

WORCESTER COLLEGE

STATUTES

2011



At the Court at Buckingham Palace

THE 14th DAY OF DECEMBER 2011

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY
IN COUNCIL

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

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

No petition or address has been presented against the Statute.

Now, 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

STATUTES referred to in the foregoing Order in Council

STATUTES TO ALTER AND AMEND THE STATUTES OF WORCESTER COLLEGE IN THE UNIVERSITY OF OXFORD, WHICH AMENDING STATUTES HAVING BEEN DULY MADE AT GENERAL MEETINGS OF THE GOVERNING BODY OF THE SAID COLLEGE SPECIALLY SUMONED FOR THE PURPOSE AND HELD ON 3 FEBRUARY 2010, 5 MAY 2010 AND 26 JANUARY 2011 AND PASSED AT SUCH MEETING BY THE VOTES OF NOT LESS THAN TWO-THIRDS OF THE NUMBER OF PERSONS PRESENT AND VOTING, AND NOTICE THEREOF HAVING BEEN GIVEN TO THE UNIVERSITY, WHICH HAS SIGNIFIED ITS APPROVAL, IS NOW SUBMITTED FOR THE APPROVAL OF HER MAJESTY IN COUNCIL.

We, the Provost, Fellows and Scholars of Worcester College in the University of Oxford do hereby in pursuance of the power vested in us by section 7(2) of the Universities of Oxford and Cambridge Act, 1923, alter and amend the Statutes of the said College in manner following, that is to say:

Delete all Statutes at present in force and substitute

I. THE COLLEGE

1. The corporate name of the College shall be the Provost, Fellows and Scholars of Worcester College in the University of Oxford.
2. The objects of the College shall be the advancement of education, religion, learning and research, by the provision of a college in the University of Oxford, for the benefit of the public.
3. The College shall consist of a Provost, Fellows and such graduate and undergraduate members, and visiting students, as may be admitted in accordance with these Statutes.
4. The government of the College shall be vested in the Provost and Fellows (except such as are excluded by these Statutes from participating therein) in College Meetings assembled, hereinafter referred to as the Governing Body.
5.
 - (a) The Governing Body shall have power to take such decisions as it may consider necessary or desirable for the attainment of the objects, and the government, of the College.
 - (b) Without prejudice to the generality of the power in Clause 5(a) of this Statute, the Governing Body may delegate its powers to take decisions on particular matters to committees of the Governing Body, to College Officers and to such other persons as it may deem appropriate. Where committees are established, these may include an Executive Council (consisting of not less than one-quarter of the Governing Body) and shall always include bodies with responsibility under the Governing Body for Audit and Scrutiny, Finance, Investment, Nominations, Remuneration and Tutorial matters.

6. The Governing Body shall have power to make, vary and rescind by-laws not inconsistent with these Statutes. The Governing Body shall in particular make by-laws in respect of the following but the power to make by-laws shall not be confined to these topics:

- (a) Terms and Conditions of Official Fellowships.
- (b) Terms and Conditions of employment of all non-academic staff.
- (c) Pension arrangements for all categories of staff.
- (d) Procedures for the termination of Professorial, Emeritus and Honorary Fellowships.
- (e) Procedures for the termination of College Officerships when these are held ancillary to substantive employment.
- (f) Disciplinary procedures for undergraduates, graduate students and visiting students.
- (g) Procedures to address poor academic performance by undergraduates, graduate students and visiting students.
- (h) Membership, powers and terms of reference of delegates and committees of the Governing Body to whom powers have been delegated under Clause 5(b) of this Statute, provided that such terms of reference may include the power to sub-delegate and shall require all acts of any delegate to be reported to the Governing Body and shall prevent delegates from incurring expenditure except in accordance with a budget approved in advance by the Governing Body.
- (i) Procedures for the conduct of an Academic Disciplinary Committee established under Statute XV Part III, a Medical Board established under Statute XV Part IV, an Appeal Panel established under Statute XV Part V and a Grievance Committee established under Statute XV Part VI.

7. There shall be at least three Meetings of the Governing Body in every year, one during each Full Term. Other meetings shall be held as necessary.

8. Election to a Fellowship or entry into other employment in the College will be determined only by personal merit and the application of criteria related to the duties of the Fellowship or other post. Subject to national legislative provision, no applicant will be treated less favourably than another because of his or her sex, marital status, sexual orientation, racial group, disability, age or religion.

II. THE GOVERNMENT OF THE COLLEGE

1. All College Meetings shall be held in the College and, except as is otherwise provided in these Statutes, shall be summoned by the Provost, who may do so at any time on giving reasonable notice and must do so on the request of any five members of the Governing Body. A College Meeting summoned as the result of such a request must, except as is otherwise provided in these Statutes, take place within

fourteen days of the request being made unless those requesting it expressly seek a later date.

2. Written notice shall be given of all meetings of the Governing Body to all members thereof at the addresses designated by them for the purpose.

3. No business shall be transacted at a College Meeting unless at least 40 per cent of the members of the Governing Body are present.

4. A College Meeting shall be chaired by the Provost, or in his or her absence the Vice-Provost, or in his or her absence the senior Fellow present who is willing so to act.

5. Except as is otherwise provided in these Statutes, decisions taken at any College Meeting shall be made by a majority of those present and voting. In the event of an equality of votes the person chairing the meeting shall have a casting vote in addition to his or her ordinary vote.

6. The Governing Body may make, vary and rescind by-laws concerning the procedure to be followed at and regarding College Meetings. In cases where there is no applicable by-law the person chairing the meeting shall determine the procedure to be followed.

7. Where a decision is needed on a non-controversial matter or, in any case between 1 July and 1 October on any urgent matter, decisions of the Governing Body may be made by correspondence if, in the opinion of the Provost, Vice-Provost and Senior Fellow, this seems necessary and appropriate. In such circumstances:

- (a) members of the Governing Body must be given at least ten days in which to reply to the communication seeking approval for the decision; and
- (b) if no fewer than three members of Governing Body (including Fellows on sabbatical or other forms of official leave) so request, a meeting shall be convened.

8. The following matters may be dealt with only by the Governing Body and may not be delegated:

- (a) the amendment of Statutes;
- (b) the election or appointment of the Provost (Statute IV), the Vice-Provost, the Senior Tutor, the Dean and the Estates or Finance Bursar (Statute VI. 3, 4, 5 and 6 respectively);
- (c) the election of Official, Emeritus and Honorary Fellows (Statute V)
- (d) the making and variation of by-laws;
- (e) the determination of matters relating to an Executive Council (Statute I.5); and

(f) matters on which a decision of the Governing Body is required under Statute XV.

9. Minutes shall be kept of proceedings at all College Meetings and at all meetings of Committees which report either directly or through another committee to the Governing Body. The Minutes of any College Meeting and of any meeting of any such Committee, or of an Executive Council of the College, shall be open to the inspection of all members of the Governing Body. The Governing Body, or a Committee of the Governing Body, or a College Officer acting under powers delegated under Statute I.5(b), as may be appropriate in each case, shall determine what part of the minutes of the Governing Body and of its Committees shall be placed in the public domain.

10. The Seal of the College shall be affixed to a document requiring it on and only on the authority of two persons being respectively the Provost (or in his or her absence the person entitled to exercise the powers of the Provost) and one Official Fellow. The two persons giving authority for the affixing of the Seal shall satisfy themselves that the Seal should be so affixed and shall authenticate its affixing in their own hand. A record shall be kept by the Estates or Finance Bursar, or a deputy appointed for the purpose, of all documents to which the Seal of the College has been affixed.

11. Where external regulation requires that the signature of the Provost, Bursar or other senior official of the College be authenticated, this shall be achieved by an imprint of the Seal of the College.

III. THE VISITOR

1. The Visitor shall be the Master of the Rolls.

2. The Visitor may visit the College and require an answer of any member of the College to any inquiry which he or she may make whenever he or she deems it expedient for ensuring the observance of these Statutes.

3. The Visitor shall, at the request of the Provost or any five or more members of the Governing Body, determine the true construction of these Statutes whenever any question shall arise depending wholly or in part on the construction of these Statutes.

4. The Visitor shall, either of his or her own motion or on the complaint of the Provost or any Fellow, annul any by-law or decision of the College which is in his or her judgement repugnant to these Statutes.

5. Where there is no recognised procedure, whether established by law or by other means, the Visitor may, if the Provost or any Fellow or any Officer of the College conceives himself or herself injured by any act or decision of the Governing Body, entertain at his or her request and adjudicate upon an appeal from such act or decision and may confirm, vary or reverse it.

6. The decision of the Visitor given under these Statutes shall be binding upon every person affected by these Statutes.

7. The Visitor shall be entitled to exercise the powers assigned to him or her in these Statutes in such ways and with the assistance of such persons as he or she may determine to be necessary.

8. In accordance with the provisions of the Education Reform Act 1988 and the Higher Education Act 2004, 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 XV applies which concerns the member's appointment or employment or the termination of the appointment or employment; or

(b) to disallow or annul any by-law made under or having effect for the purposes of Statute XV.

IV. THE PROVOST

1. The Provost shall be head of the College. He or she shall promote the best interests of the College and shall exercise a general supervision over the affairs and management of the College and over the well-being of its members. He or she shall, subject to Clauses 7 and 9 of this Statute, preside at College Meetings unless his or her absence is justified by sufficient cause, of which he or she shall give notice to the Vice-Provost. He or she may also take part in the teaching of the College, and may, if elected thereto, hold a College Office.

2. The Provost shall normally hold office until the 31st day of July next following the seventieth anniversary of his or her birth or, if such anniversary falls on 31 July, until that date.

3. The Provost shall reside in College, or such other place as the Governing Body may consider consistent with the full performance of his or her duties, for at least the whole of each Full Term and for at least thirty-two weeks in each academic year.

4. The Provost shall receive such annual emoluments and allowances as may be decided by the Governing Body from time to time, in accordance with its procedures for determining the remuneration of its members, except that his or her stipend may not, without his or her consent, be reduced below that figure which was in effect when he or she was admitted, other than under Clause 5 of this Statute.

5. The office of Provost is a full-time position and, after election, the Provost shall not continue or take up any office or employment in the University or elsewhere, or engage in any other business or professional activity, except with the consent of the Governing Body upon such conditions concerning emoluments and allowances as may then be determined by it.

6. The Governing Body may grant leave of absence or dispensation from duties to the Provost on such terms as it shall determine.

7. Members of the Governing Body shall be officially informed by the Vice-Provost of an actual vacancy in the office of Provost, or of an impending vacancy by

retirement or resignation, not more than 24 months before it is due. The Vice-Provost shall then summon a meeting of the Governing Body to be held as soon as possible and not more than 60 days after the notice of the actual or impending vacancy has been given. At this meeting, the Governing Body shall begin to determine the procedure and timetable to be followed for selecting a new Provost and shall hold such further meetings as may be necessary to do this. The Governing Body may appoint a Committee or Committees of itself to undertake some of the procedural steps, provided that:

- (a) the Governing Body shall:
 - (i) approve any job description;
 - (ii) be kept regularly informed of progress;
 - (iii) itself meet regularly to consider candidates and any matters related to the selection process; and
- (b) only the Governing Body itself shall make an election as prescribed below.

As part of its determination of the procedure, the Governing Body shall determine on the occasion of each vacancy whether members unable to attend the election meeting under Clauses 10 to 12 of this Statute shall be permitted to vote in absentia and, if so, the arrangements for this including the method by which absent members shall cast their votes.

8. After the meeting referred to in Clause 7 of this Statute the Vice-Provost shall preside over subsequent meetings and all other aspects of the process unless he or she is a candidate for the Provostship or is absent, in which case the Senior Fellow present who is not a candidate shall preside.

9. The Provost shall not be present at meetings concerning the election of his or her successor.

10. In the light of the agreed process, the Governing Body shall determine a date and time for a meeting to elect a new Provost. The Provost shall be elected by an absolute majority of the Governing Body (the size of the Governing Body being computed to include members on sabbatical or other official leave). The Governing Body shall choose the person most fit in its judgement for the exercise of the functions set out in Clause 1 of this Statute.

11. On the day appointed the Governing Body shall meet in the College. The voting shall be by secret ballot, subject to any provisions made under Clause 7 of this Statute for voting in absentia. The votes shall be collected by the two Senior Fellows present, and that person in whose favour an absolute majority of the Governing Body shall have voted shall be declared elected. If no person voted for has an absolute majority, voting shall be repeated until some person obtains an absolute majority; except that where at any stage the votes of the electors are divided equally between two persons the meeting shall thereupon be adjourned. Subject to Clause 12 of this Statute, it shall be adjourned and resumed, with a vote taking place at each resumption, as many times as are necessary for one of the persons to obtain an absolute majority.

12. The meeting may be adjourned from time to time, other than as provided by Clause 11 of this Statute, by a vote of the majority of those present and voting. If no person obtains an absolute majority of the Governing Body within one year of the first vote under Clause 11 of this Statute, the Visitor may name such one of the persons voted for at the election as he or she thinks most fit; and that person shall be deemed elected.

13. The person elected shall, upon the first convenient occasion, be admitted to the office of Provost in the College Chapel or, if the person elected so wishes, at a College Meeting, by the Vice-Provost. The Provost shall thereupon make a declaration that he or she will observe the Statutes and by-laws of the College.

V. THE FELLOWS

1. The number of Fellows and the terms on which they hold their Fellowships shall be such as the Governing Body, subject to the provisions of this Statute, shall determine but so that all Fellows shall be entitled to partake of the Common Table.

2. The right of election to every Fellowship, except the Professorial Fellowships tenable under Clause 14 of this Statute, shall be vested in the Governing Body. The seniority of Fellows shall normally be reckoned from the date at which they accept appointment to a Fellowship carrying with it membership of the Governing Body. In any case of doubt, seniority shall be determined by the Governing Body.

3. The Governing Body may pre-elect to a Fellowship effective from a date normally not more than eighteen months later, but a person so pre-elected shall not be regarded as a Fellow for the purposes of these Statutes until the date from which the Fellowship is effective.

4. Official and Professorial Fellows shall be members of the Governing Body and every Fellow being a member of the Governing Body shall attend meetings of the Governing Body.

5. The Fellowships in the College shall be of the following classes:

Official Fellowships, Tutorial and non-Tutorial;

Professorial Fellowships;

Supernumerary Fellowships;

Research Fellowships;

Emeritus Fellowships; and

Honorary Fellowships.

The Governing Body may create additional categories of Fellowship, provided that on each occasion at least two-thirds of the members present and voting are in favour.

6. Of those Fellows who are members of the Governing Body, no fewer than two-thirds shall be Official Fellows.
7. Official Fellowships shall be of two kinds, Tutorial Fellowships tenable by those elected to discharge the tutorial responsibilities of the College and to undertake advanced study or research, and non-Tutorial Fellowships tenable by Officers of the College not holding a Fellowship in the College in any other capacity. Before electing any person to an Official Tutorial Fellowship the Governing Body shall consult the appropriate university academic body in the subject area concerned.
8. An Official Fellow shall normally hold office in the first instance for a term of five years (provided always that the initial period of office of an Official Fellow who holds a joint appointment with the University shall always be the same as the initial period of appointment to the University post), at the end of which time he or she shall be eligible for re-election and if re-elected he or she shall, subject to these Statutes, hold office until he or she reaches the retiring age provided that an Official non-Tutorial Fellowship shall always determine if the Fellow ceases to hold the office qualifying him or her for an Official Fellowship.
9. An Official Fellow shall not normally hold his or her Fellowship beyond the thirtieth day of September next following the sixty-fifth anniversary of his or her birth or, if such anniversary falls on the thirtieth day of September, beyond such anniversary.
10.
 - (a) An Official Fellow shall take such part in the work of the College as may be assigned to him or her by the Governing Body, and (other than is provided in (b) below) must seek the permission of the Governing Body to hold any other office or carry on any additional work beyond University teaching and research appropriate to the Fellowship. Such permission will be refused if the office or work is in the judgement of the Governing Body incompatible with the performance of his or her duties as an Official Fellow. As a condition of granting such permission, the Governing Body may make such deduction in stipend and allowances as it may deem appropriate.
 - (b) The permission of the Governing Body is not required to undertake academic work in the University of Oxford appropriate to the Fellowship, to examine for other universities, to hold a visiting lectureship at another university or universities where the total commitment is no more than eight lectures per annum, or to undertake any activities or responsibilities normally associated with, or arising from, scholarly work which do not involve a formal and continuing commitment.
11. The Governing Body may grant leave of absence or dispensation from duties to an Official Fellow on such terms as it shall determine and shall accord as far as is practicable with the practice of the University in this matter.
12. An Official Fellow may be required to reside within the College, or may be required to reside within a reasonable distance of the College, during Full Term.

13. Professorial Fellowships are tenable by University Professors, University Readers and holders of other University offices which are declared by any University Statute or other University Regulation to qualify the holder for a Professorial Fellowship.

14. The holder of a Professorship which is allocated by the relevant committee of the University to the College shall, provided that the College has the right to be represented on the Board of Electors to the Professorship, be elected to a Professorial Fellowship in the College and shall hold his or her Fellowship, subject only to Clause 36 of this Statute, for so long as he or she holds the Professorship.

15. A Professorial Fellow other than the holder of a Professorship allocated to the College shall be elected to hold the Fellowship for so long as he or she holds the qualifying office.

16. A Professorial Fellow as such shall have no stipend from the College.

17. Supernumerary Fellowships are tenable by any person holding a teaching or research or administrative post in the University, qualifying him or her for membership of Congregation, not being a post which would qualify the holder for election to a Professorial Fellowship, and by any other person whose services as a Fellow would be of advantage to the College.

18. A Supernumerary Fellow shall be elected for a period not exceeding seven years and shall be eligible for re-election for further periods not exceeding seven years at a time: provided that if at his or her election or re-election the Governing Body determined that his or her Fellowship was contingent upon his or her holding a University office, he or she shall cease to hold his or her Fellowship on vacating that office.

19. A Supernumerary Fellow shall not normally hold his or her Fellowship beyond the 30th day of September next following the sixty-fifth anniversary of the Fellow's birth or, if such anniversary falls on the 30th day of September, beyond such anniversary.

20. A Supernumerary Fellow as such shall have no stipend from the College.

21. A Supernumerary Fellow shall not be entitled to be a member of the Governing Body, but may at any time be elected thereto by the Governing Body.

22. Research Fellowships are tenable by persons who undertake to pursue research in Oxford or, with the assent of the Governing Body, elsewhere. The Governing Body may decide to designate a Research Fellowship as a Senior or Junior Research Fellowship.

23. A Research Fellow shall be elected upon such evidence of merit as the Governing Body shall deem sufficient, for a determined period not exceeding seven years. The holder of a Research Fellowship designated by the Governing Body as a Junior Research Fellowship shall not be eligible for re-election unless the Governing Body at the time of his or her first election declared that the Fellowship was renewable for one further fixed period. No Junior Research Fellowship shall be held

for more than two fixed periods, normally no longer than seven years in aggregate. The holders of other Research Fellowships may be eligible for re-election for further periods not exceeding seven years at a time if so stated by the Governing Body at the time of the first election.

24. A Research Fellow shall not normally hold his or her Fellowship beyond the 30th day of September next following the sixty-fifth anniversary of his or her birth or, if such anniversary falls on the 30th day of September, beyond such anniversary, unless the Governing Body shall otherwise determine.

25. A Research Fellow shall not be entitled to be a member of the Governing Body, but may at any time be elected thereto by the Governing Body.

26. The Governing Body may, on being requested to do so by a Research Fellow, suspend him or her in his or her Fellowship for a period or periods not in excess of two years at any one time, which period or periods shall be discounted in reckoning his or her period of tenure.

27. A share in the educational work of the College or any College office may, subject to the Fellow's consent, be assigned to a Research Fellow.

28. The Governing Body may elect Emeritus Fellows. Such Fellowships may be conferred on those who have retired from another category of Fellowship after, normally, at least ten years' tenure or on those who have resigned from another category of Fellowship after, normally, at least fifteen years' tenure.

29. An Emeritus Fellow shall hold his or her Fellowship for life subject only to Clause 34 of this Statute.

30. Honorary Fellowships are tenable by distinguished persons or by persons who have rendered signal service to the College.

31. An Honorary Fellow shall hold his or her Fellowship for life subject only to Clause 34 of this Statute.

32. Emeritus and Honorary Fellows shall receive as such no stipend from the College, nor be members of the Governing Body, but they shall be entitled to enjoy such other privileges and advantages as the Governing Body shall from time to time determine.

33. A Fellow (other than an Honorary or Emeritus Fellow) shall vacate his or her Fellowship on taking up the headship of the College or of another College, Hall or Society within the University, or on taking up a Fellowship whether stipendiary or non-stipendiary (other than an Honorary or Emeritus Fellowship) in another College, Hall or Society within the University.

34. Subject to due procedure set out in by-laws, the Governing Body may deprive any Honorary or Emeritus Fellow of their fellowship if, in the opinion of the Governing Body, he or she is engaging or has engaged in conduct or activities which bring the College into disrepute or otherwise make him or her unfit to remain a

Fellow. Any such decision shall be taken at a meeting of the Governing Body and must be by an absolute majority of all those eligible to attend.

35. Nothing in Clause 34 of this Statute, shall apply to the disciplining or dismissal of a member of the academic staff to whom Statute XV applies.

36. Subject to Clauses 8, 15 and 18 of this Statute, any Official, Supernumerary or Professorial Fellow who at the date of his or her election was employed, whether in the University or elsewhere, in a post with a date of retirement later than the 30th day of September following the sixty-fifth anniversary of his birth, shall normally retire on the 30th day of September following the sixty-seventh anniversary of his or her birth, or on his or her sixty-seventh birthday if that falls on 30 September.

37. On the coming into operation of these Statutes, the Governing Body shall determine for the purposes of Clause 6 of this Statute into what categories under Clause 5 of this Statute the Fellowships at that time held in the College shall fall, taking into account the definitions of the classes of Fellowship given in Clauses 7, 13, 17, 22, 28 and 30 of this Statute: but this determination shall not prejudice any interest safeguarded by Statute XV.2 of these Statutes. Official Fellows who at that time have held their Fellowship for more than five years from their first election and have not been appointed to retiring age shall be re-elected until retiring age in accordance with the provisions of Clause 8 of this Statute.

VI. OFFICERS OF THE COLLEGE

1. The Officers of the College shall, save as is otherwise provided in this Statute, be appointed by the Governing Body on such terms and for such periods of time as it shall determine (provided that in any case where an office is held which is distinct from, and additional to, an individual's substantive post, the continued holding of the office shall be subject to annual confirmation by the Governing Body). More than one office may be held by the same person. The Officers of the College shall be responsible to the Governing Body for the proper performance of their duties.

2. Subject to due procedure laid down in by-laws (including provisions for a hearing and an appeal), the Governing Body may terminate the appointment of a College Officer prior to the prescribed or normal termination date where the Office is distinct from, and additional to, the individual's substantive post.

3. A Vice-Provost shall be appointed from among the Official and Professorial Fellows and shall vacate his or her office on ceasing to hold an Official or Professorial Fellowship. He or she shall exercise such powers as are assigned in these Statutes. During a vacancy in the office of Provost, and in the absence or illness of the Provost, he or she shall, subject to these Statutes, exercise all the powers and authorities of the Provost. If the Vice-Provost is ill or absent or otherwise unable to act, the Senior Fellow present in Oxford (being a member of the Governing Body and willing to act) shall, subject to these Statutes, exercise the powers and authorities of the Vice-Provost.

4. The Governing Body shall appoint a Senior Tutor who shall perform such duties as it may determine. If, on appointment, the Senior Tutor is not an Official Fellow, he or she shall be immediately elected to such a Fellowship.

5. The Governing Body shall appoint from among the Official Fellows a Dean who shall be responsible for the maintenance of the discipline of the members of the College *in statu pupillari*. The Dean may delegate part of his or her responsibilities to one or more deputies known as Assistant or Associate Deans.

6. The Governing Body shall appoint a Bursar or Bursars who shall have responsibility for the buildings and estates of the College, the domestic arrangements of the College, the keeping of its accounts, and such other matters connected with its finance as the Governing Body shall from time to time determine. If there be more than one Bursar the Governing Body shall designate one of them as Estates or Finance Bursar and may distribute responsibilities between the Bursars; if there be only one Bursar he or she shall be deemed to be the Estates or Finance Bursar. If, on appointment, the Estates or Finance Bursar is not an Official Fellow, he or she shall be immediately elected to such a Fellowship.

7. The Governing Body shall appoint from among the Fellows a Librarian who shall have the care of the College Library.

8. The Governing Body shall appoint from among the Fellows, not excluding Emeritus Fellows, a Dean of Degrees who shall be responsible for the presentation of candidates for matriculation and degrees.

9. The Governing Body shall appoint a Chaplain who shall conduct Chapel services.

10. The Governing Body may appoint such other Officers as it may think necessary or expedient, subject to the processes for determining the remuneration of members of the Governing Body where the proposed new Office is to be stipendiary, or in any other way rewarded, and where its holder will or may be a member of the Governing Body.

11. The Governing Body may redefine the responsibilities of any Officer of the College.

VII. DIVINE SERVICE

The Governing Body shall provide for the performance within the College of Divine Service, according to the Liturgy of the Church of England, or an abridgement or an adaptation thereof authorized by the Governing Body, during Full Term, and at such other times as it shall think proper.

VIII. MEMBERSHIP OF THE COLLEGE

1. The Governing Body shall admit persons as graduate and undergraduate members to pursue courses of study and/or research within the University.

2. The Governing Body may admit persons as Visiting Students to pursue academic work prescribed by the College.

3. Those admitted under Clause 1 and 2 of this Statute, shall be known as Old Members of the College when they cease to hold the status conferred by those Clauses.

4. The Governing Body may also, subject to these Statutes, admit to membership of the College on such terms as it shall determine, or to honorary membership of the College, Officers and Lecturers of the College who are not also Fellows of the College, persons holding University offices, and persons who have received honorary degrees of the University.

IX. SCHOLARSHIPS, EXHIBITIONS AND BURSARIES

1. Subject to the provisions of these Statutes, the Governing Body may award such Scholarships and Exhibitions including Scholarships and Exhibitions funded and named in accordance with the revenues and terms of trust funds for Scholarships and Exhibitions, chargeable upon the revenue of the College, as it shall from time to time determine.

2. Scholars and Exhibitioners may be elected without limit of age.

3. The election to all Scholarships and Exhibitions shall be in such manner as the Governing Body may from time to time determine.

4. Scholars and Exhibitioners shall receive such emoluments as the Governing Body may determine.

5. Scholarships and Exhibitions shall be awarded for a maximum of one year at a time and may be renewed for as long as an undergraduate member is reading for an Honour School or, in the case of a choral award held by a graduate member, for a maximum of four years.

6. In addition to any other power contained in this Statute, the Governing Body shall in case of need have power at its discretion to make grants by way of Bursaries from any fund available for the purpose, and to make loans from any funds similarly available, to members of the College *in statu pupillari*.

7. Subject to procedures laid down in by-laws, a Scholar or Exhibitioner may be deprived of or suspended from his or her Scholarship or Exhibition and any parts of the emoluments thereof and a Scholar, Exhibitioner or Commoner may be removed from the College for neglect of studies or other misconduct should the Governing Body determine so to do.

8. Every Scholar or Exhibitioner who shall be admitted to a Scholarship or Exhibition in any other College, or shall accept any office or appointment or undertake any duties which in the judgement of the Governing Body shall be inconsistent with the tenure of a Scholarship or Exhibition, shall thereby vacate his or her Scholarship or Exhibition.

9. In awarding Scholarships and Exhibitions charged against specific trust funds, and named accordingly, the Governing Body shall, subject to Clause 10 of Statute XII, have regard to the intentions of the donors or benefactors.

X. SENIOR SCHOLARSHIPS

1. The Governing Body may elect to one or more Senior Scholarships chargeable upon the revenue of the College or upon any specific fund available for the purpose persons who have passed all the examinations for the degree of Bachelor of Arts in the University, and persons who have graduated at another University, and who in either case have been admitted as graduate students of the University.
2. Senior Scholars shall be elected upon such evidence of merit as the Governing Body shall deem sufficient for such periods as the Governing Body may from time to time determine.
3. The Governing Body may, on being requested to do so by a Senior Scholar, suspend him or her in his or her Scholarship for a period not exceeding one year, which period shall be discounted in reckoning his or her period of tenure.
4. The value and conditions of tenure of Senior Scholarships shall be such as the Governing Body shall, subject to the provisions of this Statute and of any relevant trust instrument, from time to time determine.
5. Subject to procedures laid down in by-laws a Senior Scholar may be deprived of or suspended from his or her Scholarship or any parts of the emoluments thereof for neglect of studies or other misconduct should the Governing Body determine so to do.
6. In the case of Senior Scholarships created by special trusts, the provisions of this Statute shall apply subject to the terms of the trusts creating such Senior Scholarships, provided that such Scholarships shall be subject to Clauses 2, 3, and 5 of this Statute and to Statute XII.

XI. TUITION

1. The Governing Body shall make provision for the instruction of the undergraduate members of the College and may make appropriate provision for the academic support of graduate student members in exceptional circumstances
2. The Governing Body may, in addition to the election of Tutorial Fellows under Statute V, appoint persons to give and supervise such instruction on such terms as it shall from time to time determine.

XII. DISPOSAL OF REVENUE AND EXPENDITURE POWERS

1. Subject to the provisions of Statutes IV and V, the Governing Body may apply the revenue of the college for the payment of stipends, allowances, benefits and associated costs to its own members, on such terms as the Governing Body, in accordance with its approved processes for addressing potential conflicts of interest, shall from time to time decide, taking account as appropriate of national salary scales, market rates and university arrangements for joint appointments.

2. The Governing Body may, subject to the provisions of the Universities and Colleges Estates Acts, 1925 and 1964, and to any relevant trust, employ the endowment of the College for and make provision for the expenditure of income on, new or additional buildings for the College or repairs to the buildings of the College or the acquisition or provision of houses or buildings to be occupied or used in connection with the College, or other desirable or necessary purposes relative to the College.

3. The Governing Body may make reasonable donations for charitable purposes within the objects of the College and establish new charities for such purposes.

4. Without prejudice to the generality of Clause 1 of this Statute, the Governing Body may, subject to its approved processes for addressing potential conflicts of interest:

(a) assist Fellows to acquire and/or to improve their own residences, or otherwise to enter into joint ownership arrangements on such residences, upon such terms and at such interest, if any, as it may determine; and

(b) pay housing allowances to Official Fellows who do not reside in College but are required to reside within reasonable distance under the provisions of Clause 12 of Statute V.

5. Any moneys which are held for the general purposes of the College and also moneys on specific trusts (subject to any relevant provisions of those trusts) may be invested in or upon such securities, shares, stocks, funds or other investments (including land) in any part of the world and whether involving liability or not as the Governing Body shall in its absolute discretion think fit so that the Governing Body shall be empowered to invest and transpose the investment of such funds in the same unrestricted manner (including by the employment of investment managers) as if it were the beneficial owner thereof.

6. The Governing Body may, subject to Clause 8 of this Statute, decide, at any time and from time to time, which part of the unapplied total return of the College (as defined in Clause 7 of this Statute) should be held on trust for application (income) for the purposes of the College.

7. "Total return" means the whole of the investment return received by the College, regardless of when it has arisen.

"Investment return" means the return from investments which represent the assets given to the College on a trust for investment (capital) and includes:

(a) any interest receivable; plus

(b) any net rent and other income or gains derived from the use or exploitation of assets; plus

(c) any dividends; plus

- (d) all forms of capital gain resulting on, or from the disposal, redemption, or revaluation of investment assets (including the issue or repayment of share or loan capital); less
- (e) any capital losses resulting on or from the disposal, redemption, or revaluation of investment assets.

“given to” includes any method of acquisition, other than investment return.

“Unapplied total return” means the total return less any part of the return which the trustees have previously applied for the purposes of the College, or have previously allocated to the trust for application (income) for the purposes of the College.

8. The power conferred in Clause 6 of this Statute shall apply only to the following funds, namely:

- (a) all funds and endowments of the College which are not held on any special trust;
- (b) any fund or endowment held for special purposes connected with the College:
 - (i) which was created by an instrument which came into operation not less than 60 years before the date of these Statutes; or
 - (ii) of which the College or the Governing Body of the College is the Trustee or the Trustee (not being the College or the Governing Body of the College) has consented to the provisions of this Clause.

9. When exercising the power set out at Clause 6 of this Statute, the Governing Body shall:

- (a) take proper advice and exercise the duty of skill and care set out in the Trustee Act 2000;
- (b) only act in such a way as not to prejudice the ability of the College to meet the present and future needs which are designated by its trusts; and
- (c) comply with such accounting or other requirements as are necessary or desirable.

10. The College must in the first instance apply the expendable funds of any special trust for the purposes for which it was established, but if and to the extent that, in the Governing Body’s opinion, any such funds cannot be so applied or are not required for the said purposes, such surplus may be applied for the general educational purposes of the College provided that:

- (a) the trust was created by an instrument which came into operation not less than 60 years before the date of these Statutes; or
- (b) the College or the Governing Body of the College is the Trustee of the trust or, if not, the relevant Trustee has consented to the provisions of this Clause.

11. The Governing Body shall from time to time appoint a suitably qualified person to review the total return and the investment criteria adopted by the College.

12. The application of the revenue of the College under the provisions and for the purposes of these Statutes shall be subject to any Statute or Statutes made for the University under the powers of the Universities of Oxford and Cambridge Act, 1877 and the Universities of Oxford and Cambridge Act, 1923, for enabling or requiring the College to make contributions out of its revenue for University purposes, and for the payment of charges imposed thereby.

XIII. ACCOUNTS AND AUDIT

1. The Governing Body shall maintain full accounts of all aspects of the College's financial business and shall at least once in every year cause the accounts to be audited and shall appoint for the purpose a person or partnership in practice as a Chartered Accountant.

2. The Governing Body shall in every year cause the Bursar to prepare and deliver to the Registrar of the University, and to any external regulating body to which the College is subject, accounts and information relating to the accounts. This material shall be in the form prescribed by any Statute of the University in force for the time being, and by the regulating body, and shall be published.

XIV. PENSIONS

1.

(a) The Governing Body shall make appropriate financial provision to pay the employer's contributions under USS or OSPS or any other occupational pension scheme to which a particular employee is eligible to belong.

(b) The Governing Body shall deduct from the stipend or salary of a Fellow or other employee the appropriate contribution required from an employee to USS, OSPS or such other occupational scheme of which the employee is a member.

2. Where a Fellow or other employee of the College does not wish to join USS, OSPS or another occupational pension scheme for which he or she is eligible, but to make alternative provision, the Governing Body may make appropriate employer's contributions to such an alternative, provided that the annual commitment of the Governing Body shall be no greater than the amount which it would have provided if the Fellow or other employee had been a member of USS, or OSPS or the other occupational scheme.

3. For the purpose of calculating the employer's or employee's contribution to any pension scheme the Governing Body may take into account any regular allowance or other payment additional to the employee's substantive salary made by the Governing Body to the individual concerned, under such terms as the Governing Body may from time to time decide.

4. The Governing Body shall make such by-laws as are necessary to regulate the details of its pension provisions under this Statute.

XV. ACADEMIC STAFF

PART I CONSTRUCTION, APPLICATION AND INTERPRETATION

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

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

2. No provision in Part II, Part III, Part IV or Part VII 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.(1) This Statute shall apply:

- (a) to any person holding a College Office where the Office constitutes the substantive employment of the individual and is not ancillary to employment for other purposes such as the carrying out of teaching or research;
- (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 Provost, to the extent and in the manner set out in Part VII of this Statute.

(2) Parts II-V of this Statute shall not apply to removal from appointment to a College Office which is ancillary to, and distinct from, the substantive Fellowship or other post held by the person in question, where neither possible removal from the substantive position nor disciplinary action in respect of conduct related to that position is at issue. The Governing Body shall provide by by-laws a procedure for removal from such office, which shall include provision for a hearing and for an appeal.

(3) In this Statute any reference to a “member of the academic staff” is a reference to a person to whom this Statute applies.

4. In this Statute “dismiss” and “dismissal” mean dismissal of a member of the academic staff and:

- (a) include 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 the Employment Rights Act 1996.

5.(1) For the purposes of this Statute “good cause” in relation to the dismissal or removal from office or place of a member of the academic staff, being in any case a reason which is related to conduct or to capability or qualifications for performing work of the kind which the member of the academic staff concerned was appointed or employed to do, means:

- (a) conviction for an offence which may be deemed by an Academic Disciplinary Committee appointed under Part III to be such as to render the person convicted unfit for the performance of the duties of the office or employment as a member of the academic staff; or
 - (b) conduct of an immoral, scandalous or disgraceful nature incompatible with the duties of the office or employment; or conduct constituting failure or persistent refusal or neglect or inability to perform the duties or comply with the conditions of office; or
 - (c) wilful disruption of the activities of the College; or
 - (d) wilful disobedience of any of the Statutes or by-laws of the College in force for the time being; or
 - (e) physical or mental incapacity established under Part IV.
- (2) In this Clause:
- (a) “capability”, in relation to such a member, means capability assessed by reference to skill, aptitude, health or any other physical or mental quality; and
 - (b) “qualifications”, in relation to such a member, means any degree, diploma or other academic, technical or professional qualification relevant to the office or position held by that member.

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

- (a) the fact that the College has ceased, or intends to cease, to carry on the activity for the purposes of which the person concerned was appointed or employed or has ceased, or intends to cease, to carry on that activity in the place in which the member concerned worked; or
- (b) the fact that the requirements of that activity for members of the academic staff to carry out work of a particular kind in that place have ceased or diminished or are expected to cease or diminish.

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

by-law made under the Statute shall prevail over those of any by-law made under such other Statutes:

Provided 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 any member of the academic staff of the College by reason of redundancy or for good cause

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

(4) In any case where an officer of the College or any person is designated to perform any duties or exercise any powers under this Statute, and that officer or person is himself or herself involved in the matter in question, the Governing Body may appoint an alternate to act in his or her place under procedures prescribed by by-laws made under this Statute.

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

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

(7) In this Statute references to numbered Parts, Clauses, and sub-clauses are references to Parts, Clauses, and sub-clauses so numbered in this Statute.

PART II REDUNDANCY

8. This Part enables the Governing Body, as the appropriate body, to dismiss any member of the academic staff by reason of redundancy.

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

- (a) his 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.

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

10.(1) The Governing Body shall be the appropriate body for the purposes of this Part.

(2) This Clause 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 Clause 10(2) of this Statute:

(a) it may itself decide to select the requisite members of the academic staff for dismissal by reason of redundancy if such a course satisfies the guiding principles set out in Clause 1 of this Statute; or

(b) it shall appoint a Redundancy Committee to be constituted in accordance with Clause 11(3) of this Statute, to give effect to its decision by such date as it may specify and for that purpose:

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

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

(2) The Governing Body shall either approve any selection or recommendation made under Clause 11(1)(b)(i) of this Statute, or shall remit it to the Redundancy Committee for further consideration in accordance with its further directions.

(3) A Redundancy Committee appointed by the Governing Body shall comprise:

(a) a person who will chair the Committee;

(b) two members chosen from amongst the Professorial, Honorary and Emeritus Fellows; and

(c) two members chosen from amongst members of the Governing Body to whom this Statute applies.

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

12.(1) Where the Governing Body has either itself made a selection or has approved a selection recommendation made by the Redundancy Committee under Clause 11(1) of this Statute, it may authorise an officer of the College as its delegate to dismiss any member of the academic staff so selected.

(2) Each member of the academic staff selected shall be given separate notice of the selection approved by the Governing Body.

(3) Each separate notice shall sufficiently identify the circumstances which have satisfied the Governing Body that the intended dismissal is reasonable and in particular shall include:

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

PART III DISCIPLINE, DISMISSAL AND REMOVAL FROM OFFICE

13.(1) Minor faults shall be dealt with informally.

(2) Where the matter is more serious but falls short of constituting possible good cause for dismissal the following procedure shall be used:

Stage 1 – Oral Warning

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

Stage 2 - Written Warning

If the offence is a serious one, or if a further offence occurs, a written warning will be given to the member of the academic staff by the Senior Tutor. This will give details of the complaint, the improvement required and the timescale. It will warn that a complaint may be made to the Provost seeking the institution of charges to be heard by an Academic Disciplinary Committee appointed under Clause 16 of this Statute if there is no satisfactory improvement, and will advise of the right of appeal under this Clause. A copy of this written warning will be kept by the Senior Tutor but it will be disregarded for disciplinary purposes after 2 years subject to satisfactory conduct and performance.

Stage 3 – Appeals

A member of the academic staff who wishes to appeal against a disciplinary warning shall inform the Provost within two weeks. The Provost shall hear the appeal and his or her decision shall be final.

14.(1) If there has been no satisfactory improvement following a written warning given under Stage 2 of the procedure in Clause 13 of this Statute, or in any case where it is alleged that conduct or performance may constitute good cause for

dismissal or removal from office, a complaint seeking the institution of charges to be heard by an Academic Disciplinary Committee appointed under Clause 16 of this Statute, may be made to the Provost.

(2) To enable the Provost to deal fairly with any complaint brought to his or her attention under Clause 14(1) of this Statute, he or she shall institute such enquiries (if any) as appear to him or her to be necessary.

(3) 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 at this stage or at any stage prior to the conclusion of any hearing by an Academic Disciplinary Committee appointed under Clause 15 of this Statute, suspend the person concerned from the performance of his or her duties without loss of emoluments.

(4) As soon as may be following the comments (if any) or in any event not later than 28 days after they were invited the 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 an Academic Disciplinary Committee appointed under Clause 15 of this Statute.

15. If the Provost has directed that the matter is to be considered by an Academic Disciplinary Committee, he or she shall request the Governing Body to appoint such a Committee to hear the charge or charges and to determine whether the conduct or performance of the person concerned constitutes good cause for dismissal or otherwise constitutes a serious complaint relating to his 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 emoluments.

16.(1) An Academic Disciplinary Committee appointed by the Governing Body shall comprise:

- (a) a person who will chair the Committee; and
- (b) one Fellow chosen from amongst the Professorial, Honorary, and Emeritus Fellows; and
- (c) one other Fellow chosen from amongst members of the Governing Body to whom this Statute applies.

(2) In selecting members of the panel for appointment as members of an Academic Disciplinary Committee, the Governing Body shall exclude the person charged, and any person who has been involved in or associated with the making of the complaint or any part of it, or who has been involved in any preliminary hearing or investigation.

17.(1) When an Academic Disciplinary Committee has been appointed, the Governing Body shall instruct a solicitor or other suitable person to formulate a

charge or charges and to present, or arrange for the presentation of, the charges before the Academic Disciplinary Committee.

- (2) It shall be the duty of the person formulating the charge or charges:
 - (a) to forward the charge or charges to the Committee and to the 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 an Academic Disciplinary Committee shall be prescribed by by-laws made under this Statute. Such by-laws shall ensure:

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

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

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

20.(1) Where any case is upheld and the Academic Disciplinary Committee finds good cause and recommends dismissal or removal from office, but in no other case, the Provost shall consult the Governing Body and shall decide whether or not to dismiss the member of the academic staff concerned.

(2) Where the Academic Disciplinary Committee finds good cause but does not recommend dismissal or removal from office, it shall recommend that the Provost should undertake one or more of the following (subject to report to the Governing Body):

- (a) discuss the issues raised with the person concerned; or
- (b) advise the person concerned about his or her future conduct; or
- (c) warn the person concerned; or
- (d) suspend the person concerned for such period as the Provost shall think fair and reasonable, provided that the suspension shall not extend beyond 3 months after the Academic Disciplinary Committee's decision, provided that no suspension without pay may be ordered unless the terms of the contract of employment of the person concerned contains provisions expressly entitling the Provost to impose such a penalty; or
- (e) such further or other action under the contract of employment or terms of appointment of the person concerned as appears fair and reasonable in all the circumstances of the case; or
- (f) any combination of any of the above.

21.(1) The Provost shall be the appropriate officer to exercise the powers conferred by Clause 20 of this Statute, but he or she may appoint a delegate to exercise those powers.

(2) Any action taken by the Provost or his or her delegate shall be confirmed in writing, and notified to the Governing Body.

PART IV REMOVAL FOR INCAPACITY ON MEDICAL GROUNDS

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

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

(3) In this Part the Provost shall be the appropriate officer to perform any duties or exercise any powers, but he or she may appoint a delegate to act on his or her behalf.

(4) In this Part references to the member of the academic staff for the purposes of notification, giving consent, agreement, nomination or providing evidence include, in cases where the nature of the alleged disability so requires, a responsible relative or

friend or other person with authority to act on behalf of that member in addition to (or instead of) that member.

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

- (a) shall inform the member accordingly;
- (b) may, if the member agrees or, if the Provost considers that the College might otherwise suffer significant harm, suspend the member from duty without loss of pay; and
- (c) shall notify the member in writing that it is proposed to make an application to the member's medical practitioner for a medical report and shall seek the member's consent in writing in accordance with the requirements of the Access to Medical Reports Act 1988.

(2) If the member elects to apply for early retirement on medical grounds he or she shall be allowed to do so and the College shall meet the reasonable costs of any medical opinion required.

(3) If the member does not elect to retire voluntarily on medical grounds the Provost may refer the case in confidence, in accordance with procedures prescribed by by-laws made under Clause 23(4) of this Statute, 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 Provost; and a medically qualified person who will chair the Board 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 under this Part shall be prescribed by by-laws made under this sub-clause. Such by-laws shall ensure:

- (a) that the member concerned is entitled to be represented by another person, whether such person is legally qualified or not, in connection with and at any hearing by the Board;
- (b) that a case shall not be determined without an oral hearing at which the person charged and any person appointed to represent him or her are entitled to be present;
- (c) that witnesses may be called and may be questioned concerning any relevant evidence; and
- (d) that the case is heard and determined as expeditiously as is reasonably practicable.

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

24.(1) If the Board determines that the member shall be required to retire on medical grounds, the Provost shall consult the Governing Body, and may terminate the employment of the member concerned on those medical grounds.

(2) Any action taken by the Provost shall be confirmed in writing and notified to the Governing Body.

PART V APPEALS

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

26.(1) This Part applies:

- (a) to appeals against any decisions of the Governing Body to dismiss in the exercise of its powers under Part II of this Statute;
 - (b) to appeals arising in any proceedings, or out of any decision reached, under Part III of this Statute other than appeals against disciplinary warnings under Clause 13 of this Statute;
 - (c) to appeals against dismissal otherwise than in pursuance of Part II, Part III, Part IV or Part VII of this Statute;
 - (d) to appeals against any disciplinary decision otherwise than in pursuance of Part III of this Statute;
 - (e) to appeals against any decisions reached under Part IV of this Statute; and
 - (f) to appeals against any decision reached under Part VII of this Statute and “appeal” and “appellant” shall be construed accordingly.
- (2) No appeal shall however lie against:
- (a) a decision of the Governing Body under Clause 10(2) of this Statute;
 - (b) the findings of fact of an Academic Disciplinary Committee under Part III of this Statute, or of a Tribunal under Part VII of this Statute save where, with the consent of the person or persons hearing the appeal, fresh evidence is called on behalf of the appellant at that hearing;
 - (c) any medical finding by a Board set up under Clause 23(3) of this Statute save where, with the consent of the person or persons appointed, fresh evidence is called on behalf of the appellant at that hearing.
- (3) In this Part references to “the person appointed” are references to the person appointed by the Governing Body under Clause 29 of this Statute, to hear and determine the relevant appeal.
- (4) The parties to an appeal shall be the appellant and the Provost and any other person added as a party at the direction of the person appointed.

27. A member of the academic staff shall institute an appeal by serving on the Provost, within the time allowed under Clause 28 of this Statute, notice in writing setting out the grounds of the appeal.

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

(2) The 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.

(3) Where the notice of appeal is served on the Provost outside the 28 day period the person appointed under Clause 29 of this Statute shall not permit the appeal to proceed unless he or she considers that justice and fairness so require in the circumstances of the case.

29.(1) Where an appeal is instituted under this Part the Governing Body shall appoint a person described in Clause 29(2) of this Statute to hear and determine that appeal subject to Clause 29(3) of this Statute.

(2) The persons described in this sub-clause are persons not employed by the College holding, or having held, judicial office or being barristers or solicitors of at least ten years' standing.

(3) The person appointed shall sit alone unless he or she considers that justice and fairness will best be served by sitting with two other persons.

(4) The other persons who may sit with the person appointed and who shall be appointed by the Governing Body shall be:

- (a) one member chosen from amongst the Honorary and Emeritus Fellows; 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 by-laws made under this Clause.

(2) Without prejudice to the generality of the foregoing such by-laws shall ensure:

- (a) that an appellant is entitled to be represented by another person, whether such person be legally qualified or not, in connection with and at any hearing of his 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 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 of this Statute to the Governing 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 of this Statute for re-hearing or re-consideration by the same or by a differently constituted Academic Disciplinary Committee to be appointed under that Part; or
 - (c) remit an appeal from a decision under Part IV of this Statute for further consideration as the person or persons hearing the appeal may direct; or
 - (d) remit an appeal by the Provost arising under Part VII of this Statute for re-hearing or re-consideration 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 Academic Disciplinary Committee which heard and pronounced upon the original charge or charges.

31. The person appointed shall send the reasoned decision, including any decision reached in exercise of his or her powers under Clause 30(3) (a), (b), (c), or (d) of this Statute on any appeal together with any findings of fact different from those of the Governing Body under Part II of this Statute or of the Academic Disciplinary Committee under Part III of this Statute or of the Board under Part IV of this Statute or of the Tribunal appointed under Part VII of this Statute, as the case may be, to the Provost 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 Provost.

(2) If it appears to the Provost that the matter has been finally determined under Part III, IV or V of this Statute 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 the Governing Body accordingly.

(3) If the Provost is satisfied that the subject matter of the grievance could properly be considered with (or from the whole or any part of):

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

he or she 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 or she shall notify the member accordingly.

(4) If the Provost does not reject the complaint under Clause 34(2) of this Statute, or if he or she does not defer action upon it under Clause 34(3) of this Statute, 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 he or she so decides he or she shall notify the member and proceed accordingly.

35. If the grievance has not been disposed of informally under Clause 34(4) of this Statute, the Provost shall refer the matter to the Grievance Committee for consideration.

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

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

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

PART VII REMOVAL OF THE PROVOST FROM OFFICE

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

40. 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 does not raise a prima facie case, or that it is trivial or invalid or unjustified, it may determine that no further action shall be taken upon it.

41. If it appears to the Governing Body on the available material that the complaint raises a prima facie case and that this could, if proved, constitute good cause for the removal of the Provost from office, it shall appoint a Tribunal to hear and determine the matter.

42. The Tribunal appointed by the Governing Body shall comprise:

- (a) an independent Chairperson;
- (b) one member chosen from amongst the Honorary and Emeritus Fellows; and
- (c) one other member.

43. A charge referred to the Tribunal shall be dealt with in accordance with the procedure prescribed in Clauses 17 to 19 of this Statute, provided:

- (a) that the Vice-Provost shall perform any duty and exercise any power there assigned to the Provost; and
- (b) that the only recommendation the Tribunal may make is whether or not the Provost should be removed from his office.

44. Where a charge or charges have been upheld and the Tribunal finds good cause and recommends dismissal, but in no other case, the Vice-Provost shall consult the Governing Body and may then dismiss the Provost.

45. Where a complaint is to be referred to a Tribunal under Clause 41 of this Statute, the Vice-Provost may, if he or she considers that the College might otherwise suffer significant harm, suspend the Provost from his or her duties in all matters relating to the government and discipline of the College without loss of emoluments.

46. For the purpose of the removal of the Provost from his or her office for incapacity on medical grounds, the provisions of Part IV of this Statute shall have effect, provided that the Vice-Provost shall perform any duty or exercise any power there assigned to the Provost.

47. For the purpose of appeals by the Provost against removal from office, the provisions of Part V of this Statute shall have effect, provided that the Vice-Provost shall perform any duty or exercise any power there assigned to the Provost.

XVI. PROVISIONS RELATIVE TO THE UNIVERSITY

1. If at any time it appears to the Council of the University that any provision of these Statutes or of any other Statutes of the College in force for the time being respecting the accounts of the College, or any other provision of such Statutes by the

non-observance of which any interest of the University is liable to be prejudicially affected, is not duly observed, the Council may submit a representation to the Visitor; and the Visitor shall, upon receiving such representation, enquire into the matter and after considering any representation made by the College, make such order therein as he or she shall think just for enforcing the due observance of the said Statutes in the matter to which the representation shall relate.

2. No Statute of the College affecting the University shall be altered without the consent of the University.

XVII. STATUS, ALTERATION AND INTERPRETATION OF STATUTES

1. These Statutes are made wholly for Worcester College in the University of Oxford within the meaning of the Universities of Oxford and Cambridge Act, 1877, section 30, as set out in the Schedule of the Universities of Oxford and Cambridge Act, 1923.

2. These Statutes shall operate without prejudice to any existing interests of the Provost, Fellows and employees of the College on the date on which they come into operation, except that from the coming into operation of these Statutes:

(a) the Official Fellows shall be subject to Statute V.8, 36 and 37 of these Statutes; and

(b) the Provost and Fellows shall be removable only for the reasons and by the procedures specified in these Statutes.

3. All existing Statutes of the College are hereby repealed; but, except in so far as is provided in Clause 2 of this Statute, this repeal shall not affect any right acquired or act done under such Statutes or the conditions of tenure of any emolument held by virtue of such a right.

4. These Statutes shall be subject to alteration in the manner provided by the Universities of Oxford and Cambridge Act, 1923.

5. Where in the Statutes there is a requirement to give notice, or otherwise to communicate, in writing, this shall include e-mail.

The Common Seal of the College was hereunto affixed this 9th day of June 2011 in the presence of

RICHARD G SMETHURST
Provost

JANE C GOVER
Fellow; Secretary of the Governing Body