by at least twelve members of the Governing Body. Not less than fourteen days' notice shall be given of the meeting.
6. At every Congregation the Provost, or in his or her absence the Vice-Provost, shall be Chairman, provided that in the absence of both the Chairman shall be the senior member of the Council present.
7. All questions put to the vote at a Congregation shall, except in cases where it is otherwise provided by Statute or Ordinance, be decided by a majority of those present at the time of the vote, and in the case of an equality of votes the Chairman shall have an additional or casting vote.

8. No business shall be transacted at the Annual Congregation unless one third of the senior members of the Governing Body are present, nor at any Ordinary Congregation unless one fifth of the senior members of the Governing Body are present.
9. Nothing in these Statutes shall be construed as preventing a Congregation from transacting business in the absence of the members *in statu pupillari* through failure of election or any other cause.
10. If from any cause the business of the Annual Congregation is not disposed of by that Congregation, or some adjourned meeting thereof, the Provost, or in his or her absence the Vice-Provost or his or her deputy, shall forthwith summon an Ordinary Congregation for the purpose of disposing of such business; and if from any cause such business is not disposed of by the Ordinary Congregation so summoned, or some adjourned meeting thereof, the Provost, or in his or her absence the Vice-Provost or his or her deputy, shall forthwith summon another Ordinary Congregation for the like purpose, and so on from time to time until the business of the Annual Congregation shall be disposed of.
11. An Ordinary Congregation summoned for the purpose of disposing of the business of the Annual Congregation shall have all the powers of the Annual Congregation, whether the one third of the members provided for in Section 8 of this Statute are present thereat or not.
12. Minutes shall be kept of the proceedings of Congregations, and the Minutes shall be accessible to members of the Governing Body at all reasonable times.

#### *Ordinances*

13. The Governing Body shall make as required by these Statutes and may make with regard to other matters, whether referred to in the Statutes or not, standing orders which shall be called Ordinances.
14. Any proposed recommendation or final vote under Section 15 of this Statute shall describe the proposed standing order as an "Ordinance".
15. A vote making or amending or rescinding an Ordinance shall be passed only by a Congregation, and in accordance with a recommendation of a previous Congregation that has been circulated to all members of the Governing Body at least eight days before the date of the second Congregation. If the second Congregation rejects the recommendation of the previous Congregation, the recommendation shall lapse.
16. An Ordinance, while in effect, shall be binding on the Governing Body and the College. No Ordinance may be inconsistent with the Statutes of the College or of the University.

#### *Delegation of Power*

17. The Governing Body may from time to time authorise the Council, or any other Committee, to exercise powers given by these Statutes to the Governing Body by name but shall not so authorise any acts that a Congregation is expressly required or empowered to perform.

#### *Junior Members of the Governing Body, the Council and Committees*

18. Where junior members are members of the Governing Body, the Council or any other Committee they shall not attend meetings or parts thereof during the transaction of business declared by the Chairman of the meeting, whose decision shall be final, to be reserved business; nor shall they receive papers dealing with such reserved business, although at the discretion of the Chairman they may receive minutes of the decisions taken. Reserved business shall include appointments, promotions, elections and matters affecting the personal position of the Provost, Fellows, junior members or staff of the College, the admission of individuals or their academic assessment, and any other matter at the discretion of the Chairman.

## **C. THE COUNCIL**

1. The Council shall have such authority in relation to the general administration and management of the affairs of the College as shall from time to time be entrusted to it by the Governing Body, and such authority may be withdrawn or modified in like manner. The Council may, to the extent of the authority so entrusted to it, exercise all powers which by the Statutes are given to the Governing Body by name, but it shall not be authorised to perform any acts which by the Statutes a Congregation is expressly required or empowered to perform.
2. The Council shall exercise a general superintendence over the educational work of the College, and shall have the power of electing to scholarships, of awarding prizes, of appointing and of dismissing the staff of the College, and of performing such other acts as it is by the Statutes expressly required or empowered to perform.
3. The Council shall, to the extent of the authority entrusted to it, have power from time to time to make standing orders, which shall be called Regulations, for the good government of the College and for the promotion of its welfare as a place of education, religion, learning and research.
4. The composition of the Council shall be determined by Ordinance, provided that the Provost shall always be a member.
5. The procedure for the conduct of Council business shall be determined by Ordinance.

## **D. THE PROVOST**

### *Qualifications and Duties*

1. The Provost shall be distinguished for learning and shall be that person who, in the judgment of the Fellows of the College, is best qualified to secure the good government of the College as a place of education, religion, learning and research.
2. The Provost shall exercise a general superintendence over the affairs of the College, shall, if present, preside *ex officio* at all Congregations and meetings of the Council, and shall have the power, in all cases not provided for by these Statutes, by Ordinance or by Regulation, to make such provision for the good government and discipline of the College as he or she shall think fit.
3. The Provost shall ensure that the Statutes, Ordinances and Regulations of the College are adhered to in the government of the College.

### *Election*

4. The electors to the Provostship shall be the senior members of the Governing Body.
5. Any person may be nominated for election as Provost, provided that the nominee has given his or her consent and that the nomination is supported by a minimum of ten electors.
6. Where the date of the Provost's retirement is known, or when the Provost has announced the date of his or her resignation in advance, a successor may be pre-elected.
7. In such a case, the Vice-Provost, or in his or her absence the senior fellow in residence who is a member of Council, shall call a preliminary meeting of the electors, to be held on a date not more than sixteen calendar months before the date on which the present Provost will retire or resign, and of which at least fourteen days' notice shall be given. The purpose of the preliminary meeting shall be to fix the date and hour of the election. In order to achieve its purpose, the preliminary meeting may be adjourned to dates agreed by the electors as often as necessary, and the date of the election may be fixed at any adjourned session.
8. If the Provostship falls vacant at a time when the process of electing a successor has not yet begun, a preliminary meeting of the electors shall be held under the rules laid down in Section 7 of this Statute.



9. The date of the election shall be not less than fourteen days from the date of the meeting of the electors at which it is agreed. Notice of the election shall be given to all electors. The quorum required to make an election shall be two thirds of the electors, and no person shall be elected as Provost unless he or she secures the votes of two-thirds of the electors present.
10. At the time specified in the notice of the election meeting, the electors shall assemble in the College Chapel, where the Vice-Provost, or in his or her absence the senior Fellow present, and after him or her the other Fellows in their order, shall make the following declaration:

I, M. N., do solemnly declare that I will choose as Provost the person who is in my judgement best qualified, according to the Statutes, to secure the good government of this College as a place of education, religion, learning and research.
11. After this declaration has been made by all the electors present, the Vice-Provost and the two most senior Fellows present who are willing to act or, in the absence of the Vice-Provost, the three most senior Fellows who are willing to act, shall stand in scrutiny. They shall first write and sign their own votes on separate papers, and afterwards receive the votes, similarly written and signed, of all the other Fellows present. The scrutineers shall count the votes and announce the total number of votes cast for each candidate; and if any person shall obtain two thirds of the votes of the electors present, the scrutineers shall pronounce him or her duly elected Provost-elect. If at the first ballot no candidate secures sufficient votes to be elected, a second ballot shall follow immediately in the same manner as before, and the candidate, if any, who secures two thirds of the votes of the electors present shall be pronounced to be Provost-elect.
12. If, after the second ballot, no candidate secures sufficient votes to be elected, the meeting shall be adjourned, after fixing a date for a further meeting to be held not less than seven days later. The procedure followed at any adjourned meeting shall be the same as described in this Statute for the first meeting. Notice of the adjourned meeting shall be given to all electors.
13. If, after the office of Provost has been vacant for twelve months, no person has been elected, the power of the electors to fill that vacancy shall cease and the power to appoint a Provost shall devolve upon the Crown. But where an election is made and then becomes void under Section 16 of this Statute, the power to appoint shall not be transferred to the Crown until twelve months from when the election became void, if that is later.
14. The Vice-Provost shall inform the Provost-elect of his or her election, and if he or she accepts the office, notice of the election and acceptance shall forthwith be certified to the Visitor under the Common Seal of the College. The Visitor, failing whom the Vice-Provost or, in his or her absence, the senior Fellow in residence who is a member of Council, shall admit the Provost-elect to the office within the first fourteen days of Full Term following the election. In the case of a pre-election, the admission of the Provost-elect shall take place within the first fourteen days of Full Term following the date on which the previous Provost's retirement or resignation took effect. In both cases the admission of the Provost-elect shall take place in the College Chapel in accordance with Section 15 of this Statute.
15. A person elected or appointed to be Provost shall be admitted, after making the following declaration in the presence of the Fellows assembled in the College Chapel:

I, M. N., elected Provost of the King's College of Our Lady and Saint Nicholas in Cambridge, do solemnly declare that I will govern the College according to the Statutes thereof, and will endeavour to the utmost of my power to promote the interests of the College as a place of education, religion, learning and research.
16. The election of a Provost shall become void if, before admission, he or she declines the office, or retracts acceptance having accepted, or dies, or if, before he or she is admitted, the Visitor, acting at the request of two thirds of the electors, after making due enquiry, rules in his discretion that for some good reason the election shall be annulled. If an election becomes void a new election shall then be held. Sections 4 to 12 of this Statute shall apply to the conduct of this election, except that the minimum period of notice for any meeting of the electors shall then be reduced to seven days.

### *Residence*

17. The Provost shall reside in College (or in another residence approved by the Governing Body) during Full Term, unless absent on College business, or on account of illness, or other grave cause. Each absence must be approved by the Council, and if the Council disallow the reason for the Provost's absence he or she shall forthwith come into residence.

### *Emoluments*

18. The emoluments of the Provost shall be such stipend as the Governing Body shall from time to time determine, with the occupation of a house free of rent, rates, taxes, and the cost of external and structural repairs: provided that no reduction of the annual stipend shall take effect during the tenure of office by the Provost for the time being without his or her consent.

### *Tenure*

19. The Provost shall hold office for no more than ten years *in toto*, and for such initial period as the Governing Body shall determine at the time of election. A Provost shall be eligible for re-election by a two-thirds majority of those present and voting at a specially convened Congregation of the Governing Body, provided that no Provost shall continue in office beyond the retiring age as fixed by Ordinance.
20. The Provost shall not be present at any Congregation or at any meeting of the electors to the Provostship held under the provisions of this Statute.

### *On vacation of office*

21. The Provost, on vacating office either by voluntary retirement or under the provisions of this statute, shall thereupon become a Life Fellow, subject to the same conditions and with the same rights as other Life Fellows.

### *Removal and suspension from office*

22. The Provost may be removed from office as provided in Statute R.
23. The Provost may be suspended from office for temporary unfitness or incapacity by a resolution of the Governing Body passed by the votes of at least one half of its senior members. The Governing Body shall make known to the Provost the nature and substance of the grounds upon which it is proposed to suspend him or her from office, and shall afford him or her reasonable opportunity to make representation to the Governing Body. Following such a suspension the Governing Body shall, at appropriate intervals, review the suspension after again affording the Provost reasonable opportunity to make representations. The suspension shall automatically lapse if not renewed by a like vote within three months, and in any event shall lapse after twelve months.
24. The Provost may be suspended from office for suspected grave neglect of duty, or for suspected unfitness or incapacity, by a resolution of the Governing Body passed by the votes of at least one half of its senior members. Following such a suspension the Governing Body shall proceed as rapidly as reasonably practicable either to remove the Provost from office under Statute R, or to suspend the Provost under Section 23 of this statute, or to lift the suspension. The suspension shall in any event automatically lapse if not renewed by a like vote within three months.

## **E. THE FELLOWS**

### *Classes of Fellows*

1. There shall be the following classes of Fellows:
  - (a) Ordinary Fellows
  - (b) Professorial Fellows
  - (c) Research Fellows
  - (d) Extraordinary Fellows
  - (e) Life Fellows
  - (f) Honorary Fellows
  - (g) Visiting Fellows
2. No Fellow shall hold a Fellowship of the College in more than one class concurrently.
3. If a Fellow is admitted to the Headship or a Fellowship of any College in the University of Cambridge or the University of Oxford (other than an Honorary or Emeritus Fellowship, or their equivalent), he or she shall thereupon vacate his or her Fellowship.

### *Election and Admission of Fellows*

4. The senior members of the Governing Body shall be the Electors to Fellowships for Honorary Fellowships, Extraordinary Fellowships, Life Fellowships and Visiting Fellowships. The senior members of the Council shall be the Electors to Fellowships for Ordinary and Professorial Fellowships. The Electors to Fellowships for Research Fellowships shall be determined by Ordinance and shall always include the Provost.
5. The Electors to Fellowships shall observe such limits to the number of Fellows in any class as may be specified by Ordinance or Regulation.
6. Where the Electors to Fellowships are a committee or are the senior members of the Council, they shall not transact any business with a view to electing a Fellow unless at least one half of their number is present.
7. No candidate shall be elected a Fellow without the concurrence of at least one half of the Electors present at the election; the Provost, or in his or her absence the Vice-Provost, or, in the absence of both, the senior Fellow present, having a second or casting vote in case of an equality of votes.
8. When the Electors to Fellowships for Ordinary, Professorial or Research Fellowships meet to elect a Fellow, each member present who is entitled to vote shall make the following declaration before proceeding to make the election:

I do solemnly declare that I will vote for those candidates who are [that candidate who is] in my judgement the most fit to be Fellows [a Fellow] of the College as a place of education, religion, learning and research.
9. The date on which a Fellowship begins shall be the date of election or such other date as the Electors to Fellowships may determine at the time of the election.
10. Within a reasonable time after the election, the Provost or in his or her absence the Vice-Provost and at least ten of the Fellows shall meet in the College Chapel and shall call upon the several Fellows-elect to make the following declaration:

I, M.N., elected a Fellow of this College, do solemnly declare that I will observe all the Statutes of the College, and will endeavour to the utmost of my power to promote the interests of the College as a place of education, religion, learning and research.
11. If any person elected into a Fellowship shall fail to make the declaration in Section 10 of this Statute as reasonably requested, the Council may declare his or her election void.

### *Requirements and Privileges of Fellows*

12. Subject to these Statutes, the tenure, rights, entitlements and duties of Fellows shall be fixed by Ordinance.
13. Subject to these Statutes and prevailing Ordinances, the privileges and duties of a Fellowship shall be specified by the Electors to Fellowships at the time of the election, and also on any renewal of the Fellowship.
14. All Fellows shall preserve their seniority in the order of Fellows according to priority of first election as Fellows.
15. A Fellow may resign his or her Fellowship at any time by notice in writing addressed to the Provost, giving due notice if required by the conditions of resignation from any office associated with the Fellowship.
16. Fellows may receive such stipends, allowances or other benefits as the Governing Body shall from time to time allow.
17. The Governing Body shall by Ordinance set a date for retirement from Fellowships, other than Honorary or Life Fellowships.

### *Ordinary Fellowships*

18. The Electors to Fellowships may elect into Ordinary Fellowships persons holding College Offices specified by Ordinances or persons having special duties of teaching or research or other service to the College as specified by the Council.
19. An Ordinary Fellow shall vacate his or her Ordinary Fellowship on the last day of the academical year in which he or she either attains the retirement age, as specified by Ordinance, or ceases to hold the office or perform the duty which forms the condition of his or her Fellowship.
20. The Governing Body may, by Ordinance, determine procedures for the termination of an Ordinary Fellowship. These procedures shall be without prejudice to the application of Statute R.

### *Professorial Fellowships*

21. The Electors to Fellowships may elect into Professorial Fellowships persons qualified under the Statutes of the University to hold such Fellowships.
22. A Professorial Fellow shall vacate his or her Fellowship on the last day of the academical year in which he or she attains the retirement age, as specified by Ordinance, or ceases to hold a Professorship or other qualifying office in the University, or ceases to hold the office or perform the duty which forms the condition of his or her Fellowship.
23. The Governing Body may, by Ordinance, determine procedures for the termination of a Professorial Fellowship. These procedures shall be without prejudice to the application of Statute R.

### *Research Fellowships*

24. The Electors to Fellowships may elect into Research Fellowships persons whose primary duty shall be to engage in research.
25. A Research Fellow shall be elected for a term of up to four years with no possibility of re-election into a Research Fellowship.
26. The Electors may make it a condition of any Research Fellowship that the Fellow reside in Cambridge to a stated extent, and the Fellow shall vacate his or her Fellowship if he or she fails to comply with such a requirement within a reasonable period after being given notice of any breach by the Council.

### *Extraordinary Fellowships*

27. An Annual Congregation may, by the vote of three quarters of those present, elect into Extraordinary Fellowships persons whose election is deemed to be in the interests of the College.
28. An Extraordinary Fellow shall be elected in the first instance for a period of not more than five years.
29. The Governing Body may, by Ordinance, determine procedures for the termination of an Extraordinary Fellowship. These procedures shall be without prejudice to the application of Statute R.
30. An Extraordinary Fellow shall be eligible for re-election from time to time for periods of not more than five years, by a simple majority vote of an Annual Congregation.

### *Life Fellowships*

31. Any Fellow who shall have held a Fellowship of the College for not less than twenty-five years in total shall be entitled to be elected into a Life Fellowship.
32. The Governing Body may, by Ordinance, determine procedures for electing into Life Fellowships Fellows who do not qualify under Section 31 of this Statute.
33. A Life Fellow shall be entitled to hold his or her Fellowship for life but, that notwithstanding, the Governing Body may, by Ordinance, determine procedures by which an Annual Congregation may terminate the tenure of a Life Fellowship.

### *Honorary Fellowships*

34. An Annual Congregation may, by the vote of three quarters of those present, elect any person of eminence into an Honorary Fellowship. An Annual Congregation may, by a like vote, terminate the tenure of an Honorary Fellowship.
35. An Honorary Fellow shall not be a member of the Governing Body, nor be entitled to any stipend; but he or she shall enjoy such privileges as the Governing Body shall from time to time determine.

### *Visiting Fellowships*

36. An Ordinary Congregation may from time to time, by the vote of three quarters of those present, including the affirmative votes of at least one fifth of the senior members of the Governing Body, elect any person to a Visiting Fellowship, if it considers that he or she is suitable for election and that it will be in the interests of the College to elect that person. Any person so elected shall not be deemed to be a Fellow for the purpose of these Statutes, and shall not be a member of the Governing Body.

## **F. THE OFFICERS**

1. The Officers of the College shall be the Vice-Provost, the Dean, the First Bursar, the Senior Tutor, and the holders of such other offices (which may include further Bursars or Tutors) as may from time to time be created by Ordinance.
2. Subject to these Statutes, Ordinances may provide for the duties and residence requirements of College Officers.
3. Save as otherwise provided in these Statutes or in Ordinances, College Officers shall be appointed by the Governing Body with such duties, tenure, stipend and allowances as the Governing Body shall from time to time determine.
4. Where a Congregation appoints an Officer, and the office is associated with an Ordinary Fellowship, he or she shall be deemed to be elected into the Ordinary Fellowship on appointment

to the office, without a requirement for further election by the Council.

5. The Council may grant leave of absence with or without stipend and allowances to any Officer on such terms as the Council may from time to time determine. The Council may appoint, on such terms as it deems fit, a deputy to discharge the duties of an Officer granted leave of absence during the currency of such leave.
6. An Officer shall retire from office when he or she reaches the retiring age, as specified by Ordinance.

#### *The Vice-Provost*

7. The Vice-Provost shall be elected by the Governing Body from among the Fellows who are members of the Governing Body.
8. It shall be the duty of the Vice-Provost to attend, under the Provost, to the good government of the College, according to the Statutes thereof, to act as the Provost's deputy in his or her absence or disablement, and to perform all such other acts as are prescribed by these Statutes or as may from time to time be prescribed by the Governing Body.
9. The Governing Body shall by Ordinance make regulations to provide for a deputy in case of the Vice-Provost's absence or disablement or of a vacancy of the office.
10. The Vice-Provost shall hold office for such period not exceeding five years as the Governing Body shall determine at the time of election, and may be removed from office by the vote of three quarters of those present at a Congregation, including the affirmative votes of at least one fifth of the senior members of the Governing Body. The Vice-Provost may be re-elected only by a two-thirds majority of a Congregation.

#### *The Dean*

11. It shall be the duty of the Dean, under the supervision of the Governing Body and the Council, to provide for Chapel services in accordance with statute I, to oversee the day to day operation of the Chapel, and to undertake such other duties as may be specified by Ordinance.

#### *The First Bursar*

12. It shall be the duty of the First Bursar, under the supervision of the Governing Body and the Council, to manage the finances and investments of the College, to raise loans and give financial undertakings on behalf of the College, and to undertake such other duties as are specified by Ordinance.

#### *The Senior Tutor*

13. It shall be the duty of the Senior Tutor, under the supervision of the Governing Body and the Council, to oversee the provision of education within the College, to keep under review the academic performance and welfare of all members *in statu pupillari*, and to make recommendations to the Council regarding the appointment of academic Officers.

#### *Suspension and Removal of Officers*

14. The Governing Body may, by Ordinance, determine procedures for the suspension or removal of an Officer from office. These procedures shall be without prejudice to the application of Statute R.

### **G. MEMBERS IN STATU PUPILLARI**

1. The admission of members *in statu pupillari* for the purpose of education and research shall be under the supervision of the Council, which may delegate these responsibilities to such College Officers as it may determine.
2. No person shall be permitted to come into residence as a member *in statu pupillari* until he or she has satisfied such conditions of admission as are prescribed by the University and such other

conditions as the College may think fit to impose.

3. The Council shall have power to make Regulations governing the studies of members *in statu pupillari*, their periods of residence, their behaviour whilst in residence, and the conditions (including conditions as to academic performance) upon which they are permitted to reside.
4. The enforcement of College Regulations concerning academic performance shall be a matter for the Council, whose decision shall, subject to Statute Q, be final.

## **H. SCHOLARSHIPS**

1. The Council, in accordance with such Regulations as may be applicable, may award Scholarships.
2. The tenure and emoluments of Scholarships shall be as determined by Regulations made from time to time.
3. Every person awarded a Scholarship shall be admitted a Scholar by the Provost, or in his or her absence by the Vice-Provost.
4. The Council may make such Regulations as it shall think proper with respect to the residence and studies of Scholars; and any Scholar who fails to conform to such Regulations or to make reasonable progress in his or her studies, may be deprived by the Council of his or her Scholarship, or of the whole or part of the emoluments of the same.

## **I. DIVINE SERVICE**

1. Divine Service in the Chapel shall be under the control of the Dean, subject to such Ordinances and Regulations as may be applicable. Daily Service shall be held in the Chapel during Full Term in a form permitted by the Church of England.
2. There shall be as stipendiary members of the College: an Organist, a Master over the Choristers, at least one Chaplain, Choristers, and Choral and Organ Scholars. The number of Choral and Organ Scholars shall be determined by Ordinance.
3. The stipendiary members referred to in Section 2 of this Statute shall be appointed, and shall also be removable, by the Council, and their duties shall be regulated by Regulation. They shall receive such stipends or other benefits as shall from time to time be fixed by the Council.
4. The arrangements for the education of the Choristers and the provision of accommodation for them shall be determined by Ordinance, and shall be under the supervision of the Council.

## **J. ENDOWMENTS**

1. The Governing Body alone shall, subject to the provisions of these Statutes and of Ordinances, have power to accept endowments for any purpose in furtherance of the interests of the College as a place of education, religion, learning and research.
2. The Governing Body may make Ordinances giving effect to the wishes or suggestions of donors recorded in writing (whether expressed so as to create a trust or not) regarding the application of such endowments and regarding any award or emolument to be supported thereby, provided always that no such Ordinance shall derogate from any obligation imposed on the College by the Statutes of the University.

## **K. THE INVESTMENT AND APPLICATION OF CAPITAL**

1. The powers conferred by this Statute shall apply to:
  - (a) all endowments, land, securities, property and funds of the College not held on any trust; and
  - (b) any endowment, benefaction or trust for purposes connected with the College of which the College is trustee which existed on the date of approval of these Statutes by Her Majesty in Council and, to the extent permitted by law, to any such fund created after that date, and in respect of which the College, as trustee, has consented to the provisions of this Statute.
2. The Governing Body shall have power to authorise the purchase, sale or transfer of property, real or personal, and securities (which term includes stocks, funds and shares) of any description on behalf of the College and to make any investment which it could make if it were the absolute owner of such an investment and whether the investment is income-producing or not.
3. In relation to the management, development, improvement, sale, lease, mortgage or other disposition of any land or any estate or interest therein, held by the College or to the acquisition of any land or any estate or interest therein the Governing Body may exercise any power and may carry out any transaction which an individual holding or acquiring such land, estate or interest for his or her own benefit could exercise or carry out.
4. In order to facilitate the management of investments under the control of the College, the Governing Body may at any time and from time to time resolve that all or any part of the endowment or other funds to which this Statute applies be treated as one amalgamated fund invested for the rateable benefit of the property comprised in it (hereinafter called the constituent funds) and to and upon any such resolution the following provisions shall apply:
  - (a) no investment shall be brought into an amalgamated fund upon its first constitution or upon any change of investment that is expressly disallowed as an authorised investment for any of the constituent funds;
  - (b) an amalgamated fund shall be held on behalf of the constituent funds in shares as nearly as may conveniently be proportionate to their respective capital values upon the first constitution of the amalgamated fund; such shares shall be fixed by resolution of the Governing Body;
  - (c) the Governing Body may at any time increase any amalgamated fund by adding thereto new constituent funds, and upon any such increase shall fix the share of such new constituent funds in the resulting amalgamated fund;
  - (d) the Governing Body may at any time wind up any amalgamated fund and divide the investments thereof between the constituent funds in proportion to their respective shares therein or may bring all or any of the shares into a new or other amalgamated fund, in accordance with the provisions of this Section.

The Governing Body may appropriate and distribute for expenditure as much of the fair value of any amalgamated fund as it in its absolute discretion considers prudent, having regard to the total return achieved and reasonably to be expected in the long term of the amalgamated fund, and shall distribute in proportion to the constituent funds at the time of the distribution.

5. Any surplus income of a trust to which this Statute applies may, at the discretion of the Governing Body, be applied as income for the purposes of the trust in any subsequent year, or may be applied for the general educational purposes of the College. For this purpose, 'surplus income' means income unexpended in any year after the purposes of the trust have been provided for in that year (whether wholly by income from the trust or partly by income from the trust and partly by other means) in so far (if at all) as in the opinion of the Governing Body it is possible to provide.



6. 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; and
  - (b) 'total return' means return in terms of both income, whether received or accrued, and capital appreciation, whether realised or unrealised; and
  - (c) 'income' of the College or of any trust shall include the total sums appropriated in accordance with Section 4 of this Statute.
7. Where under any instrument the College is the sole trustee of a fund and is directed to make payments from it for the benefit of persons holding a Fellowship, Studentship, Scholarship, Prize or other emolument in the College, the Council may, notwithstanding any term of the instrument, make Regulations:
  - (a) determining the qualifications of candidates for the emolument, the duration of its tenure and its titular value;
  - (b) making payments to the holder of the emolument additional to its titular value in cases of financial need;
- (c) making payments for expenses in connection with the operation of the trust.

## **L. COLLEGE ACCOUNTS AND AUDIT**

1. The College accounts shall be kept and audited in such manner as may be prescribed by the statutes of the University.
2. The College accounts shall be audited once every year. The Governing Body shall appoint for that purpose professionally qualified auditors who shall be independent of the College and shall make a report to the Governing Body concerning such matters regarding the financial and other affairs of the College as they consider appropriate. The Governing Body shall make arrangements for the payment of such remuneration of the auditors as it shall consider appropriate.
3. The accounts shall be submitted to the Inspectors of Accounts, who shall be not fewer than three Fellows, to be appointed every year by the Governing Body. The Inspectors shall make a report to the Annual Congregation each year concerning the conduct of the College's financial affairs, including the report thereon received from the external auditors under Section 2 of this Statute, along with such other matters as they think fit from time to time.
4. The First Bursar shall send annually a copy of the College accounts to the Provost and to every Fellow, and the accounts shall be considered at the Annual Congregation.
5. The First Bursar shall, on the application of any Fellow, submit for his or her inspection the full accounts of income and expenditure of the College.

## **M. COLLEGE FEES AND CHARGES**

1. The Council shall have power to determine, and from time to time to revise, the fees due from members of the College and the charges to be paid (by members of the College and others) for rents, meals and services.
2. It shall be the duty of all members of the College to pay such fees and charges as may be due from them. Any member of the College who fails to do so may be subject to disciplinary action.
3. The Council shall have power to refuse to present for any degree, diploma or certificate awarded by the University any member of the College who has failed to pay the fees and charges due under this Statute.

## **N. CONTRIBUTION TO THE UNIVERSITY**

1. The College shall pay each year to the University the sum authorised by the statutes of the University, made under the powers of the Universities of Oxford and Cambridge Act, 1923, to be levied from the College. For that purpose, the trust funds shall severally bear their proportionate share of the sum thus levied.

## **O. THE COMMON SEAL**

1. The Provost and the First Bursar shall be responsible for the safe custody of the Common Seal of the College.
2. The Common Seal shall not be affixed to any deed or other instrument except in the presence of two persons, one of whom shall be either the Provost or a College Officer, as specified by Ordinance, and the other of whom shall be one of the Fellows, and in pursuance of a resolution of the Governing Body or of the Council. Such resolution, in lieu of referring to a specific deed or instrument, may in general terms authorise the sealing and delivery of any class of deed or instrument.

## **P. THE VISITOR**

1. The Visitor of the College shall be, as heretofore, the Bishop of Lincoln.
2. The Visitor shall have full power to determine all questions as are by law generally exercisable by the Visitor of a College.
3. Any applicant to the Visitor shall be entitled to have his or her complaint or appeal considered unless the Visitor rules that the complaint or grounds of appeal are trivial, frivolous or vexatious.

## **Q. DISCIPLINE OF MEMBERS *IN STATU PUPILLARI***

1. This Statute and any Ordinance made under this Statute shall be construed in every case to give effect to the following guiding principles, that is to say:
  - (a) to enable the College to operate efficiently and effectively as a place of education, religion, learning and research;
  - (b) to ensure that members *in statu pupillari* have freedom within the law to question received wisdom, and to put forward new ideas and controversial and unpopular opinions, without placing themselves in jeopardy of losing their membership of the College or privileges;
  - (c) to apply the principles of justice and fairness.
2. All persons *in statu pupillari* shall:
  - (a) observe the statutes, and obey all Ordinances and Regulations and all other orders, instructions, rules or regulations as may from time to time be issued by a duly authorised Officer;
  - (b) apply themselves diligently to their studies;
  - (c) show due respect and obedience to the Provost, Council, the College Officers and any person charged with directing their studies;
  - (d) pay the fees and charges due from them to the College when requested to do so; and
  - (e) conduct themselves in an orderly manner.

3. If any person *in statu pupillari* shall fail to behave in the manner prescribed in Section 2 of this Statute, or shall act in a manner which is prejudicial to good order, the good name or the good governance of the College, the Council, or any College Officer so authorised by the Council, may impose such proportionate penalty on that person as the offence may in their judgement deserve.
4. The Governing Body shall specify by Ordinance the procedures for regulating and reviewing disciplinary decisions of College Officers, and of the Council. Such procedures shall afford the person subject to a disciplinary decision the right to a fair hearing and shall make provision, where the reviewing body considers it appropriate, for the original disciplinary decision to be quashed or a lesser or a greater penalty substituted.

## **R. DISCIPLINE OF ACADEMIC STAFF**

### **CHAPTER I: CONSTRUCTION, APPLICATION AND INTERPRETATION**

1. This Statute and any Ordinance 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 religion and learning, and to engage in research efficiently and economically; and
  - (c) to apply the principles of justice and fairness.
2. No provision in Chapter II, Chapter III or Chapter IV of this Statute 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.(i) This Statute shall apply to:
  - (a) any person holding a full-time office designated by the Governing Body as one to which this Statute applies;
  - (b) any person employed by the College in teaching or research save for those holding appointments which have been excluded by the Governing Body from the scope of this Statute on the ground that the person's duties in that regard are only of a limited nature;
  - (c) the Provost, to the extent and in the manner set out in Chapter VII of this Statute.
- (ii) In this Statute any reference to 'academic staff' is a reference to persons to whom this Statute applies.
4. For the purposes of this Statute the following terms have the meanings specified:
  - (a) 'dismiss' and 'dismissal' refer to dismissal of a member of the academic staff and
    - (i) include remove or, as the case may be, removal from office; and
    - (ii) in relation to employment under a contract, shall be construed in accordance with Section 55 of the Employment Protection (Consolidation) Act 1978

- (b) '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:
  - (i) conviction for an offence which may be deemed by a Disciplinary Committee appointed under Chapter III to be such as to render the person convicted unfit for the execution of the duties of his or her office or for employment as a member of the academic staff of the College; or
  - (ii) conduct of an immoral, scandalous, or disgraceful nature incompatible with the duties of the office or employment; or
  - (iii) conduct constituting failure or persistent refusal or neglect or inability to perform the duties or comply with the conditions of the office or employment; or
  - (iv) wilful disruption of the activities of the College; or
  - (v) wilful disobedience to the Statutes of the College; or
  - (vi) physical or mental incapacity established under Chapter IV.

In this Section:

- (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 for members of the academic staff of the College to carry out work of a particular kind have ceased or diminished or are expected to cease or diminish.
- 6.(i) 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 (a) of Section 204 of the Education Reform Act 1988, and over those of any Ordinance, and the provisions of any Ordinance made under this Statute shall prevail over those of any Ordinance made under such other Statutes:
- provided that Chapter III, Chapter IV and Chapter 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 Statutes in force before that date.
- (ii) 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.

- (iii) Nothing in any other Statute shall enable the Governing Body to delegate its power to reach a decision under Section 3(ii) of Chapter II.
  - (iv) For the avoidance of doubt it is hereby declared that nothing in Chapter III shall be construed as affecting the Statutes and Ordinances concerning re-election on the expiry of a fixed term of a Fellowship.
  - (v) In this Statute references to numbered Chapters and Sections and Subsections of Chapters are references to Chapters and Sections and Subsections of Chapters so numbered in this Statute.
- 7.(i) 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 Ordinance.
- (ii) 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 involved in the matter in question, the Governing Body shall appoint an alternate to act in his or her place under procedures prescribed by Ordinance.

## **CHAPTER II: REDUNDANCY**

1. This Chapter enables the Governing Body, as the appropriate body, to dismiss any member of the academic staff by reason of redundancy.
- 2.(i) Nothing in this Chapter shall prejudice, alter or affect any rights, powers or duties of the College or apply in relation to a person unless:
  - (a) his or her appointment is made, or his or her contract of employment is entered into, on or after 20th November 1987; or
  - (b) he or she is promoted on or after that date.
- (ii) For the purposes of this Section 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.
- (i) The Governing Body shall be the appropriate body for the purposes of this Chapter.
- (ii) This Section applies where the Governing Body has decided that there should be a reduction in the academic staff:
  - (a) of the College as a whole; or
  - (b) of any area of academic work within the College by way of redundancy.
- 4.(i) Where the Governing Body has reached a decision under Section 3(ii) of this Chapter, 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 Section 1 of Chapter I, or it may appoint a Redundancy Committee to be constituted in accordance with Subsection (iii) of this Section to give effect to its decision by such date as it may specify and for that purpose
  - (a) to select and recommend the requisite members of the academic staff for dismissal by reason of redundancy; and
  - (b) to report its recommendations to the Governing Body.
- (ii) The Governing Body shall either approve any selection recommendation made under Subsection 4(i)(b), or shall remit it to the Redundancy Committee for further consideration in accordance with its further directions.

- (iii) A Redundancy Committee appointed by the Governing Body shall comprise:
    - (a) A Chairman; and
    - (b) two members being Life Fellows or Professorial Fellows of the College; and
    - (c) two members of the academic staff who may be Fellows.
  - (iv) A member of the academic staff shall not be selected for dismissal under this Section unless he or she has been afforded a reasonable opportunity to make representations to the Governing Body.
- 5.(i) Where the Governing Body has either itself made a selection or has approved a selection recommendation made by the Redundancy Committee under Section 4(i) of this Chapter it may authorise an Officer of the College as its delegate to dismiss any member of the academic staff so selected.
- (ii) Each member of the academic staff selected shall be given separate notice of the selection approved by the Governing Body.
  - (iii) 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 Chapter;
    - (b) an account of the selection processes used;
    - (c) a reference to the rights of the person notified to appeal against the notice and to the time within which any such appeal is to be lodged under Chapter V (Appeals); and
    - (d) a statement as to when the intended dismissal is to take effect.

### **CHAPTER III: DISCIPLINE AND REMOVAL FROM OFFICE**

- 1.(i) Minor faults shall be dealt with informally by the Vice-Provost or the Senior Tutor, as appropriate.
- (ii) Where the matter is more serious but falls short of constituting possible good cause for dismissal the following procedure shall be used:
  - (a) If conduct or performance does not meet acceptable standards, the member of the academic staff shall normally be given a formal oral warning by the Provost, or, if the Provost is unable to act, by the Senior Member of the Council. The member shall 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 Section. A written record of the oral warning shall be kept but it shall be spent after 6 months, subject to satisfactory conduct and performance.
  - (b) If the offence is a serious one, or if a further offence occurs, a written warning shall be given to the member of the academic staff by the Provost, or, if the Provost is unable to act, by the Senior Member of the Council. The written warning shall give details of the complaint, the improvement required and the timescale. It shall warn that a complaint may be made seeking the institution of charges to be heard by a Disciplinary Committee appointed under Section 4 of this Chapter if there is no satisfactory improvement, and shall advise of the right of appeal under that Section. A copy of this written warning shall be kept on the member of the academic staff's file, but it shall be disregarded for disciplinary purposes after nine months, subject to satisfactory conduct and performance.

- (c) A member of the academic staff who wishes to appeal against a disciplinary warning shall inform the Vice-Provost within two weeks of receiving the warning. The Vice-Provost shall appoint a member of the Disciplinary Panel established under Section 4 of this Statute to hear the appeal, and his or her decision shall be final. If the appeal is allowed, the warning shall be disregarded for the purposes of Section 2.
- 2.(i) If there has been no satisfactory improvement following a written warning given under Section 1(ii)(b) of this Chapter, 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 Section 4 of this Chapter may be made to the Provost.
  - (ii) To enable the Provost to deal fairly with any complaint brought to his or her attention under Subsection (i) he or she shall institute such enquiries (if any) as appear to him or her to be necessary.
  - (iii) If it appears to the Provost (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 or she shall write to the person concerned inviting comment in writing and may suspend the person concerned from the performance of his or her duties without loss of emolument or stipend.
  - (iv) As soon as may be following the receipt of such comments (if any) the Provost 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 direct that the matter be considered by a Disciplinary Committee appointed under Section 4 of this Chapter.
3. If the Provost has determined that the matter should be considered by a Disciplinary Committee, he or she shall request the Council 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 serious misconduct relating to his or her 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 Provost, after consulting the Governing Body, may suspend the person charged from the performance of his or her duties without loss of emolument or stipend.
  4. A Disciplinary Committee shall consist of three persons selected by the Council from a panel of seven 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.
  - 5.(i) When a Disciplinary Committee has been appointed, the Council 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.
  - (ii) 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 other documents therein specified and a list of all witnesses whom 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.

6. The procedure to be followed in respect of the preparation, hearing, and determination of a charge or charges by a Disciplinary Committee shall be prescribed by Ordinance. Such Ordinances 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 or her is 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 or her to consider and respond to the new evidence; and
  - (e) that any charge is heard and determined as expeditiously as is reasonably practicable.
- 7.(i) 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 Provost and to both parties to the proceedings under this Section.
- (ii) The Disciplinary Committee shall draw attention to the period of time within which any appeal should be made by ensuring that a copy of Chapter V (Appeals) of this Statute accompanies each copy of its decision sent to a party to the proceedings under this Section.
- 8.(i) Where the charge or charges are upheld and the Disciplinary Committee finds that the conduct of the person charged constitutes good cause for dismissal and recommends dismissal or removal from office, but in no other case, the appropriate Officer, after consulting the Governing Body, may dismiss the person charged.
- (ii) In any case where the charge or charges are upheld, other than where the appropriate Officer has dismissed the person charged under Subsection (i) of this Section, the action available to the appropriate Officer (not comprising a greater penalty than that recommended by the Disciplinary Committee) may be:
  - (a) to discuss the issues raised with the person charged; or
  - (b) to advise the person charged about his or her future conduct; or
  - (c) to warn the person charged; or
  - (d) to suspend the person charged for such period as the appropriate Officer shall think fair and reasonable, provided that the suspension shall not extend beyond three months after the date on which the appropriate Officer shall have considered the Disciplinary Committee's decision; or
  - (e) such further or other action under the contract of employment of the person charged or terms of appointment as appears fair and reasonable in all the circumstances of the case; or
  - (f) any combination of the above.
- 9.(i) The Provost shall be the appropriate Officer to exercise the powers conferred by Section 8 of this Chapter and any reference to the appropriate Officer includes a reference to a delegate of that Officer.



- (ii) Any action taken by the Provost or his or her delegate shall be confirmed in writing to the member concerned.

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

- 1.(i) This Chapter makes separate provision for the assessment of incapacity on medical grounds as good cause for dismissal or removal from office.
  - (ii) In this Chapter references to medical grounds are references to capability assessed by reference to health or any other physical or mental quality.
  - (iii) In this Chapter references to the appropriate Officer are references to the Provost or an Officer acting as his delegate to perform the relevant act.
  - (iv) References to the member of the academic staff 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.
- 2.(i) 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 or her duties without loss of emolument or stipend.
- (ii) If the member agrees that his or her removal on those grounds should be considered the College shall meet the reasonable costs of any medical opinion required.
- (iii) If the member does not agree that his or her removal from office be considered or does not agree to be suspended from the performance of his or her duties, 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 Council; one person nominated by the member concerned or, in default of the latter nomination, by the Provost; and a medically qualified chairman jointly agreed by the Council and the member or, in default of agreement, to be nominated by the President of the Royal College of Physicians.
- (iv) The Medical Board may require the member concerned to undergo medical examination at the College's expense.
- (v) The procedure to be followed in respect of the preparation, hearing, and determination of a case by a Medical Board shall be prescribed by Ordinances made under this Section. Such Ordinances shall ensure:
  - (a) that the member concerned is entitled to be represented by another person, whether such person is legally qualified or not, in connection with and at any hearing by the Board;
  - (b) that a case shall not be determined without an oral hearing at which the member's representative, but not the member, is entitled to be present;
  - (c) that witnesses may be called and questioned concerning any relevant evidence; and
  - (d) that the case is heard and determined as expeditiously as is reasonably practicable.

3. 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, or remove from office, the member concerned on those medical grounds.

## **CHAPTER V: APPEALS**

1. This Chapter 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.
  - 2.(i) This Chapter applies:
    - (a) to appeals against any decisions of the Governing Body as the appropriate body to dismiss in the exercise of its powers under Chapter II;
    - (b) to appeals arising in any proceedings, or out of any decision reached, under Chapter III other than appeals under Section 1 of Chapter III (Appeals against disciplinary warnings);
    - (c) to appeals against dismissal otherwise than in pursuance of Chapter II or Chapter III;
    - (d) to appeals against discipline otherwise than in pursuance of Chapter III;
    - (e) to appeals against decisions reached under Chapter IV; and
    - (f) to appeals arising in any proceedings, or out of any decision reached, under Chapter VII, including appeals against decisions reached in pursuance of Section 7 of that Chapter;and 'appeal' and 'appellant' shall be construed accordingly.
  - (ii) No appeal shall however lie against:
    - (a) a decision of the Governing Body under Section 3(ii) of Chapter II;
    - (b) any findings of fact of a Disciplinary Committee under Section 7 of Chapter III, or of a Tribunal under Chapter 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 Board set up under Section 2(iii) of Chapter IV save where, with the consent of the person or persons appointed, fresh evidence is called on behalf of the appellant at that hearing.
  - (iii) In this Chapter references to "the person appointed" are references to the person appointed by the Governing Body under Section 5 of this Chapter to hear and determine the relevant appeal.
  - (iv) The parties to an appeal shall be the appellant and the Vice-Provost and any other person added as a party at the direction of the person appointed.
3. A member of the academic staff shall institute an appeal by serving on the Vice-Provost, within the time allowed under Section 4 of this Chapter, notice in writing setting out the grounds of the appeal.
  - 4.(i) A notice of appeal shall be served within twenty-eight days of the date on which the document recording the decision appealed against was sent to the appellant or such longer period, if any, as the person appointed may determine under Subsection (iii).
  - (ii) The Vice-Provost 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 or she has done so.

- (iii) Where the notice of appeal was served on the Vice-Provost outside the twenty-eight day period the person appointed shall not permit the appeal to proceed unless he or she considers that justice and fairness so require in the circumstances of the case.
- 5.(i) Where an appeal is commenced under this Chapter the appeal shall, subject to the provisions of Section 4(iii) and Subsection (iii) of this Section, be heard and determined by a person appointed by the Governing Body in accordance with Ordinances made under this Section.
- (ii) A person appointed under Subsection (i) of this Section shall be a person who is not employed by the College and who holds or has held judicial office or who is a barrister or solicitor of at least ten years' standing.
  - (iii) The person appointed shall sit alone unless he or she considers that justice and fairness will best be served by sitting with two other persons appointed in accordance with Ordinances made under this Section.
  - (iv) The other persons who may sit with the person appointed shall be:
    - (a) one member of the Regent House of the University of Cambridge not being a Fellow of the College; and
    - (b) one other member of the Regent House, being a Fellow of the College.
- 6.(i) The procedure to be followed in respect of the preparation, consolidation, hearing and determination of appeals shall be that prescribed by Ordinances made under this Section.
- (ii) Without prejudice to the generality of the foregoing such Ordinances 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 or her appeal;
  - (b) that an appeal shall not be determined without an oral hearing at which the appellant, and any person appointed by him or her to represent him or her, 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 is reasonably practicable.
- (iii) 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 against a decision under Chapter 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 Chapter III for re-hearing by a differently constituted Disciplinary Committee to be appointed under that Chapter; or
  - (c) remit an appeal from a decision of the appropriate Officer under Chapter IV for further consideration as the person or persons hearing the appeal may direct; or
  - (d) remit an appeal by the Provost arising under Chapter VII for re-hearing or reconsideration by the same or by a differently constituted Tribunal to be appointed under that Chapter; or

- (e) in the case of appeals arising under Chapter III substitute any lesser alternative penalty that would have been open to the appropriate officer following the finding by the Disciplinary Committee which heard and pronounced upon the original charge or charges.
7. The person appointed shall send the reasoned decision, including any decision reached in exercise of his or her powers under Section 6(iii)(a), (b), (c) or (d) of this Chapter, on any appeal together with any findings of fact different from those come to by the Governing Body or the Redundancy Committee under Chapter II or by the Disciplinary Committee under Chapter III, as the case may be, to the Provost and to the parties to the appeal.

## **CHAPTER VI: GRIEVANCE PROCEDURES**

1. The aim of this Chapter is to settle or redress individual grievances promptly, fairly and by methods acceptable to all parties.
2. The grievances to which this Chapter applies are those raised by members of the academic staff concerning their appointment or employment where those grievances relate:
  - (a) to matters affecting themselves as individuals; or
  - (b) to matters affecting their personal dealings or relationships with other staff of the College, not being matters for which express provision is made elsewhere in this Statute.
- 3.(i) If no other remedy has proved satisfactory, the member of the academic staff may raise the matter with the Provost.
  - (ii) If it appears to the Provost that the matter has been finally determined under Chapter III, IV or V or that the grievance is trivial or invalid, he or she may dismiss it summarily, or take no action upon it. If it so appears to the Provost he or she shall inform the member and may inform the Governing Body accordingly.
  - (iii) If the Provost 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 Chapter III;
    - (b) a determination under Chapter IV; or
    - (c) an appeal under Chapter V
 he or she shall defer action upon it under this Chapter until the relevant complaint, determination or appeal has been heard or the time for instituting it has passed and he or she shall notify the member and may inform the Governing Body accordingly.
  - (iv) If the Provost does not reject the complaint under Subsection (ii) and does not defer action upon it under Subsection (iii) he or she shall decide whether it would be appropriate, having regard to the interests of justice and fairness, for him or her to seek to dispose of it informally. If the Provost so decides he or she shall notify the member and proceed accordingly.
4. If the grievance has not been disposed of informally under Section 3(iv) of this Chapter, the Provost shall refer the matter to the Grievance Committee for consideration.
5. The Grievance Committee shall comprise three Fellows of the College appointed annually by the Governing Body.
6. The procedure in connection with the consideration and determination of grievances shall be prescribed in Ordinances 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.

7. The Grievance 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.

## **CHAPTER VII: REMOVAL OF THE PROVOST FROM OFFICE**

1. Any three members of the Governing Body may make a complaint to the Vice-Provost seeking the removal of the Provost from office for good cause.
2. The Vice-Provost shall refer such a complaint to the Governing Body, exclusive of the Provost 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 Provost from office, the Governing Body may determine that no further action shall be taken upon it.
3. If it appears to the Governing Body, on material presented, that the complaint raises a *prima facie* case which could, if proved, constitute good cause for the removal of the Provost from office, the Governing Body 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.
- 4.(i) A charge referred to the Tribunal shall be dealt with in accordance with the procedure prescribed in Sections 2 to 7 of Chapter III, provided that the Vice-Provost shall perform any duty and exercise any power there assigned to the Provost, and that for the purposes of this Chapter references in those Sections to a Disciplinary Committee shall be construed as referring to the Tribunal, and references to Chapter III in Sections 6 and 7 of Chapter V shall be construed as referring to this Chapter.
- (ii) The Tribunal shall send its decision on the complaint, together with its findings of fact and the reasons for its decision, to the Provost and the Vice-Provost. The Tribunal shall draw attention to the period of time within which any appeal should be instituted by ensuring that a copy of Chapter V of this Statute accompanies the notification of its decision sent to the Provost.
- (iii) If the Tribunal finds that the complaint constitutes good cause for dismissal, the Vice-Provost, after consulting the Governing Body, may dismiss the Provost.
5. The Provost may institute an appeal against dismissal by sending to Vice-Provost 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 was sent to the Provost, provided that the person appointed to hear an appeal shall have power to hear an appeal submitted after that date if he or she considers that justice and fairness so require in the circumstances of the case.
6. An appeal commenced under Section 5 shall be heard in accordance with the provisions of Sections 5 to 7 of Chapter V of this Statute, provided that the Vice-Provost shall perform any duty and exercise any power there assigned to the Provost.
7. For the purpose of the removal of the Provost for incapacity on medical grounds, the provisions of Chapter IV shall have effect, provided that the Vice-Provost shall perform any duty and exercise any power there assigned to the Provost.
8. For the purposes of this Chapter, references to the Vice-Provost shall, if the Vice-Provost is not in residence, or is incapacitated by illness or otherwise, be construed as referring to the senior member of the Council.

## **S. DATE OF NEW STATUTES AND REPEAL OF PREVIOUS STATUTES**

1. These Statutes shall take effect on the Effective Date and shall apply to the Provost and Fellows from that date.
2. On the Effective Date all the Statutes of the College in force before that date shall be repealed but nothing in this revocation shall affect the legality or validity of any act, deed or thing lawfully done or executed under the provisions thereof. All Ordinances and Regulations passed under such Statutes and in force immediately before that date shall remain in force but so that any new Ordinance and any change to any Ordinance or to any Regulation duly passed under such Statutes and expressed to come into effect on the Effective Date shall then be effective.
3. The repeal of such former Statutes shall not be taken to revive any provision repealed by such former statutes.
4. The Governing Body shall prescribe how Fellows under the former classes of Fellowship become Fellows under the new classes.

## **T. CHANGES TO THE STATUTES**

1. These Statutes may be changed under the procedures laid down by the Universities of Oxford and Cambridge Act 1923, and in accordance with the process outlined for doing so laid down in the Statutes and Ordinances of the University of Cambridge in force at the time of the proposed change.

## **U. INTERPRETATION**

1. In these Statutes, in Ordinances and in Regulations, unless the contrary be provided or the context so requires:
  - (a) ‘academical year’ shall have the meaning prescribed from time to time in the statutes and Ordinances of the University;
  - (b) ‘College’ means The King’s College of our Lady and Saint Nicholas in Cambridge;
  - (c) ‘Electors to Fellowships’ has the meaning attributed in Section E.4;
  - (d) ‘Effective Date’ means the date of the approval of these Statutes by Her Majesty in Council;
  - (e) ‘Fellow’ means a Fellow of the College elected or appointed pursuant to Statute E or predecessor statutes;
  - (f) ‘final removal from the College’ means expulsion from the College and from all property belonging to the College and withdrawal from candidature for a course of study leading to any degree, diploma or certificate conferred by the University;
  - (g) ‘Full Term’ shall have the meaning prescribed from time to time in the Statutes and Ordinances of the University;
  - (h) ‘junior member’ means a member of the College *in statu pupillari*;
  - (i) ‘membership of the College’ means membership conferred on a person by these Statutes, by matriculation as a member of the College or pursuant to Statute A;
  - (j) ‘Officer’ has the meaning attributed in Statute F;
  - (k) ‘Ordinance’ has the meaning attributed in Section B.13;
  - (l) ‘Regulation’ has the meaning attributed in Section C.3;
  - (m) ‘residence’, ‘reside’ and cognate terms shall bear such meanings as may from time to time be determined by Ordinance. Different meanings may be determined for different purposes or for different classes of member of the College;

- (n) 'Section' means a Section of these Statutes;
- (o) 'senior member of the Governing Body' has the meaning attributed in paragraph (a) of Section B.1;
- (p) 'senior members of the Council' means the Provost and Fellows of the College who are members of the Council;
- (q) 'seniority' when referring to Fellows shall have the meaning attributed in Section E.14;
- (r) 'a person *in statu pupillari*' means a matriculated member of the College who is neither a Fellow nor an Officer and who, with the permission and under the supervision of the Council is actively pursuing a course of study leading to a degree, diploma or certificate conferred by the University;
- (s) 'suspend' means to suspend on full pay;
- (t) 'Term' shall have the meaning prescribed from time to time in the Statutes and Ordinances of the University;
- (u) 'University' means the University of Cambridge.

2. Any question which may arise as to the construction of these Statutes shall be decided by a resolution of a Congregation passed after not less than seven days' notice and expressly referring to this statute, subject to an appeal to the Visitor by the Provost, or any three Fellows, under the provisions of Statute P.

## END OF THE STATUTES