

DARWIN COLLEGE CAMBRIDGE

STATUTES

Editorial note

The first Statutes of Darwin College were made on 5 October 1970 by Nominative Trustees appointed by the three founding Colleges Gonville and Caius College, St. John's College and Trinity College. The present Statutes follow closely those made by the Nominative Trustees.

The present CHARTER and STATUTES for Darwin College were approved by Her Majesty the Queen in Council on 9 June 1976. These Statutes, which are set out below, incorporate subsequent changes which have been approved as follows:

Statute(s) amended	Authority and date of sealing (where relevant)	Date of approval by Her Majesty in Council
III,3 V,4 V,8	Governing Body 3 March 1977	26 July 1977
II,A,8 III,4 V,5 (<i>repealed</i>) XII,8 (<i>repealed</i>) XIX,7 (<i>new section</i>) XXVII (<i>new Statute</i>)	University Commissioners appointed under the Education Reform Act 1988	26 July 1995
XVII,2	Governing Body 10 March 1995	23 November 1995
II,A,3 XIX,3	Governing Body 5 March 2002	20 November 2002

December 2002

At the Court at Buckingham Palace

THE 9th DAY OF JUNE 1976

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY

IN COUNCIL

WHEREAS there was this day read at the Board a Report of a Committee of the Lords of Her Majesty's Most Honourable Privy Council, dated the 4th day of May 1976, in the words following, viz.:-

“YOUR MAJESTY having been pleased, by Your Order of the 18th day of March 1975, to refer unto this Committee the humble Petition of the Master and Fellows of Gonville and Caius College, the Master, Fellows and Scholars of the College of Saint John the Evangelist and the Master, Fellows and Scholars of the College of the Holy and Undivided Trinity, all in the University of Cambridge, praying for the grant of a Charter of Incorporation constituting a Body Politic and Corporate by the name and style of “The Master and Fellows of Darwin College in the University of Cambridge”:

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition into consideration and do this day agree humbly to report, as their opinion, to Your Majesty, that a Charter may be granted by Your Majesty in terms of the Draft hereunto annexed.”

HER MAJESTY, having taken into consideration the said Report and the Draft Charter accompanying it, was pleased, by and with the advice of Her Privy Council, to approve thereof and to order, as it is hereby ordered, that the Right Honourable Roy Jenkins, one of Her Majesty's Principal Secretaries of State, do cause a Warrant to be prepared for Her Majesty's Royal Signature for passing under the Great Seal a Charter in conformity with the said Draft which is hereunto annexed.

N. E. Leigh

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

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

WHEREAS an humble Petition has been presented unto Us by the Master and Fellows of Gonville and Caius College in the University of Cambridge Founded in Honour of the Annunciation of Blessed Mary the Virgin, the Master Fellows and Scholars of the College of Saint John the Evangelist in the University of Cambridge and the Master Fellows and Scholars of the College of the Holy and Undivided Trinity within the Town and University of Cambridge of King Henry VIII's Foundation which sheweth:-

1. that Our Petitioners are the trustees of certain property and funds and hold the same upon the trusts of a trust deed dated the twenty-eighth day of July in the year of our Lord One thousand nine hundred and sixty-four;

2. that the objects of the said trust are the advancement of education learning and research in Our University of Cambridge (hereinafter referred to as "the University"); and the foundation of a new graduate Collegiate Society in the University to be named "Darwin College";

3. that the University did on the twenty-ninth day of January One thousand nine hundred and sixty-five grant to the said Society the status of an Approved Foundation within the University:

AND WHEREAS by the said Petition Our Petitioners have prayed that We should be graciously pleased to grant a Charter in such terms as might seem unto Us proper for the purpose of constituting the Master and Fellows of Darwin College a body corporate:

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

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

1. The first Master and first Fellows of Darwin College and all such persons as may hereafter become members of the body corporate hereby constituted shall for ever hereafter be one body politic and corporate by the name and style of "The Master and Fellows of Darwin College in the University of Cambridge" (hereinafter referred to as "the College") and by the same name shall have perpetual succession and a Common Seal with power to break, alter and make anew the said Seal from time to time at their will and pleasure and by the same name shall and may sue and be sued in all Courts and before all Justices of Us, Our Heirs and Successors.

2. 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 this Our Charter have full power and capacity to accept acquire and hold any lands and hereditaments 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 also to do all other things incidental to or appertaining to a body corporate Provided always that nothing in this Article shall be deemed to empower the College to dispose of or deal with its property in the manner above mentioned without first obtaining such consent as would otherwise be required by law.

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

- (a) to advance education, learning and research in the University;
- (b) to provide for men or women who shall be members of the University a College wherein they may work for postgraduate Degrees in the University or may carry out postgraduate or other special studies at Cambridge provided that no member of the College or any candidate for membership thereof shall be subject to any test of a religious, racial, political or social character;
- (c) to acquire and take over the properties and liabilities now vested in the trustees of the said trust deed;
- (d) to apply the moneys of the College including any money acquired or taken over as aforesaid to the purpose of the College with power to invest as prescribed in the Statutes of the College;
- (e) to administer any trust or scheme for purposes connected with the objects of the College;
- (f) to do all such things as are incidental or conducive to the carrying out of the above objects.

4. The College shall have the power, subject to the Statutes of the University, to present candidates for matriculation by the University.

5. The first Visitor of the College shall be Our right trusty and well beloved Counsellor John Passmore, Baron Widgery, Lord Chief Justice of England, for as long as he shall hold office as Lord Chief Justice of England. The successors to the first Visitor shall be the Lords Chief Justice of England from time to time.

6. The first Master of the College shall be Our trusty and well beloved Sir Frank George Young Knight, Master of Arts and Fellow of the Royal Society. Such persons as at the date of this Our Charter are Fellows of the said Approved Foundation shall be the first Fellows of the College. The Statutes of the College shall apply to the first Master and the first Fellows as if they had been appointed pursuant to the Statutes save that due regard shall be had to the terms of their appointment as Officers or Fellows of the Approved Foundation previous to the date of this Our Charter. Any subsequent Master of the College or further Fellows of the College shall be appointed in the manner prescribed by the Statutes of the College.

7. The government of the College shall be vested in the Governing Body as defined in the Statutes of the College which shall subject to the provisions of this Our Charter and of the Universities of Oxford and Cambridge Act 1923 have full power to make and when made to alter the Statutes of the College provided that no alteration of the Statutes shall have any force or effect if it be repugnant to the provisions of this Our Charter.

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

9. The Governing Body of the College may from time to time revoke, amend or add to the provisions of this Our Charter by a Special Statute in that behalf and such revocation, amendment or addition shall when allowed by Us, Our Heirs or Successors in Council become effectual so that this Our Charter shall thenceforward continue and operate as though it had been originally granted and made as so revoked, amended or added to. This Article shall apply to the provisions of this Our Charter as revoked, amended or added to in the manner aforesaid. A Special Statute is one made by the College and passed at a meeting of the Governing Body specially summoned for the purpose at which not fewer than two-thirds of the Governing Body are present by the votes of not less than two-thirds of the number of persons present and voting.

10. Reference herein to the Statutes of the College shall be deemed to be references to such Statutes as are for the time being in force.

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

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

WITNESS Ourselves at Westminster the th day of in the year of Our Reign.

BY WARRANT UNDER THE QUEEN'S SIGN MANUAL

SCHEDULE

STATUTES

- I The Constitution of the College
- II.A The Fellows
 - B Fellows under Title A (Official Fellows)
 - C Fellows under Title B (Honorary Fellows)
 - D Fellows under Title C (Professorial Fellows)
 - E Fellows under Title D (Research Fellows)
 - F Fellows under Title E (Visiting Fellows)
 - G Fellows under Title F (Emeritus Fellows)
- III The College Offices
- IV Appointments and Admissions
- V The Master
- VI The Vice-Master
- VII The Dean
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- XII The Governing Body
- XIII The Council
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- XVII The Darwin College Students' Association
- XVIII Discipline
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- XX The Accounts
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I. THE CONSTITUTION OF THE COLLEGE

1. The corporate body of the College shall consist of the Master and Fellows and its corporate title shall be “The Master and Fellows of Darwin College in the University of Cambridge”.
2. The Visitor of the College shall be the Lord Chief Justice of England.
3. The Master and the other College Officers and the Fellows shall be elected as hereinafter provided.
4. There shall be such number of Fellowships under the several Titles as may from time to time be determined in accordance with the provisions of Statute II.A.
5. There shall be a Governing Body, a Council, an Admissions Committee, a Finance Committee, a Fellowships Committee and a Darwin College Students’ Association.

II.A. THE FELLOWS

1. Every Fellow shall hold his Fellowship under one or other of the following Titles. The number of Fellowships under each Title shall be decided by the Governing Body.

Title A.	Official Fellows
B.	Honorary Fellows
C.	Professorial Fellows
D.	Research Fellows
E.	Visiting Fellows
F.	Emeritus Fellows

2. Elections and re-elections to Fellowships shall be by the Governing Body.
3. No person shall be elected to or re-elected to a Fellowship without the concurrence of the votes, which shall be given in person at a meeting, of at least half of the whole number of members of the Governing Body, or of at least two-thirds of the number of members present, whichever is the greater number.
4. The Fellows under each of the Titles A, C, D and E, shall, unless excused by the Governing Body, reside for at least two-thirds of each University Term within the area prescribed by the University for the residence of University Officers.
5. If a Fellow under any Title except Title B be admitted to a Headship or to a Fellowship (other than an Honorary Fellowship) of any other College in Cambridge he shall thereby vacate his Fellowship.
6. Every Fellow shall conform to these Statutes and the Ordinances, shall promote the good government, discipline, and interests of the College as a place of education, learning and research and shall, so far as in him lies, advise and assist the Students of the College.
7. Fellows under the several titles shall enjoy such privileges as may be prescribed by Ordinance and such additional privileges as may from time to time be determined by the Governing Body.

8. If any Fellow is charged by the Master, or before the Master by three or more members of the Governing Body, with grave neglect of duty, failure to observe the Charter, these Statutes or the Ordinances of the College, or with conduct prejudicial to the interests or well-being of the College, the Master shall summon a meeting of the Governing Body to consider the charge. If the Governing Body are of the opinion that *prima facie* there is ground for the charge, they shall take such steps as they think appropriate fully to investigate the matter, and they shall ensure that the Fellow charged is fully apprised of the nature of the offence with which he is charged and that he is afforded an opportunity to appear in person before them, or before persons appointed by them for the purpose, and to make such statement as he may wish. The Fellow against whom the charge is brought shall not be present at any meeting of the Governing Body at which the charge is considered, except to state his case and to answer questions put to him. If the Governing Body, after full inquiry, are satisfied that the charge, or some part of it, is proved, they shall have power to impose any one or more of the following penalties: censure by the Master, deprivation of any College Office the Fellow may hold, suspension of tenure of the Fellowship, deprivation of the Fellowship, or expulsion from the College. The decision of the Governing Body, and any penalty imposed shall forthwith be communicated to the Fellow, who shall have the right of appeal to the Visitor within thirty days from the date of the decision of the Governing Body, and the Visitor, after inquiry, shall have power to confirm, vary or reverse the decision of the Governing Body. Provided that, subject to the provisions of section 6(1) of Statute XXVII, nothing in this Statute shall apply to the removal of any member of the academic staff to whom Statute XXVII applies.

II.B. FELLOWS UNDER TITLE A

Official Fellows

1. An Official Fellowship under Title A shall be tenable by virtue of the holding of any one of the following qualifying Offices: Vice-Master, Praelector, Dean, Bursar, Librarian, Archivist, or such other Office as may from time to time be determined by Ordinance; provided that a Fellow under any other Title who holds one of these Offices shall not thereby become a Fellow under Title A.

2. The Governing Body shall determine with what qualifying Office the tenure of an Official Fellowship is associated.

3. The Governing Body shall have power to attach to the tenure of an Official Fellowship any conditions which they may think proper, provided that the said conditions shall be consistent with the duties of the qualifying Office with which the tenure of the Official Fellowship is associated.

II.C. FELLOWS UNDER TITLE B

Honorary Fellows

1. The Governing Body may elect persons to Honorary Fellowships under Title B.

2. The tenure of a Fellowship under Title B shall be for life.

II.D. FELLOWS UNDER TITLE C

Professorial Fellows

In respect of Title C the Governing Body shall have regard to such number of Professorial Fellowships as shall from time to time be assigned to the College under the University Statutes and may, subject to those Statutes (a) elect into a Fellowship under Title C any person holding a University Office specified for the time being in Schedule B of those Statutes, and (b) pre-elect any person who has been elected or appointed to such Office. A person so pre-elected shall, on assuming his University Office, forthwith become a Fellow under Title C. Any person already a Fellow who is appointed to a University Office specified in Schedule B of the University Statutes shall thereupon, without re-election, become a Fellow under Title C. A Fellow under Title C shall hold his Fellowship only as long as he holds the University Office with which such Fellowship is associated.

II.E. FELLOWS UNDER TITLE D

Research Fellows

1. The Governing Body may, in the manner prescribed by Ordinance, elect persons to Research Fellowships under Title D.
2. No Fellow under Title D shall have tenure for more than four years in all.
3. A Fellow under Title D shall engage in research in such manner and on such conditions as the Governing Body shall approve.
4. The Governing Body may assign to a Fellow under Title D such stipend and allowances as they may from time to time determine.

II.F. FELLOWS UNDER TITLE E

Visiting Fellows

1. The Governing Body may elect to a Visiting Fellowship under Title E any person who is not normally resident in Cambridge if they consider that such a person is specially fitted to be elected a Fellow and that it will be in the interests of the College to elect him.
2. A Fellowship under Title E shall be held on such conditions and for such periods as the Governing Body may determine, provided that no person shall hold a Fellowship under this Title for more than two years consecutively.
3. The Governing Body may assign to a Fellow under Title E such stipend and allowances as they may from time to time determine.

II.G. FELLOWS UNDER TITLE F

Emeritus Fellows

1. The Governing Body may elect to an Emeritus Fellowship under Title F any Fellow under Title A or C who (a) reaches the retirement age specified for University Officers in the University Statutes, or (b) having reached the age of sixty years, retires from a University or College Office.
2. The Governing Body may elect to a Fellowship under Title F a Fellow under Title A or C who resigns on grounds of ill-health from a University Office or an Office of the College and who is not otherwise qualified for election to an Emeritus Fellowship.
3. In exceptional circumstances the Governing Body may elect to a Fellowship under Title F a person who, on reaching the retirement age specified for University Offices in the University Statutes, is not a Fellow but has previously held a Fellowship under Title A or Title C.
4. The tenure of a Fellowship under Title F shall be for life.

III. THE COLLEGE OFFICES

1. The College Offices shall comprise those of Master, Vice-Master, Dean, Bursar, Librarian, Archivist and Praelector and such other offices as the Governing Body may from time to time decide.
2. The Governing Body shall have power, on electing or re-electing to a College Office, to attach to the tenure of that Office such duties and conditions additional to those specified in these Statutes as may seem to them desirable.
3. Except as provided in Statute V,4, no College Officer shall hold office after the end of the academical year in which he shall have attained the retiring age for University Officers specified by the University Statutes at the time when he reaches that age.
4. If any College Officer is charged by the Master, or before the Master by three or more members of the Governing Body, with grave neglect of duty, failure to observe the Charter, these Statutes or the Ordinances of the College, or with conduct prejudicial to the interests or well-being of the College, the Master shall summon a meeting of the Governing Body to consider the charge. If the Governing Body are of opinion that *prima facie* there is ground for the charge, they shall take such steps as they think appropriate fully to investigate the matter, and they shall ensure that the Officer charged is fully apprised of the nature of the offence with which he is charged and that he is afforded an opportunity to appear in person before them or before persons appointed by them for the purpose, and to make such statement as he may wish. The Officer against whom the charge is brought shall not be present at any meeting of the Governing Body at which the charge is considered, except to state his case and to answer questions put to him. If the Governing Body, after full inquiry, are satisfied that the charge, or some part of it, is proved, they shall have the power to impose any one or more of the following penalties: censure by the Master, deprivation of College Office or expulsion from the College. The decision of the Governing Body, and any penalty imposed, shall forthwith be communicated to the Fellow, who shall have the right of appeal to the Visitor within thirty days from the date of the decision of the Governing Body, and the Visitor, after inquiry, shall have power to confirm, vary or reverse the decision of the Governing Body. Provided that, subject to the provisions of section 6(1) of Statute XXVII, nothing in this Statute shall apply to the removal of any member of the academic staff to whom Statute XXVII applies.

5. A holder of a College Office may receive such stipend and allowances as the Governing Body may determine from time to time.

6. The College shall adopt the Universities Superannuation Scheme or such other pension scheme as may apply to University Officers from time to time, and shall pay the pension contributions due thereunder in respect of the pensionable stipends of those College Officers who are brought under any such scheme.

IV. APPOINTMENTS AND ADMISSIONS

1. The terms of any appointment or election shall be recorded in the books of the College, shall be communicated in writing to the person concerned and shall not be operative unless and until that person has accepted the terms in writing.

2. The Master-elect shall be admitted by the Vice-Master, or, if the Vice-Master is not available, by the senior of the Fellows present who is a member of the Council. Before admission the Master-elect shall make the following declaration:-

“I...elected Master of this College, do hereby promise that I will faithfully perform the duties of the Office with care and diligence, observe all the Statutes, Ordinances, and good customs of the College, and in all things endeavour to the utmost of my power to promote the peace, honour and well-being of the College as a place of education, learning and research.”

3. Each Fellow-elect shall be formally admitted by the Master or his appointed deputy as soon as convenient after his election. Before admission each Fellow-elect shall make the following declaration:-

“I... having been elected a Fellow of this College, do hereby promise that I will loyally observe the Statutes, Ordinances, and good customs of the College, and in all things endeavour to the utmost of my power to promote the peace, honour and well-being of the College as a place of education, learning and research.”

4. A Roll of the Fellows in order of seniority shall be kept in the College by the Bursar. A Fellow shall have seniority from the date from which his election to a Fellowship took effect. Where two or more Fellowships take effect from the same date, the order of seniority shall be determined by the Governing Body.

5. On the election of a Fellow who has previously held a Fellowship, the period of his previous tenure shall be included in reckoning his seniority.

6. An election or appointment may be made not more than twelve months before the day on which the person concerned is expected to take up his duties.

V. THE MASTER

1. The Master shall be elected by the Fellows holding Fellowships under Titles A, C, D or E who shall choose as the Master the person who is judged to be the best qualified to preside over the College as a place of education, learning and research; provided that, if, at the expiration of sixteen months from the date of the occurrence of a vacancy in the office of Master, an election shall not have been made, the power to appoint the Master shall pass to the Visitor.

2. The election of the Master shall take place at a meeting summoned for the purpose by the Vice-Master or, in his absence, by the senior of the Fellows in residence who is a member of the Council. Not less than fourteen days' notice of the meeting shall be sent in writing to all Fellows eligible to vote. The quorum for such a meeting shall be two-thirds of the whole number of the Fellows eligible to vote. If on the day fixed for the meeting no election has been made, the meeting shall have power to adjourn.

3. Voting in the election of the Master shall be by secret ballot. The election shall be by votes of a majority of those present and eligible to vote. The Chairman shall have no second or casting vote.

4. The Master shall not hold office after the date specified in Statute III,3, unless on entering office he shall have attained an age of not less than sixty-two years, in which case he shall not hold office after the end of the academical year in which he shall have attained the age of seventy years.

[5. repealed by Privy Council on 26 July 1995]

6. During any absence or illness of the Master his duties shall be discharged by the Vice-Master, or if he also is absent or ill, by the senior of the Fellows in residence who is a member of the Council.

7. The duties of the Master shall include:

- (a) exercising a general superintendence over the affairs and management of the College;
- (b) ensuring that the provisions of these Statutes are observed;
- (c) presiding when present, at all meetings of the Governing Body and of the Council and at all meetings of other bodies or committees of which he is a member;
- (d) making any provisions that he may deem necessary, in any emergency, to ensure the continued good management of the College, pending a meeting of the Governing Body or the Council to be called with all convenient speed to deal with the matter.

8. The Master shall, on his retirement, become a Fellow under Title F with seniority in accordance with the date of his election as Master or as Fellow of the College if he has previously held a Fellowship. If he resigns from the Mastership before reaching the retiring age specified for University Officers in the University Statutes, he shall, if a Professor, become a Fellow under Title C but otherwise a Praelector and a Fellow under Title A, with seniority as aforesaid.

VI. THE VICE-MASTER

1. The Vice-Master shall be elected by the Governing Body from among the Fellows under Titles A and C and shall be eligible for re-election.

2. The Vice-Master shall serve until the annual meeting of the Governing Body next but one following the date of his appointment.

3. The duties of the Vice-Master shall include acting as the Master's deputy.

4. The Vice-Master shall vacate his Office if he ceases to be a Fellow of the College.

5. If the Vice-Master is deputising for the Master or if the Vice-Master is absent or ill, his duties shall be discharged by the senior of the Fellows in residence who is a member of the Council.

VII. THE DEAN

1. The Dean shall be appointed by the Governing Body and shall be eligible for re-appointment.

2. The Dean shall be appointed or re-appointed for such periods not exceeding five years at a time as may be specified by the Governing Body on the occasion of each appointment or re-appointment.

3. The Dean shall perform all those duties which by the University Statutes and Ordinances are required to be performed by the Tutor of a College and such other duties as the Governing Body may prescribe.

4. The Dean shall exercise a general supervision over the Students of the College and shall be responsible for ensuring that the University's requirements in respect of those Students are complied with.

VIII. THE BURSAR

1. The Bursar shall be appointed by the Governing Body and shall be eligible for re-appointment.

2. The Bursar shall be appointed or re-appointed for such periods not exceeding five years at a time as may be specified by the Governing Body on the occasion of each appointment or re-appointment.

3. The Governing Body shall determine the conditions and terms of appointment to the Office of the Bursar.

4. The duties of the Bursar shall be determined by the Governing Body and shall include the management of the College property and keeping the College accounts.

IX. THE LIBRARIAN

1. The Librarian shall be appointed by the Governing Body and shall be eligible for re-appointment.

2. The Librarian shall serve for a period of years, not exceeding three, to be stated on the occasion of his appointment or re-appointment.

3. The Librarian shall be responsible to the Governing Body for the development, maintenance and organisation of the College Library.

X. THE ARCHIVIST

1. The Archivist shall be appointed by the Governing Body and shall be eligible for re-appointment.

2. The Archivist shall serve for a period of years, not exceeding three, to be stated on the occasion of his appointment or re-appointment.

3. The Archivist shall be responsible to the Governing Body for the collection, maintenance and organisation of the College Archives.

XI. THE PRAELECTORS

1. The Praelectors shall be appointed by the Governing Body and shall be eligible for re-appointment.

2. A Praelector shall serve until the meeting of the Governing Body next following the expiry of four years from the date of his appointment or re-appointment.

3. A Praelector shall give general assistance to the Students of the College, and he shall, if requested by the Master, Vice-Master, Dean or Bursar, give special assistance to any particular Student of the College.

4. A Praelector shall also undertake such other duties as may be prescribed by Ordinance or by the Governing Body.

XII. THE GOVERNING BODY

1. The Governing Body shall consist of the Master and those Fellows who hold their Fellowships under Titles A, C, D or E.

2. The Governing Body shall, subject to such limitations as are imposed by these Statutes, be the ultimate authority in the College, and shall have power to make Ordinances for the government of the College.

3. There shall be in the Michaelmas Term an Annual Meeting of the Governing Body at which the audited accounts of the College shall be submitted. The Governing Body shall hold such other meetings as may be required for the performance of the duties assigned to them by these Statutes.

4. Except as provided in sections 7 and 8 of this Statute, at least fourteen days' notice shall be given by the Master of a meeting of the Governing Body.

5. Written notice of the business to be put before a meeting of the Governing Body shall be sent to each member seven days before the meeting is due to take place. This notice shall include any resolution which shall have been sent in writing to the Master to reach him more than seven days before the meeting. At the meeting the Master shall have the right to add to the business any resolution proposed by a member of the Governing Body, but the Governing Body shall have the power then to decide, by a majority vote of those present, that such a resolution be not accepted for consideration at that meeting.

6. Subject to the provisions of these Statutes, meetings of the Governing Body shall be held at such times and shall be subject to such regulations as shall from time to time be determined by the Governing Body.

7. When requested by the Council, or on receipt of a requisition signed by eight members of the Governing Body, the Master shall summon a special meeting of the Governing Body with all convenient speed. Such requisition shall set forth a resolution or resolutions to be brought before the meeting.

[8. Repealed by Privy Council on 26 July 1995]

9. Any resolution passed by the Governing Body affecting matters which by these Statutes are placed under the control of the Council, shall be communicated to the Council and shall be considered by the Council at their next meeting. If the resolution is not adopted by the Council and it is reaffirmed in its entirety by the Governing Body in a vote in which at least two-thirds of the whole number of its members concur, then the resolution shall be binding on the Council and shall not be rescinded except by the Governing Body.

10. The Governing Body shall have power to appoint Committees, to state their terms of reference and to delegate authority.

11. The Secretary of the Governing Body shall be the Bursar unless the Governing Body shall decide otherwise.

XIII. THE COUNCIL

1. The Council shall consist of the Master, the Vice-Master, the Dean, the Bursar and the Chairman of the Darwin College Students' Association, and six elective members, of whom four shall be Fellows and two shall be Students of the College. One at least of the Students elected by the Darwin College Students' Association shall, by the October following his election, be entering upon his second or later year of membership of the College.

2. Subject to the provisions of these Statutes, the Council shall administer the affairs of the College.

3. No business shall be transacted at any meeting of the Council at which fewer than seven members are present.

4. Elections of Fellows to the Council other than elections to fill casual vacancies shall be made at the Annual Meeting of the Governing Body in the Michaelmas Term, and each elected Fellow shall hold office until the third such Annual Meeting following his election.

5. Any Fellow of the College who holds a Fellowship under Titles A, C or D shall be eligible for election to the Council.

6. Elections of Students to the Council other than elections to fill casual vacancies shall be made by the Darwin College Students' Association in the Easter Term and each elected Student shall hold office until the next such election. Any Student of the College registered under Statute XIV.5 at the time of the election shall be eligible for election to the Council and to vote at such elections of Students.

7. Every casual vacancy among the elected members of the Council shall be filled as soon as convenient by election by the Governing Body in the case of Fellows or by the Darwin College Students' Association in the case of students.

8. Except as hereinafter provided, meetings of the Council shall be held at such times, and shall be subject to such regulations as shall from time to time be determined by the Council. At least seven days' notice shall be given of any such meeting.

9. The Master may at any time, and shall if requested by four other members of the Council, call a special meeting of the Council. Such notice shall be given of the special meeting as the case may admit.

10. If an elected member of the Council has attended less than half of the meetings of the Council in any term except for a cause approved by at least two-thirds of the whole number of members of the Council, exclusive of himself, his membership shall thereupon terminate.

11. The Council shall have power to appoint Committees, to state their terms of reference, and to delegate authority.

12. The Secretary of the Council shall be the Bursar unless the Council shall decide otherwise.

XIV. THE ADMISSIONS COMMITTEE

1. The Admissions Committee shall consist of the Master, the Dean and three other Fellows appointed by the Governing Body.

2. Save for those appointed to fill casual vacancies, appointed members shall serve for up to three years from dates and for periods to be determined by the Governing Body.

3. The Secretary of Admissions Committee shall be the Dean unless the Governing Body shall decide otherwise.

4. The Admissions Committee shall, subject to the general direction of the Governing Body, decide upon all applications for admission of Students to the College, always provided that the College shall not admit any Student who is a candidate for the Degree of Bachelor of Arts, Bachelor of Education or Bachelor of Music, nor shall the College present any candidate for those Degrees.

5. The Admissions Committee shall maintain a register of the Students of the College.

6. The Admissions Committee shall submit a report each term to the Governing Body and to the Council.

XV. THE FINANCE COMMITTEE

1. The Finance Committee shall consist of the Master, the Vice-Master, the Bursar and three other Fellows appointed by the Governing Body.

2. Save for those appointed to fill casual vacancies, appointed members shall serve for up to three years from dates and for periods to be determined by the Governing Body.

3. The Secretary of the Finance Committee shall be the Bursar unless the Governing Body shall decide otherwise.

4. The Finance Committee shall have the general responsibility for the management of the financial affairs of the College and shall advise or direct the Bursar in the performance of his duties in respect of the finances of the College, subject to any general directions that the Governing Body may from time to time give to the Committee.

5. The Finance Committee shall submit a report each term to the Governing Body and to the Council.

XVI. THE FELLOWSHIPS COMMITTEE

1. The Fellowships Committee shall consist of the Master, the Vice-Master and six other Fellows appointed by the Governing Body.

2. Save for those appointed to fill casual vacancies, appointed members shall serve for up to three years from dates and for periods to be determined by the Governing Body.

3. The Secretary of the Fellowships Committee shall be appointed by the Committee from among their own membership.

4. The Fellowships Committee shall consider proposals for election of persons to Fellowships of the College under Titles A, C, D and E and shall make recommendations thereon to the Governing Body.

XVII. DARWIN COLLEGE STUDENTS' ASSOCIATION

1. The Darwin College Students' Association shall promote the interests and welfare of the Students of the College. With that intent it shall have power, subject to the general direction of the Council, to administer and dispose of funds collected and received as moneys due to the Association by the Senior Treasurer.

2. The members of the Association shall be the Students of the College on the register maintained by the Admissions Committee under Statute XIV.5, but excluding any Student who has by notice to the Dean, under a procedure specified by Ordinance, opted not to be a Member of the Association.

3. Any election to the chairmanship of the Darwin College Students' Association and any election of the Student members of the Council shall be conducted by means of a secret vote.

4. At least two weeks' notice of an election shall be given. Not less than two days before the day fixed for the beginning of voting, the name of each eligible candidate who has consented to nomination and the names of his proposer and seconder shall be promulgated by written notice. Notice of an election and promulgation of the names of candidates shall be by written notice displayed in the College.

5. There shall be a Returning Officer, who shall be a Fellow of the College appointed by the Council on the nomination of the Association. The Returning Officer shall verify the eligibility of the candidates nominated, shall ensure that the elections are properly conducted and shall promulgate the results of the elections.

6. Voting in any election of Student members of the Council shall take place on three consecutive weekdays during Term between hours to be determined by the Returning Officer.

7. If the number of eligible candidates for election is not greater than the number of vacancies, the Returning Officer shall without arranging for a vote, declare those candidates to have been elected.

8. There shall be a Senior Treasurer of the Association who shall be a Fellow of the College appointed by the Council during the Lent Term on the nomination of the Association to serve for a period determined by the Council. The Senior Treasurer shall collect and receive the moneys due to the Association, and shall ensure that its accounts are audited annually. He shall submit a termly report to the Council concerning the budget and expenditure of the Association.

XVIII. DISCIPLINE

1. The Students of the College shall observe these Statutes and shall conform to all such orders and regulations as may be made by the Governing Body or the Council from time to time; and they shall make such payments to the College as the Finance Committee shall, subject to the approval of the Governing Body, from time to time determine.

2. If a Student shall fail to observe these Statutes or to conform to the orders and regulations made by the Governing Body or the Council, or shall be guilty of any conduct prejudicial to the discipline or good order of the College, the Dean, or in his absence another officer of the College designated by the Council, may impose such penalties as seem appropriate, except that he shall not impose the penalty of temporary or permanent removal from the College.

3. There shall be a Disciplinary Committee of the College, the composition of which shall be determined by the Council, provided that no member of the Council shall be a member of the Disciplinary Committee.

4. Any student of the College upon whom the Dean or other designated officer of the College as aforesaid has imposed a penalty may appeal to the Disciplinary Committee, who shall have power to confirm, set aside or vary the finding and the penalty. In such case the decision of the Disciplinary Committee shall be final.

5. If a Student of the College is charged with an offence which in the opinion of the Dean or other designated officer of the College as aforesaid ought to be considered by the Disciplinary Committee or appears to deserve his temporary or permanent removal from the College, the Dean or other designated officer of the College shall proceed to lay the facts before the Disciplinary Committee who shall hear the case. The Disciplinary Committee having heard the case shall have power to take such action or impose such penalty as they may consider appropriate, provided that there shall be a right of appeal to the Council, whose decision shall be final.

6. Before taking a decision under this Statute the Disciplinary Committee and the Council shall:-

(i) ensure that the Student is fully apprised of the nature and circumstances of the offence with which he is charged;

(ii) afford the Student the opportunity to appear in person, to offer such defence or to make such statement as he may think proper, and to call and cross-examine witnesses;

(iii) allow the Student to be accompanied by one person who may advise him and speak on his behalf.

7. If any Student of the College fails, in the opinion of the Master, satisfactorily to pursue the course of postgraduate study for which the said Student was admitted, or shall fail by such date as

may be stipulated by the Finance Committee to make the payments to the College determined by that Committee, the Master shall have power to refuse the Student permission to continue in residence.

XIX. INTERPRETATION AND INVALID PROCEEDINGS

1. If any question shall arise as to the meaning of any part of these Statutes, the meaning shall be decided by the Governing Body at a meeting specially summoned for the purpose; provided that any person affected by such decision may within eight weeks of its promulgation appeal to the Visitor. Upon such appeal, the Visitor may confirm, vary or reverse the decision of the Governing Body, and his decision shall be final.

2. In any Statute or Ordinance words of the masculine gender shall import the feminine unless this interpretation is excluded expressly or by necessary implication.

3. If within thirty days of the doing of any act by any person or body having power to act under these Statutes, representation is made in writing to the Master that the act in question was in contravention of these Statutes or the Ordinances, the Master shall enquire into the matter and shall declare either (a) that there has been no contravention, or (b) that the said act has been of no effect, or (c) if he is of opinion that any irregularity has not affected the result of the act, that the validity of the act is not affected by such contravention. If the Master has not declared his decision within twenty days after receipt of the representation, or if any five members of the Governing Body are dissatisfied with the Master's decision, they may within sixty days of the said act appeal in writing to the Visitor, whose decision shall be final. If there is no such appeal, the decision of the Master shall be final. No act shall become invalid by reason of the fact that there has been a contravention of these Statutes or the Ordinances, unless there has been a representation in writing as aforesaid within thirty days of the doing thereof. No act shall be invalid by reason of the fact that any person taking part in the act, and chosen in good faith in the manner prescribed or authorised by these Statutes to be the person or a member of the body eligible to act, was subsequently found not to be eligible to be so chosen.

4. Whenever in any Statute or Ordinance provision is made for the election or appointment of members of any body, unless otherwise expressly provided by Statute or Ordinance, as the case may be (a) a retiring member shall, if in all respects qualified, be eligible to be re-elected or re-appointed; (b) any casual vacancy shall be filled by the election or appointment of a member for the unexpired portion of the period of tenure of his predecessor.

5. Except where otherwise expressly provided by Statute or Ordinance, (a) decisions shall be determined by the votes of a majority of those present and eligible to vote and (b) in the event of an equal division of votes, the Chairman shall have power either to give a second or casting vote or to adjourn the question.

6. Subject to the provisions of these Statutes the Governing Body may by Ordinance determine the number of members of any Committee or body of the College, including the Governing Body, which shall constitute a quorum.

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

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

(b) to disallow or annul any Ordinances of the Governing Body made under or having effect for the purposes of Statute XXVII.

XX. THE ACCOUNTS

1. In each year the College shall close its accounts on the thirtieth day of June or on any other date as may be prescribed by the University Statutes and the accounts shall be audited annually. For this purpose, the Governing Body shall appoint as Auditor or Auditors a person or persons (not being a member of the Governing Body) who shall be a member or members of a body of accountants established in the United Kingdom and for the time being recognized by the Secretary of State for Trade for the purposes of section 161 of the Companies Act 1948 (or any statutory modification or re-enactment thereof). The Auditors shall be paid such remuneration as the Finance Committee shall determine.

2. The Auditor or Auditors shall examine and verify the said accounts and the vouchers thereof and shall ascertain the balance of each account and compare these balances with the balances shown in the books of the College bankers.

3. The Auditor or Auditors shall pass the said accounts by signing the same and shall sign such certificates as are required by the University Statutes in respect of the said accounts or shall state in writing to the Finance Committee his or their reasons for not passing the said accounts or not signing the said certificates.

4. The Finance Committee shall report as they think fit to the Governing Body on matters of general policy in relation to the audited accounts.

5. Not less than seven days before the Annual Meeting of the Governing Body held in accordance with Statute XII.3, the Bursar shall distribute copies of the audited accounts to all members of the Governing Body in residence. At this meeting the Bursar shall present the accounts with such observations thereon as he may deem necessary, together with the report of the Auditor or Auditors and any report of the Finance Committee under section 4 of this Statute.

6. The College shall make to the University such payments as may be prescribed by the University Statutes.

XXI. LEAVE OF ABSENCE

1. Subject to the needs and financial resources of the College, the Governing Body may grant leave of absence to a Fellow or to a College Officer for such period and on such financial terms as they may determine.

2. A Fellow who has been granted leave of absence under the provisions of section 1 of this Statute shall not, during the period of his leave of absence, be reckoned a member of the Governing Body. Nevertheless such a Fellow shall be eligible to take part in the election of a Master under the provisions of Statute V.2.

3. A Fellow who is an elected member of the Council shall, if he is granted leave of absence for a term or longer, cease to be a member of the Council from a date not later than the beginning of the period of the leave of absence.

XXII. ALTERATION OF STATUTES

1. These Statutes shall be subject to alteration from time to time by a Statute made by the College in accordance with section 7 of the Universities of Oxford and Cambridge Act 1923 and passed at a meeting of the Master and the Fellows under Titles A, C, D and E who are graduates of the University by the votes of not less than two-thirds of the number of persons present and voting.

2. At least fourteen days' notice shall be sent in writing of such a meeting and at least seven days' notice of any resolutions to be proposed thereat.

3. Notice of any proposed Statute shall be given to the University before the Statute is submitted to Her Majesty in Council.

4. A Statute which affects the University shall not be altered except with the consent of the University.

XXIII. APPLICATION OF CAPITAL MONEYS AND MANAGEMENT OF LAND

1. The Governing Body shall have power to purchase, retain, sell or transfer property real or personal and securities (which term includes stocks, funds and shares) of any description on behalf of the College and may also apply moneys to any purpose to which capital moneys arising under the Universities and Colleges Estates Acts 1925 and 1964 may be applied.

2. 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 own benefit could exercise or carry out, provided that any capital moneys thereby arising shall form part of the permanent endowment of the College.

3. The powers conferred by this Statute shall extend to all endowments, land, securities, property or other funds of the College, and of any specific trust for purposes connected with the College of which the College is trustee, provided that such powers shall not extend to the funds of a specific trust constituted after the date of the Charter.

XXIV. POWER TO ACCEPT ENDOWMENTS

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

XXV. THE COMMON SEAL AND MUNIMENTS OF THE COLLEGE

1. The Bursar shall be responsible for the safe custody of the Common Seal and the muniments of the College.

2. The Common Seal shall not be affixed to any writing or document which shall not previously have received the sanction of the Governing Body except for any class or classes of document in respect of which the Governing Body have given authority in advance. Every writing or document needing to be sealed shall be brought before the Governing Body for sanction or for report of sealing made on the prior authority of the Governing Body. The Bursar shall ensure that a record is kept of documents sealed.

3. The Common Seal shall not be affixed to any writing or document except in the presence of a member of the Governing Body and of the Master or a Deputy appointed by him.

XXVI. DATE OF COMMENCEMENT OF THESE STATUTES AND INITIAL PROVISIONS

1. These Statutes shall take effect on the day following the date of the Charter.

2. These Statutes shall apply to the first Master and the first Fellows of the College save that the length of their tenure and their stipends, if any, as Fellows or officers of the Approved Foundation known as Darwin College, Cambridge, shall not without their consent be modified. The seniority of the first Fellows of the College shall be their seniority as Fellows of the Approved Foundation aforesaid.

3. The Governing Body shall, as soon as may be after the coming into effect of these Statutes, determine, as regards each of the Fellows of the College who are appointed by the Charter, in which class he is deemed to hold his Fellowship.

4. The first Master and the first Fellows shall make the respective declarations required by Statute IV as soon as may be after the coming into effect of these Statutes.

XXVII. ACADEMIC STAFF

PART 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 learning, and to engage in research efficiently and economically; and
- (c) to apply the principles of justice and fairness.

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

3. (1) This Statute shall apply -

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

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

4. For the purposes of this Statute the following terms have the meanings specified:

“dismiss” and “dismissal” refer to the dismissal of a member of the academic staff and

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

“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 Part III to be such as to render the person convicted unfit for the execution of the duties of his office or for employment as a member of the academic staff of the College; or
- (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) physical or mental incapacity established under Part 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 member concerned worked; or

- (b) the fact that the requirements of that activity for members of the academic staff of the College to carry out work of a particular kind in that place have ceased or diminished or are expected to cease or diminish.

6. (1) In any case of conflict, the provisions of this Statute shall prevail over those of any other Statute 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 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 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 Ordinances 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 prescribed by Ordinances made under this Statute.

- (5) Nothing in any other Statute shall enable the Governing Body to delegate its power to reach a decision under section 10(2) of this Statute.

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

7. 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 Ordinances made under this Statute.

PART II REDUNDANCY

8. This Part enables 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 20 November 1987; or
- (b) he is promoted on or after that date.

(2) 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 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 appropriate body for the purposes of this Part shall be the Governing Body.

(2) 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.

11. (1) Where the Governing Body has reached a decision under section 10(2) 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, or shall appoint a Redundancy Committee to be constituted in accordance with sub-section (3) of this section to give effect to its decision by such date as it may specify 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 their recommendations to the Governing Body.

(2) The Governing Body shall either approve any selection recommendation made under sub-section (1)(a), or shall remit it to the Redundancy Committee for further consideration in accordance with its further directions.

(3) A Redundancy Committee appointed by the appropriate body shall comprise -

- (a) a Chairman; and
- (b) two Fellows not being members of the academic staff to whom this Statute applies; and
- (c) two members of the academic staff.

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

12. (1) Where the Governing Body has made a selection or has approved a selection recommended by a Redundancy Committee 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 appropriate 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 used;
- (c) a reference to the rights of the person notified to appeal against the notice and to the time within which any such appeal is to be lodged under Part V (Appeals); and
- (d) a statement as to when the intended dismissal is to take effect.

PART III DISCIPLINE, DISMISSAL AND REMOVAL FROM OFFICE

13. (1) If it appears to the Master that there are grounds for believing that the conduct or performance of a member of the academic staff is or has been unsatisfactory, he shall enquire into the matter. If the Master concludes after investigation that the member is or has been at fault, he may issue an oral warning to the member. The Master shall specify the reason for the warning, shall indicate that it constitutes the first stage of the College's disciplinary procedure, and shall advise the member that he may appeal against the warning under sub-section (4) of this section.

(2) If the Master concludes after investigation that the fault is sufficiently serious to justify it, or if a further offence occurs, he may issue a written warning to the member. Such a warning shall specify the complaint made against the member, the improvements required in the member's conduct or performance, and the period of time within which such improvements are to be made. The Master shall advise the member that he may appeal against the warning under sub-section (4), and shall indicate that, if no satisfactory improvement takes place within the stipulated time, a complaint may be made seeking the institution of charges to be heard by a Disciplinary Committee.

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

(4) A member of the academic staff who wishes to appeal against a disciplinary warning shall inform the Master within two weeks. An Appeals Committee appointed by the Governing Body shall hear the appeal and the Committee's decision shall be final. If the appeal is allowed, the warning shall be disregarded for the purposes of section 14.

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

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

(3) If it appears to the Master (whether on receipt of a complaint or otherwise) that there are grounds for believing that the conduct or performance of a member of the academic staff of the

College could constitute good cause for dismissal, he shall write to the person concerned inviting comment in writing and may, if he considers that the College might otherwise suffer significant harm, suspend him from the performance of his duties without loss of emoluments.

(4) As soon as may be following the comments (if any) or in any event not later than twenty-eight days after they were invited the Master shall consider the matter in the light of all the available material and may dismiss the matter summarily, or issue a formal warning to the person concerned, or direct that the matter be considered by a Disciplinary Committee appointed under section 15.

15. If the Master has directed that the matter should be considered by a Disciplinary Committee, the Governing Body shall at his request appoint such a Committee to hear the charge or charges, to determine whether the conduct or performance of the person concerned constitutes good cause for dismissal or otherwise constitutes serious misconduct 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 Master, after consulting the Governing Body, may suspend the person charged from the performance of his duties without loss of emoluments.

16. A 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 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 at an earlier stage in considering the charge or charges.

17. (1) When a Disciplinary Committee has been appointed, the Governing Body shall instruct a solicitor or other suitable person to formulate a charge or charges and to present, or arrange for the presentation of, the charges before the Disciplinary Committee.

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

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

18. The procedure to be followed in respect of the preparation, hearing, and determination of charges by a Disciplinary Committee shall be prescribed by Ordinances made under this Statute. 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 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; and
- (d) that any charge is heard and determined as expeditiously as is reasonably practicable.

19. (1) The Disciplinary Committee shall send its decision on any charge referred to it (together with its findings of fact and the reasons for its decision regarding that charge and its recommendations, if any, as to the appropriate penalty) to the Master and to each party to the proceedings.

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

20. (1) If the charge or charges are upheld and the Disciplinary Committee finds that the member's conduct constitutes good cause for dismissal and recommends that the member be dismissed, but in no other case, the Master, after consulting the Governing Body, may dismiss the member.

(2) If the charge or charges are upheld, but the Disciplinary Committee has recommended some lesser penalty than dismissal, the Master, after consulting the Governing Body, may -

- (a) discuss the issues raised with the person concerned; or
- (b) advise the person concerned about his future conduct; or
- (c) warn the person concerned; or
- (d) suspend the person concerned for such period as the Master shall think fair and reasonable, provided that the suspension shall not extend beyond 3 months after the date on which the Governing Body shall have considered the Disciplinary Committee's decision; or
- (e) take such further or other action under the member's contract of employment or terms of appointment as appears fair and reasonable in all the circumstances of the case; or
- (f) combine any of the courses of action specified above:

Provided that any action by the Master shall not comprise a penalty greater than that recommended by the Disciplinary Committee.

21. (1) The Master shall be the appropriate officer to exercise the powers conferred by section 20 and any reference in section 20 to the Master shall include a reference to an officer acting as his delegate.

(2) Any action taken by the Master or his delegate shall be confirmed in writing.

PART IV REMOVAL FOR INCAPACITY ON MEDICAL GROUNDS

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

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

(3) In this Part references to the appropriate officer are references to the Master or an officer acting as his delegate to perform the relevant act.

(4) 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.

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

(a) shall inform the member accordingly;

(b) shall notify the member in writing that it is proposed to make an application to the member's doctor for a medical report and shall seek the member's consent in writing in accordance with the requirements of the Access to Medical Reports Act 1988; and

(c) may suspend the member from the performance of his duties without loss of emoluments.

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

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

(4) The procedure to be followed in respect of the preparation, hearing and determination of a case by a Medical Board shall be prescribed by 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 of the Board;

(b) that a case shall not be determined without an oral hearing at which the member's representative, but not the member himself, is entitled to be present;

(c) that witnesses may be called and questioned concerning any relevant evidence; and

(d) that the case is heard and determined as expeditiously as is reasonably practicable.

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

24. If the Board determines that the member shall be required to retire on medical grounds, the appropriate officer, after consulting the Governing Body, may dismiss the member concerned on those medical grounds.

PART V APPEALS

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

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

and “appeal” and “appellant” shall be construed accordingly.

- (2) No appeal shall however lie against -
- (a) a decision of the appropriate body under section 10(2);
 - (b) the findings of fact of a Disciplinary Committee under Part III, or of a Tribunal under Part VII, save where, with the consent of the person or persons hearing the appeal, fresh evidence is called on behalf of the appellant at that hearing;
 - (c) any medical finding by a Board set up under section 23(3) save where, with the consent of the person or persons appointed, fresh evidence is called on behalf of the applicant at that hearing.
- (3) In this Part references to “the person appointed” are references to the person appointed by the Governing Body under section 29 to hear and determine the relevant appeal.
- (4) The parties to an appeal shall be the appellant and the Master and any other person added as a party at the direction of the person appointed.

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

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

(2) The Master 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 Master outside the twenty-eight day period the person appointed under section 29 may permit the appeal to proceed if he considers that justice and fairness so require in the circumstances of the case.

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

(2) A person appointed under sub-section (1) shall be a person not employed by the College who holds, or has held, judicial office or who is a barrister or solicitor of at least ten years' standing.

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

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

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

(b) one other member.

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

(2) 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 appeal;

(b) that an appeal shall not be determined without an oral hearing at which the appellant, and any person appointed by him to represent him are entitled to be present and, with the consent of the person or persons hearing the appeal, to call witnesses;

(c) that full and sufficient provision is made for postponements, adjournments, dismissal of the appeal for want of prosecution and for the correction of accidental errors; and

(d) that the person appointed may set appropriate time limits for each stage (including the hearing itself) to the intent that any appeal shall be heard and determined as expeditiously as reasonably practicable.

(3) The person or persons hearing the appeal may allow or dismiss an appeal in whole or in part and, without prejudice to the foregoing, may -

- (a) remit an appeal from a decision under Part II to the Governing Body as the appropriate body (or any issue arising in the course of such an appeal) for further consideration as the person or persons hearing the appeal may direct; or
- (b) remit an appeal arising under Part III for re-hearing by a differently constituted Disciplinary Committee to be appointed under that Part; or
- (c) remit an appeal from a decision of the appropriate officer under Part IV for further consideration as the person or persons hearing the appeal may direct; or
- (d) remit an appeal by the Master 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 appropriate officer following the finding by the Disciplinary Committee which heard and pronounced upon the original charge or charges.

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

PART VI GRIEVANCE PROCEDURES

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

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

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

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

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

(2) If it appears to the Master 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 Master he shall inform the member.

(3) If the Master 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 Master does not reject the complaint under sub-section (2) or if he does not defer action upon it under sub-section (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 section 34(4), the Master shall refer the matter to a Grievance Committee for consideration.

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

37. The procedure in connection with the consideration and determination of grievances shall be determined in 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.

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

PART VII REMOVAL OF THE MASTER FROM OFFICE

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

40. The Vice-Master shall refer such a complaint to the Governing Body, exclusive of the Master and the members making the complaint. If it appears to the Governing Body that the complaint does not raise a *prima facie* case, or that it is trivial or invalid or unjustified, they may determine that no further action shall be taken upon it.

41. If it appears to the Governing Body, on material presented, that the complaint raises a *prima facie* case which could, if proved, constitute good cause for the dismissal or removal of the Master from office, they shall appoint a Tribunal to hear and determine the matter and may suspend the Master from the performance of his duties without loss of emolument. A Tribunal appointed by the Governing Body shall consist of three persons who are not Fellows of the College and are not employed by the College, as follows:

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

42. A complaint referred to the Tribunal shall be dealt with in accordance with the procedure described in sections 17 and 18, provided that the Vice-Master shall perform any duty and exercise

any power there assigned to the Master, and that for the purposes of this Part references in those sections to a Disciplinary Committee shall be construed as referring to the Tribunal.

43. The Tribunal shall send its decision on the complaint, together with its findings of fact and the reasons for its decision, to the Master and the Vice-Master. The Tribunal shall draw attention to the period of time within which any appeal should be instituted by ensuring that a copy of Part V of this Statute accompanies the notification of its decision sent to the Master.

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

45. The Master may institute an appeal against dismissal by serving on the Vice-Master 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 notice of dismissal was sent to the Master, provided that the person appointed to hear an appeal shall have power to hear an appeal commenced after that date if he considers that justice and fairness so require in the circumstances of the case.

46. An appeal commenced under section 45 shall be heard in accordance with the provisions of Part V of this Statute, provided that the Vice-Master shall perform any duty and exercise any power there assigned to the Master, and that references in sections 30 and 31 shall be construed as referring to this Part.

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

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