



*At the Court at Windsor Castle*

THE 12th DAY OF APRIL 2017

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY  
IN COUNCIL

The Governing Body of St Edmund Hall, in the University of Oxford, has made a Statute revising the College 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.

*Richard Tilbrook*

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*SCHEDULE*

The Statutes of the College

**STATUTE I: THE CONSTITUTION OF THE COLLEGE**

**PART 1: THE COLLEGE**

1. The corporate name of the College is the Principal, Fellows and Scholars of St Edmund Hall in the University of Oxford.
2. The College's charitable object is to promote the advancement of university education, learning, and research as a College in the University of Oxford (including maintaining its historic buildings and other patrimony, and pastoral care of its students).

3. The College consists of a Principal, Fellows and such undergraduate and graduate students and researchers admitted in accordance with these Statutes.

## **PART 2: THE GOVERNANCE OF THE COLLEGE**

4. The governance of the College is vested in the Governing Body which consists of the Principal, the Official Fellows, and such other Fellows as are appointed to it.
5. The Governing Body acts by decisions made ordinarily when it is assembled in Meetings under these Statutes, or made extraordinarily in such other ways as are authorised by these Statutes or under By-laws.
6. The members of the Governing Body are the College's charity trustees.
7. The Governing Body has all the powers necessary for the making and carrying out of such decisions as it shall think fit for the College's governance and for maintaining and promoting the College's interests, and has power to do anything necessary, ancillary or conducive to the achievement of the College's charitable object and purposes.
8. The Governing Body has power to make, vary and rescind By-laws and on any matter to which the Governing Body's powers extend. Such By-laws have effect subject to these Statutes.
9. The Governing Body shall make By-laws with respect to (a) election and re-election to the Principalship and the terms and conditions of that office; and (b) the appointment of a Pro-Principal; and (c) terms and conditions of Fellowships and of Offices or other duties associated with Fellowships; and (d) appointment of Fellows to the Governing Body; and (e) procedures relating to Meetings of the Governing Body; and (f) procedures for the declaration and avoidance of conflicts of interest by members of the Governing Body; and (g) procedures relating to the delegation of powers of the Governing Body and the taking of decisions by the Governing Body by correspondence; and (h) the procedure to be followed at Meetings of the Governing Body.
10. Meetings of the Governing Body shall be held as required, provided that there shall be at least one Meeting during each Full Term.
11. Any decision to elect or to re-elect a Principal or to amend a Statute, shall be taken only at a Meeting of the Governing Body designated and convened, in accordance with By-laws, as a Special Meeting of the Governing Body.
12. The Principal may convene a Meeting of the Governing Body at any time on giving reasonable notice. The Principal shall convene a Meeting of the Governing Body if at any time requested to do so by six or more members of the Governing Body, and such a Meeting is to be held within 14 days of the request being made unless those making the request expressly seek a later date.

13. Except as otherwise provided in these Statutes, all Meetings of the Governing Body shall be held in the College, be convened by the Principal by written notice sent to all members at addresses designated by them, and be chaired by the Principal or if the Principal is not present by the Vice-Principal or if the Vice-Principal is not present by the senior Fellow present who is willing and able to act. A Meeting of the Governing Body is quorate when one third of the members of the Governing Body are present.
14. Any Meeting of the Governing Body may be adjourned to such later date as the Governing Body shall decide.
15. Except as otherwise provided in these Statutes or by By-law, decisions of the Governing Body are determined by a majority of those present and voting. If there is an equality of votes the Principal has a casting vote. The power of exercising a casting vote may, in the Principal's absence, be exercised by the Vice-Principal but not by any other presiding Fellow.
16. In cases where there is no By-law relating to procedure at a Meeting of the Governing Body, the chair of the Meeting shall determine the procedure to be followed.
17.
  - (1) Where it appears to the Principal that a decision is needed and that the matter is non-controversial, or that an urgent matter needs decision between 1 July and 30 September in any year, the Governing Body's decision may be made by consultation if doing so seems appropriate to the Principal, the Vice-Principal and such other member or members of the Governing Body as By-laws specify for this purpose.
  - (2) Where a decision is to be made by consultation, a proposal for decision shall be put to the members of the Governing Body in writing who shall, unless By-laws otherwise provide, be given at least seven days in which to reply to, and where necessary vote on, the proposal.
18. The Governing Body shall establish such standing or ad hoc committees as are needed for the College's good governance, and shall provide by By-law for the number, names, membership, terms of reference and delegated powers of standing committees.
19.
  - (1) Without prejudice to the generality of Clause 18, the Governing Body shall by By-law establish a Remuneration Committee responsible for making recommendations to the Governing Body as to the level of remuneration (including any stipend, allowance or benefit) provided to the Principal and Fellows of the College.
  - (2) The Remuneration Committee shall include members who are persons not in receipt of any remuneration (whether stipend, allowance or benefit) from the College, to be known here as 'independent members'.

- (3) Provision shall be made in the By-laws such that (whether by the composition of the committee or by manner of voting, or by any other means) the combined votes of any other members of the Remuneration Committee are not capable of prevailing over the combined votes of all the independent members.
  - (4) Provision may be made in the By-laws for the Remuneration Committee revocably to delegate to a sub-committee of its members such of its functions and powers as (subject to the By-laws) it may determine, provided that provision is also made in the By-laws such that (whether by the composition of the sub-committee, or by manner of voting, or by any other means) the combined votes of any other members of a sub-committee are not capable of prevailing over the combined votes of all the independent members.
  - (5) Any member of the Governing Body may vote on any recommendation to it made by or on behalf of the Remuneration Committee, notwithstanding that the matter concerns that member's own remuneration, unless it concerns the remuneration of that member alone.
  - (6) In a vote on any recommendation to it made by or on behalf of the Remuneration Committee, the Governing Body may (a) accept the recommendation unamended; or (b) reject the recommendation and refer it back to the Remuneration Committee for further consideration; or (c) amend the recommendation so that any remuneration or increase of remuneration awarded to any person or persons according to the amended recommendation is less than that which would have been awarded to that person or persons according to the unamended recommendation, and accept the recommendation so amended.
20. The Governing Body may revocably delegate (subject to these Statutes and to any applicable By-laws or other conditions which it may specify) power to take decisions on particular matters to a committee or to one or more College Officers or other individuals, whether or not they are members of the Governing Body. For the avoidance of doubt, this clause extends to disciplinary powers, and the Governing Body may delegate to the Principal the power to hear appeals in any or all cases involving disciplinary action against members of the College under Clause 76 of this Statute.
21. Minutes shall be kept of proceedings at all Meetings of the Governing Body, and the minutes of any Meeting of the Governing Body and of any Meeting of any Committee of the College which has been directed by the Governing Body to keep minutes shall be open to inspection by all members of the Governing Body. However, minutes of Meetings of the Governing Body held pursuant to clause 42(2) of this Statute shall, on the election or pre-election of a Principal, be disposed of as the Governing Body shall before the conclusion of the Meeting determine.

22. The Seal of the College shall be affixed to a document requiring it on and only on the authority of two persons, being the Bursar designated with this responsibility and one other Official Fellow. The two persons giving authority for the fixing of the Seal shall satisfy themselves that the Seal should be so affixed and shall authenticate its fixing in their own hand. A record of all documents to which the Seal of the College has been affixed shall be kept by the Bursar designated with this authority, who shall report such affixing to the next Meeting of the Governing Body.

### **PART 3: THE VISITOR**

23. The Chancellor of the University for the time being shall be the Visitor of the College.
24. The Visitor may visit the College and require an answer of any member of the College to any enquiry which the Visitor deems it expedient to make for ensuring the observance of these Statutes.
25. The Visitor shall, at the request of the Principal or any six or more members of the Governing Body, determine the true construction of these Statutes whenever any questions shall arise depending wholly or in part on the construction of these Statutes.
26. Any By-law or decision made by or on behalf of the Governing Body which the Visitor judges to be contrary to or ultra vires these Statutes may be annulled on the Visitor's own initiative or on the complaint of the Principal or any six or more members of the Governing Body.
27. The Visitor shall consider representations by the Principal or any six Fellows, that the interests of the College are so adversely affected by a decision made by or on behalf of the Governing Body that it should be reversed by the Visitor, and the Visitor may confirm, vary or reverse the decision in question.
28. The Visitor shall consider representations by the Remuneration Committee if, in a case in which the Governing Body has declined to act in accordance with the Committee's advice as to remuneration, at least half of its members consider that the College's object or interests are so adversely affected that the Governing Body's decision should be varied or reversed but the Governing Body, after being informed of that opinion, persists in not acting accordingly, and the Visitor may confirm, vary or reverse the decision in question.
29. The Visitor may, if the Principal or any Fellow or any Officer of the College complains of detriment resulting from any act or decision of the Governing Body, entertain the complaint and adjudicate upon an appeal from such act or decision, and may confirm, vary or reverse it.
30. The powers of the Visitor under these Statutes may be exercised in such ways and with the assistance of such persons as the Visitor deems appropriate. The decision of the Visitor given under these Statutes shall be binding upon every

person affected by these Statutes.

31. However, nothing in these Statutes enables or requires the Visitor to hear any appeal, review any decision or determine any dispute relating to (a) the appointment or employment or the termination of the appointment or employment of any person to whom Statute II applies; or (b) the appointment or employment or the termination of the appointment or employment of any person, where proceedings in respect of the same matter could validly be brought before any court or tribunal; or (c) the application of these Statutes or of any By-law of the College to a matter falling within point (a) or (b), or the validity of any By-law made under or having effect for the purposes of Statute II; or (d) an application for admission to the College as a student or a student complaint falling within the jurisdiction of the Office of the Independent Adjudicator for Higher Education.

#### **PART 4: THE PRINCIPAL**

32. The Principal is head of the College and exercises a general supervision over its affairs and management and over the well being of its members.
33. The Principal is elected by an absolute majority of the members of the Governing Body. In electing a Principal the members of the Governing Body shall choose the person most fit, in their judgement, for the exercise of the functions set out in Clause 32 of this Statute.
34. The person elected shall upon the first convenient occasion be admitted to the office of Principal by the Vice-Principal. The Principal shall thereupon make the following declaration:  
  
“I, [full name], elected Principal of St Edmund Hall in the University of Oxford, do solemnly declare that I will observe and uphold the Charter and Statutes of the College, and that I will promote the best interests of the College as a place of learning, education and research.”
35. Except where these Statutes or By-laws provide otherwise, or when absent for sufficient cause notified to the Vice-Principal, the Principal shall chair Meetings of the Governing Body.
36. The Principal shall reside in College or such other place as the Governing Body may consider consistent with the proper performance of the duties of the Principal for at least six weeks in each Full Term and for at least twenty-four weeks in each academic year. In case of ill health or other sufficient cause the Governing Body may dispense the Principal from the requirements of this clause on such terms as it shall think fit.
37. The Principal shall receive such annual stipend and allowances as may be determined by the Governing Body from time to time, except that the stipend may not, without the consent of the Principal, be reduced below that figure which was in effect when the Principal was admitted, other than under Clause 41 of this

Statute.

38. (1) The Principal shall (subject to these Statutes) hold office for such period as the Governing Body shall determine prior to making the election, provided that this period shall not extend beyond the 31 July next following the Principal's 67th birthday (but that birthday if it falls on the 31 July).
  - (2) If the Principal shall be elected for a period less than that defined by sub-clause (1) above, he or she shall be eligible for re-election for such further period or periods as the Governing Body shall determine, provided always that the period or periods shall not extend beyond the period defined by sub-clause (1) above.
  - (3) Under By-laws which it shall make for the purpose of this clause, and acting in conformity with the law (and as far as appropriately possible with the University's practice) in relation to time of retirement, the Governing Body may postpone the date of the Principal's retirement beyond the date otherwise applicable.
39. The Governing Body may grant to the Principal leave of absence or dispensation from duties on such terms as it decides.
40. The Principal may take part in the teaching and the research of the College and the University, and may, if elected or appointed thereto, hold a College Office.
41. The Principal, after his election, shall not hold or take up any paid office in the University or elsewhere, except with the consent of the Governing Body and upon such conditions concerning stipend as the Governing Body may decide.
42. (1) The members of the Governing Body shall be officially informed by the Vice-Principal of an actual vacancy in the office of Principal or of an impending vacancy by retirement or resignation not more than 18 months before it is due.
  - (2) Upon being officially informed of an actual or impending vacancy by the Vice-Principal under sub-cl (1), the Governing Body shall proceed to an election of a new Principal in accordance with the procedure laid down by By-law (including any procedure for amending By-laws or supplementing their provisions).
  - (3) The Governing Body may pre-elect to the Principalship effective from a date not more than 18 months later, but a person so pre-elected shall not be regarded as the Principal for the purposes of these Statutes until the date from which the Principalship is effective.
43. (1) During a vacancy in the Principalship, and in the Principal's absence or illness, all the powers and responsibilities of the Principal may be exercised (subject to these Statutes, and unless the Governing Body shall otherwise determine) by the Vice-Principal.

- (2) The Governing Body may elect a Pro-Principal to exercise some or all of the powers of the Principal.

#### **PART 5: THE FELLOWS**

44. (1) No Fellow of the College may receive any stipend or allowance simply by virtue of being a Fellow or a member of the Governing Body.
  - (2) Any College Office or any share in the work of the College (whether in education, scholarship, research, pastoral work or administration) may be associated with a Fellowship or assigned to any existing Fellow subject to the Fellow's consent, and such Office or work may be rewarded with such stipend or allowances or combination of stipend and allowances as the Governing Body may decide (taking account in appropriate cases of the recommendations of the Remuneration Committee and the arrangements agreed with the University for joint appointments).
45. The number of Fellows and the terms on which they shall hold their Fellowships shall be such as the Governing Body determines, subject to the provisions of these Statutes.
46. (1) Election and re-election to Fellowships is vested in the Governing Body and is by a majority of the members of the Governing Body present and voting at a Meeting assembled with notice of the proposed election.
  - (2) The Governing Body may pre-elect to a Fellowship effective from a date not more than 18 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.
  - (3) The Governing Body shall determine, by By-law or otherwise, the seniority of Fellows.
47. (1) Every Fellow shall as soon as possible after election receive a copy of the Statutes and By-laws of the College.
  - (2) Every Fellow elected or appointed to membership of the Governing Body shall as soon as possible, at a Meeting of the Governing Body, make a declaration of resolve to observe the provisions of the Statutes and By-laws in force from time to time, to promote the interests and academic work of the College, and to accept the responsibilities of a charity trustee of the College.
  - (3) Every Fellow being a member of the Governing Body shall, unless granted leave of absence or dispensation from duties in accordance with clause 52(6) of this Statute, attend Meetings of the Governing Body.
48. The categories of Fellowship are as follows:



- (1) Fellowships whose holders are automatically members of the Governing Body are Official Fellowships.
  - (2) Fellowships whose holders are entitled to membership of the Governing Body are Professorial Fellowships.
  - (3) Fellowships whose holders are eligible to be made members of the Governing Body are Fellowships by Special Election, Senior Research Fellowships, Junior Research Fellowships, and St Edmund Fellowships.
  - (4) Fellowships whose holders are not eligible to be members of the Governing Body are Emeritus Fellowships, Honorary Fellowships, and Visiting Fellowships.
49. (1) Subject to sub-clause (2), holders of Official Fellowships, Professorial Fellowships, Fellowships by Special Election, and Senior Research Fellowships retire from that Fellowship and any associated office, position, or duties on the date specified by By-law for the purpose of this clause, being a date in the September in which or next following which the holder is due to retire under any University Statute or Regulation governing the holder's position in the University, or under any contract between the holder and the College or the University.
- (2) Under By-laws which it shall make for the purpose of this clause, and acting in conformity with the law (and as far as appropriately possible with the University's practice and the legitimate expectations of any holder elected to a Fellowship associated with an office or position within the College or the University), the Governing Body may postpone the date of the holder's retirement beyond the date otherwise applicable.
50. The combined number of Professorial Fellows being members of the Governing Body, Fellows by Special Election being members of the Governing Body, Senior Research Fellows being members of the Governing Body, Junior Research Fellows being members of the Governing Body, and St Edmund Fellows being members of the Governing Body shall not exceed the number of Official Fellows.
51. Official Fellowships are of two kinds:
- (1) An Official Tutorial Fellowship is tenable by any person elected or appointed by the Governing Body to an Office within the College which
    - (a) is designated as Tutor, and
    - (b) carries with it eligibility for appointment to retirement, and
    - (c) is designated by the Governing Body, by By-law or otherwise, as entitling the holder to an Official Fellowship.

- (2) An Official non-Tutorial Fellowship is tenable by any other person holding an Office within the College which is designated by the Governing Body, by By-law or otherwise, as entitling the holder to an Official Fellowship, and whose appointment carries with it eligibility for appointment to retirement.
  - (3) Before making an election to an Official Tutorial Fellowship the Governing Body shall consult the appropriate Faculty or Department or other unit of the University.
52.
  - (1) An Official Fellowship is tenable in the first instance for such period, not exceeding five years, as the Governing Body shall decide, at the end of which time the Fellow shall be eligible for re-election for either a period of years not exceeding five or (subject to these Statutes) until retirement.
  - (2) An Official Fellow re-elected for a period of years may (whether or not that is the first time the Fellow has been re-elected) at the end of that time be re-elected either for a further period not exceeding five years or (subject to these Statutes) until retirement.
  - (3) An Official Fellowship is vacated, even if the specified period of election or re-election has not expired, when the Fellow ceases to hold an Office entitling the holder to be elected to an Official Fellowship.
  - (4) An Official Fellow shall take such part in the work of the College as is assigned to him or her by the Governing Body, and shall not hold any other office or carry on any additional work, if the office or work is in the judgment of the Governing Body incompatible with the full performance of the duties of the Official Fellowship.
  - (5) The Governing Body may require an Official Fellow to reside within the College, or within a reasonable distance of the College, during Full Term.
  - (6) The Governing Body may grant leave of absence or dispensation from duties to an Official Fellow on such terms as it shall decide in conformity, so far as it deems appropriate, with the University's practice in relation to leave of absence and dispensation from duties.
53. Professorial Fellowships are tenable either:
  - (1) by any University professor whose professorship has been allocated to the College by the Council of the University of Oxford, or
  - (2) at the discretion of the Governing Body, by any person not covered by sub-clause (1) who holds an office or position in the University of Oxford declared by a University Statute or regulation to qualify the holder for a Professorial Fellowship, which office or position has come to be associated with the College by agreement with the University.

54. (1) A person appointed to a professorship to which Clause 53(1) applies:
- (a) shall, on appointment, be elected to a Professorial Fellowship and shall hold it for so long, and only for so long, as he or she holds that professorship; and
  - (b) shall be offered membership of the Governing Body. The offer of membership may be accepted at or after the date of election, and a Professorial Fellow who has accepted the offer of membership of the Governing Body may resign that membership while retaining the Professorial Fellowship.
- (2) A person appointed to an office or position to which Clause 53(2) applies may, on appointment or at a later time, be elected to a Professorial Fellowship and if so elected shall hold it for such period or periods during his or her tenure of the relevant University office or position as the College may from case to case and from time to time decide, provided always that during any period during which a person eligible for a Professorial Fellowship under Clause 53(2) is not the holder of such a Fellowship, he or she shall instead be elected to a Fellowship by Special Election.
55. Fellowships by Special Election are tenable by any person whose services while holding such a Fellowship would in the opinion of the Governing Body be of advantage to the College and who either
- (1) is not eligible for a Fellowship of another category carrying membership of the Governing Body, or
  - (2) is eligible for a Professorial Fellowship under Clause 53(2) above but who is not for the time being the holder of such a Fellowship.
56. A Fellow by Special Election is elected for a fixed period not exceeding seven years and is eligible for re-election for further fixed periods not exceeding seven years, provided that if at election or re-election the Governing Body determines that the Fellowship is contingent upon holding (or holding in connection with the University) a University or other specified office or position, the Fellowship comes to an end when the Fellow ceases to hold that position (even if the specified period of election or re-election has not expired).
57. A Senior Research Fellowship is tenable by any person of academic distinction who undertakes to pursue research in the University of Oxford or, with the agreement of the Governing Body, elsewhere.
58. (1) A Senior Research Fellow is elected, upon such evidence of fitness as the Governing Body deems sufficient, for a fixed period not exceeding seven years, and is eligible for re-election for further fixed periods not exceeding seven years each.

- (2) A Senior Research Fellowship is vacated upon the expiry of the specified period of election or re-election or, where that period has not expired, under such other conditions as may be specified in By-laws.
  - (3) A Senior Research Fellow may request the Governing Body to suspend him or her in the Fellowship for a period or periods not exceeding two years at any one time, which period or periods shall be discounted in reckoning the period of tenure of the Fellowship.
59. A Junior Research Fellowship is tenable by any person who undertakes to pursue research in the University of Oxford or, with the agreement of the Governing Body, elsewhere.
60.
  - (1) A Junior Research Fellow is elected on such terms as the Governing Body may specify, by By-law or otherwise, provided always that the Junior Research Fellow shall be predominantly engaged in advanced academic research during the tenure of the Fellowship.
  - (2) A Junior Research Fellow is elected for a fixed period of years, not exceeding seven years, and is not eligible for re-election at the end of that period unless the Governing Body at the time of the election declared that the Fellow may be re-elected.
  - (3) A Junior Research Fellowship is vacated upon the expiry of the specified period of election or re-election or, where that period has not expired, under such other conditions as may be specified in By-laws.
  - (4) A Junior Research Fellow may request the Governing Body to suspend him or her in the Fellowship for a period or periods not exceeding two years at any one time, which period or periods shall be discounted in reckoning the period of tenure of the Fellowship.
61. A St Edmund Fellowship is tenable by any person who has conferred significant benefit on the College.
62. A St Edmund Fellow is elected for a fixed period not exceeding seven years and is eligible for re-election for further periods not exceeding seven years at a time.
63.
  - (1) An Emeritus Fellowship is tenable by any person who vacates a Fellowship after a period of years as a member of the Governing Body, the relevant period to be specified in By-laws made by the Governing Body.
  - (2) By-laws made for the purpose of sub-clause (1) above may specify different periods of years for Fellowships of different types, or for Fellowships vacated for different reasons, or for continuous as opposed to discontinuous periods of membership of Governing Body.
  - (3) An Emeritus Fellow shall be entitled to enjoy such privileges and advantages as the Governing Body shall from time to time determine.

64. An Emeritus Fellow shall (subject to these Statutes) hold the Fellowship for life.
65. (1) The Governing Body may elect to Honorary Fellowships distinguished persons and persons of such other description as may be provided by By-law.
- (2) An Honorary Fellow shall be entitled to enjoy such privileges and advantages as the Governing Body shall from time to time determine.
66. An Honorary Fellow shall (subject to these Statutes) hold the Fellowship for life.
67. A Visiting Fellowship is tenable by any person specially qualified to assist in furthering the objects of the College.
68. A Visiting Fellow is elected for a fixed period not exceeding one year, and may be re-elected for one further fixed period not exceeding one year.
69. (1) Fellowships other than Emeritus or Honorary Fellowships are vacated, even if the specified period of election or re-election has not expired, on the holder taking up the Principalship of the College, or the headship of another college, hall or society within the University of Oxford, or any fellowship (other than an honorary or emeritus fellowship) in another college, hall or society within the University.
- (2) All Fellowships are vacated, even if the specified period of election or re-election has not expired, upon the resignation of their holder, provided always that no holder of an Official or Professorial Fellowship, nor of any Fellowship by Special Election held contingent upon the holding of an Office or position, is entitled to resign from that Fellowship other than by resigning from the Office or position with which the Fellowship is associated.
70. Subject to due procedure set out in By-laws, the Governing Body at a Meeting assembled with at least seven days' notice of the matter may revoke the Fellowship of any Fellow to whom the provisions of Statute II do not apply, whose conduct, in the Governing Body's opinion, has brought or is bringing the College into disrepute or has been or is incompatible with being such a Fellow.

## **PART 6: OFFICERS OF THE COLLEGE**

71. The Governing Body shall appoint such Officers of the College as it judges to be required for the teaching, discipline and pastoral support of the College's members, and for the administration of its affairs and estates, provided that there shall always be a Vice-Principal, Tutors to a number judged by the Governing Body to be sufficient for the teaching of the College's undergraduates, a Finance Bursar, and a Dean.
72. (1) There are two categories of Office for the purpose of Clause 71:

- (a) an Office which entitles the holder to be elected to an Official Fellowship; and
    - (b) any other Office to which the Governing Body appoints a Fellow or with which for the time being it associates a Fellowship.
  - (2) Those appointed to Offices to which sub-clause (1)(a) applies are appointed for the periods prescribed in Clause 52(1) and 52(2).
  - (3) Those appointed to Offices to which sub-clause (1)(b) applies are appointed for such periods (not exceeding the tenure of the holder's Fellowship) as the Governing Body prescribes in each case, provided always that, subject to the provisions of Statute II and subject to due procedure laid down in By-laws (including provision for a hearing and an appeal), the Governing Body may terminate any such appointment before the expiry of the prescribed period.
  - (4) Save as is otherwise provided in these Statutes, Officers are appointed on such terms as the Governing Body determines, whether under By-laws or otherwise, where 'terms' includes the determination of whether their Office is to fall, for the time being, under sub-clause (1)(a) or under sub-clause (1)(b).
  - (5) Any Fellow may be appointed to and hold more than one Office.
  - (6) Officers are responsible to the Governing Body for the proper performance of their duties.
73. (1) If it appears to the Governing Body that the holder of a College Office, being a teaching Office or otherwise (including for the purposes of this clause only the Principalship), is or is likely to be prevented from fully performing the duties of the Office by reason of paid or unpaid activities not in the service of the College, the Governing Body may request or require an account of the holder's activities, subject to any By-law made for the purposes of this clause, and (after considering such account, or any default in providing it) may:
- (a) require the holder to desist within a specified time from all or some such activities to the extent required to make practicable the full performance of the duties of the Office; or
  - (b) impose such conditions relating to remuneration or otherwise as the Committee may determine; or
  - (c) both require desistance under (a) and impose conditions under (b).
- (2) It is a condition of employment in any College Office that the holder be willing, if so requested, to provide an account of activities for the purpose of sub-clause (1) and, if so required, to desist from all or some of such

activities to the extent required to make practicable full performance of the responsibilities of the Office.

- (3) The Governing Body may, by By-law or by particular decisions in respect of particular Office-holders, delegate to the Remuneration Committee the consideration of any account of an Office-holder's activities furnished under sub-clause (1), or any default of such account, and may require of the Remuneration Committee that it make a recommendation to the Governing Body concerning the measures, if any, that should be taken under sub-clause (1).
  - (4) A recommendation of the Remuneration Committee under sub-clause (3) shall be treated as a recommendation as to level of remuneration for the purpose of Clause 19, and a relaxation of requirements or conditions as to activities not in the service of the College shall be treated as an increase in remuneration for the purposes of Clause 19(6).
74. (1) The Governing Body shall determine from time to time which Offices and other positions of employment in the College are pensionable.
- (2) The Governing Body shall make appropriate financial provision to pay the employer's contribution under the Universities Superannuation Scheme (USS) or the Oxford Staff Pension Scheme (OSPS) or any other occupational pension scheme designed for employees of universities or colleges, and shall arrange to deduct the corresponding employee's contribution thereunder from the stipends, salaries or any pensionable allowances of the College's Officers and others employed in positions in the College.
  - (3) Where an Officer or other person employed in a position in the College opts not to join USS, OSPS or any other pension scheme designed for employees of universities or colleges, but to make alternative pension provision, the Governing Body may make such contribution as it shall consider to be appropriate.
  - (4) For the purpose of calculating the employer's or employee's contribution, the Governing Body may, as it deems fit, take into account any allowance or other payment it makes additional to the Officer's or other employee's substantive stipend or salary.
  - (5) The Governing Body shall make By-laws with respect to these determinations and pension provisions, including (without prejudice to the generality of this provision) By-laws with respect to the circumstances under which an employer's contribution will be made to an alternative pension scheme under sub-clause (3).

## **PART 7: MEMBERSHIP OF THE COLLEGE**

75. (1) The Governing Body shall admit to membership of the College both

undergraduate and graduate students, to pursue courses of study and/or research within the University as matriculated members of the University.

- (2) The Governing Body may admit to membership of the College undergraduate, graduate, and other persons engaged in research in Oxford, to pursue courses of study and/or research under the direction of the College other than as matriculated members of the University.
- (3) Student members shall be admitted to the College on the basis of their academic promise and their potential to benefit from membership and/or to advance the object of the College by their scholarly work or research, and on no other basis.
- (4) The Governing Body shall make provision for the tuition of the College's undergraduates and for the academic support of its graduate students.
- (5) Subject to applicable law and any lawful agreement with the University or other colleges, the Governing Body shall levy such fees and make such charges as it deems appropriate for tuition, supervising, and advising, for other academic support, for providing accommodation and meals, and for other College services and facilities.
- (6) The Governing Body shall, on such terms and conditions as it determines:
  - (a) award bursaries, scholarships, and exhibitions to undergraduates, and scholarships to graduate students, in accordance where relevant with any stipulations of donors or benefactors; and
  - (b) make other grants to undergraduates or to graduate students for support during their courses of study or research.

76. The Governing Body shall make By-laws:

- (a) setting and upholding the minimum conditions of academic performance that shall be consistent with continued student membership of the College; and
- (b) prescribing the grounds and processes for disciplining student members for neglect of studies and other academic misconduct, including provisions governing their suspension or expulsion from the College; and
- (c) prescribing the grounds and processes for disciplining student members for ordinary misconduct, including provisions governing their suspension or expulsion from the College, their access to the premises and precincts of the College, and, if it sees fit, the imposition of fines or other financial penalties upon them; and
- (d) providing for suspension of studies and, if it sees fit, suspension of membership, in cases in which there is no reasonable alternative in the



light of a student's personal circumstances; and

- (e) governing the making of awards and payments under Clause 75(6), including the terms on which they may be terminated or suspended by or on behalf of the Governing Body for neglect of studies or any other misconduct.
77. (1) The Governing Body may 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.
- (2) The Governing Body shall make By-laws determining the further conditions for membership of the College under sub-clause (1), and the procedures for conferring it.

#### **PART 8: PROPERTY, INVESTMENT, REVENUE, DISPOSAL OF REVENUE, AND EXPENDITURE**

78. (1) The powers of the Governing Body stated in Clause 7 of this Statute include the power to acquire and dispose of land and other property and to borrow and to charge property of the College as security.
- (2) Any moneys held for the general purposes of the College and also any moneys held on specific trusts may (subject to any relevant provisions of these trusts) be invested in or upon such securities, stocks, funds or other investments (including land and other property) in any part of the world, and whether involving liability or not, as the Governing Body in its absolute discretion thinks fit, so that the Governing Body is empowered to invest such funds in the same unrestricted manner (including by the employment of investment managers) as if it were the beneficial owner thereof.
79. (1) Subject to the provisions of Clauses 19 and 44 of this Statute, the Governing Body may apply the College's revenue for the payment, on such reasonable terms as it shall from time to time decide, of stipends, allowances, benefits and associated costs (including the provision of a common table) to its own members, to the holders of College Offices, and to others employed in positions in the College or advising it.
- (2) The Governing Body may, subject to the provisions of the University and Colleges Estates Acts 1925 and 1964 and to any relevant trust, make provision for employing the College's endowment or spending income, or both, on new or additional buildings for the College or on repairs to the College's buildings or on the acquiring or providing of houses, land, or buildings to be occupied or used in connection with the College, or on other desirable or necessary purposes relating to the College.

- (3) The Governing Body may assist Fellows to acquire and/or improve their own residences, or enter into joint ownership arrangements on such residences, upon such terms as it may determine, provided that such arrangements shall be treated as allowances to Fellows for the purposes of Clauses 19 and 44 above.
  - (4) The Governing Body may make reasonable donations for educational or charitable objects related to the College's purpose and for other charitable objects.
  - (5) The application of the College's revenue under the provisions and to the purposes of these Statutes is subject to any Statute or Statutes made for the University under the powers of 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.
80. (1) The Governing Body shall always apply specific trusts for the purposes for which they were established, save that to the extent permitted by law:
- (a) any trust may be altered by By-law made under this Statute, if the trust was created by an instrument operative not less than 60 years before the coming into force of such By-law;
  - (b) the Governing Body has power to use for the general educational purposes of the College any part of the surplus income of any trust:
    - (i) which was created by an instrument operative not less than 60 years before the power's exercise or
    - (ii) of which the Governing Body is the trustee or, where it is not, any relevant trustee has consented to that exercise.
- (2) In this clause, 'surplus income' means income unexpended in any year after the purposes of the trust have been provided for in that year (whether wholly by income from the trust or otherwise) in so far, if at all, as in the opinion of the Governing Body it is possible to provide for those purposes in that year.
81. (1) The Governing Body shall have the power to expend for any purpose within the provisions of the Statutes so much of the value of any fund as is prudent in all the circumstances having regard to the total return achieved and reasonably to be expected in the long term, where 'total return' means return in terms of both income, whether received or accrued, and capital appreciation, whether realised or unrealised, always subject to any specific investment restrictions applicable to trust funds.
- (2) When exercising its power under this clause the Governing Body shall:

- (a) take proper advice, exercise the duty of care and skill set out in the Trustee Act 2000, and comply with such accounting or other requirements as are necessary or it is advised are desirable and
  - (b) act only in such a way as not to prejudice the College's ability to meet the present and future needs designated by any relevant trust.
- (3) The Governing Body shall every five years or more frequently review its criteria for total return and for the exercise of its powers of investment.
82. (1) The Governing Body shall:
- (a) maintain full accounts of all aspects of the College's financial business; and
  - (b) at least once in every year cause the College's accounts to be audited and appoint for this purpose a partnership in practice as Chartered Accountants; and
  - (c) at least once in every year cause the Finance Bursar to prepare and deliver to the Registrar or other proper officer of the University, and to any external regulating body to which the College is subject, accounts and information relating to the accounts.
- (2) The accounts and information mentioned in sub-clause (1) shall be in the form or forms prescribed by any Statute of the University in force for the time being, and to the extent so prescribed shall be published.

## **STATUTE II: ACADEMIC STAFF**

### **PART 1: 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 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 2, Part 3, Part 4 or Part 7 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 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 Principal, to the extent and in the manner set out in Part 7 of this Statute.
- (2) In this Statute any reference to “a member of the academic staff” is a reference to a person to whom this Statute applies.
4. In this Statute “dismiss” and “dismissal” mean dismissal of a member of the academic staff and:
  - (1) include remove or, as the case may be, removal from office; and
  - (2) in relation to employment under a contract, shall be construed in accordance with section 55 of the Employment Protection (Consolidation) Act 1978.
5. (1) For the 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 3 to be such as to render the person convicted unfit for the performance of the duties of the office or employment as a member of the academic staff; or
  - (b) conduct of an immoral, scandalous or disgraceful nature incompatible with the duties of the office or employment; or
  - (c) conduct constituting failure or persistent refusal or neglect or inability to perform the duties or comply with the conditions of the office or employment; or
  - (d) physical or mental incapacity established under Part 4; or
  - (e) wilful disruption of the activities of the College; or
  - (f) wilful disobedience of any of the Statutes or By-laws of the College

in force for the time being.

- (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) “qualification”, 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:
  - (1) the fact that the College has ceased, or intends to cease, to carry on the activity for the purposes of which the person concerned was appointed or employed or has ceased, or intends to cease, to carry on that activity in the place in which the person concerned worked; or
  - (2) the fact that the requirements of that activity for members of the academic staff of the College to carry out work of a particular kind in that place have ceased or diminished or are expected to cease or diminish.
7. (1) In any case of conflict, the provisions of this Statute shall prevail over those of any other Statute of the College in force on the date on which the instrument making these modifications was approved under subsection (9) of section 204 of the Education Reform Act 1988, and over those of any By-law, and the provisions of any By-law made under this Statute shall prevail over those of any By-law made under such other Statutes:
  - (a) Provided that Part 3, Part 4 and Part 7 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; and
  - (b) 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:
  - (a) Provided that this shall not invalidate any waiver made under section 142 of the Employment Protection (Consolidation) Act 1978.

- (3) Nothing in any other Statute shall enable the Governing Body to delegate its power to reach a decision under Clause 10(2) of this Statute.
- (4) For the avoidance of doubt it is hereby declared that nothing in Part 3 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.
- (5) 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 alternative to act in place of that officer or person under procedures prescribed by By-laws made under this Statute.
- (6) 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 2: 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 contract of employment is entered into, on or after 20 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 20 November 1987 or to promotion on or after that date shall be construed in accordance with subsections (3) to (6) of section 204 of the Education Reform Act 1988.
10. (1) The Governing Body shall be the appropriate body for the purposes of this Part.
- (2) This Part applies only where the Governing Body has decided that there should be a reduction in the academic staff –
  - (a) of the College as a whole; or
  - (b) of any part of academic work within the College by way of redundancy.
11. (1) Where the Governing Body has reached a decision under Clause 10(2):
  - (a) it may itself decide to select the requisite members of the academic staff for dismissal by reason of redundancy if such a course satisfies the guiding principles set out in Clause 1; or

- (b) it shall appoint a Redundancy Committee to be constituted in accordance with sub-clause (3) of this Clause to give effect to its decision by such 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 their recommendations to the Governing Body.
  - (2) The Governing Body shall either approve any selection recommendation made under sub-clause (1)(b)(i), or shall remit it to the Redundancy Committee for further consideration in accordance with its further directions.
  - (3) A Redundancy Committee appointed by the Governing Body shall comprise the members of a committee whose function it is to oversee and recommend on the Academic Policy of the College.
  - (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) it may authorise an officer of the College as its delegate to dismiss any member of the academic staff so selected.
- (2) Each member of the academic staff selected shall be given separate notice of the selection approved by the Governing Body.
- (3) Each separate notice shall sufficiently identify the circumstances which have satisfied the Governing Body that the intended dismissal is reasonable and in particular shall include:
  - (a) a summary of the action taken by the Governing Body under this Part;
  - (b) an account of the selection processes it has used;
  - (c) a reference to the rights of the person notified to appeal against the notice and to the time within which any such appeal is to be lodged under Part 5 (Appeals); and
  - (d) a statement as to when the intended dismissal is to take effect.

### **PART 3: DISCIPLINE, DISMISSAL AND REMOVAL FROM OFFICE**

- 13. (1) If the conduct or performance of a member of the academic staff does not meet acceptable standards, but does not constitute sufficient cause for

dismissal, an oral warning may be given by the Principal who shall keep a note of the matter. The member of the academic staff concerned shall be informed of the reason for the warning; that it constitutes the first stage of the disciplinary procedure; and that a right of appeal exists under this Clause. An oral warning shall be disregarded for disciplinary purposes after 12 months.

- (2) If the offence is a serious one, or if a further offence occurs, a written warning may be given by the Principal, who shall keep a copy of the warning. The member of the academic staff concerned shall be informed of the reason for the warning; the improvement required and the time within which that must be achieved; that charges may be instituted under Clause 14 if there is no satisfactory improvement; and that a right of appeal exists under this Clause. A written warning shall be disregarded for disciplinary purposes after two years.
  - (3) A member of the academic staff who wishes to appeal against a disciplinary warning given under this Clause shall inform the Principal within two weeks. A Grievance Committee appointed under Part 6 shall hear the appeal and the Committee's decision shall be final.
14. (1) If there has been no satisfactory improvement following a written warning given under Stage 2 of the procedure in Clause 13(2), or in any case where it is alleged that conduct or performance may constitute good cause for dismissal or removal from office, a complaint seeking the institution of charges to be heard by an Academic Disciplinary Committee appointed under Clause 15 may be made to the Principal.
- (2) To enable the Principal to deal fairly with any complaint brought to his attention under sub-clause (1) the Principal shall institute such enquiries (if any) as appear to him to be necessary.
  - (3) If it appears to the Principal (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 could constitute good cause for dismissal, the Principal shall write to the person concerned inviting comment in writing and may, if he or she considers that the College might otherwise suffer significant harm, 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 duties without loss of pay.
  - (4) As soon as may be following the comments (if any), or in any event not later than 28 days after they were invited, the Principal shall consider the matter in the light of all the available material and may –
    - (a) dismiss it; or
    - (b) refer it for consideration under Clause 13; or



- (c) deal with it informally if it appears to the Principal appropriate to do so and if the member of the academic staff agrees in writing that the matter should be dealt with in that way; or
  - (d) refer the matter to an Academic Disciplinary Committee.
- 15. If the Principal has determined that the matter is to be considered by an Academic Disciplinary Committee, the Principal 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 charged constitutes good cause for dismissal or otherwise constitutes a serious complaint relating to his appointment or employment, and to make recommendations concerning the action (if any) to be taken as a result of the Committee's findings. Pending the consideration of such recommendations, the Principal, after consulting the Governing Body, may suspend the person charged from the performance of his duties without loss of pay.
- 16.
  - (1) An Academic Disciplinary Committee appointed by the Governing Body shall comprise three persons selected by the Governing Body from a panel of 10 persons appointed annually by the Governing Body. The members of the panel shall be members of the Governing Body, Honorary Fellows or Emeritus Fellows of the College.
  - (2) In selecting members of the panel for appointment as members of an Academic Disciplinary Committee, the Governing Body shall exclude the person charged, and any person who has been involved in or associated with the making of the complaint or any part of it, or who has been involved in any preliminary hearing or investigation.
- 17.
  - (1) When an Academic Disciplinary Committee has been appointed, the Governing Body shall instruct a suitable person to formulate the 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 by an Academic Disciplinary Committee;
  - (b) that a charge shall not be determined without an oral hearing at which the person charged and any person appointed to represent him are entitled to be present;
  - (c) that witnesses may be called, both on behalf of the person charged and by the person presenting the charge, and may be questioned concerning any relevant evidence;
  - (d) that no new witness or documentary evidence may be introduced by the person presenting the charge without the Committee's consent, which shall not be given save for good reason, and that if late introduction is allowed, the 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 charge and its recommendations, if any, as to the appropriate penalty) to the Principal, the person charged, the person presenting the charge and any person who shall have been added as a party by the Academic Disciplinary Committee.
- (2) The Academic Disciplinary Committee shall draw attention to the period of time within which any appeal should be made by ensuring that a copy of Part 5 (Appeals) accompanies each copy of its decision sent to a party to the proceedings under this Clause.
20. (1) Where any charge is upheld and the Academic Disciplinary Committee finds good cause and recommends dismissal or removal from office, but in no other case, the appropriate officer, after consulting the Governing Body, shall decide whether or not to dismiss the person concerned.
- (2) Where any charge is upheld, other than where the appropriate officer has decided under sub-clause (1) to dismiss the person concerned, the action available to the appropriate officer, after consulting the Governing Body, (not comprising a greater penalty than that recommended by the Academic Disciplinary Committee) shall be –
- (a) to discuss the issues raised with the person concerned; or
  - (b) to advise the person concerned about his future conduct; or

- (c) to warn the person concerned; or
  - (d) to suspend the person concerned for such period as the appropriate officer shall think fair and reasonable, not to exceed three months after the Academic Disciplinary Committee's decision; or
  - (e) to take such further or other action under the person's contract of employment or terms of appointment as appears fair and reasonable in all the circumstances of the case; or
  - (f) any combination of any of the above.
21. (1) The Principal shall be the appropriate officer to exercise the powers conferred by Clause 20 but he or she may appoint a delegate to exercise those powers.
- (2) Any action taken by the Principal or the delegate shall be confirmed in writing.

#### **PART 4: 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 Principal or an officer acting as his or her delegate to perform the relevant act.
- (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 Principal that the removal of a member of the academic staff on medical grounds should be considered, the Principal:
- (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 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; and
  - (c) may, if the member agrees or if the Principal considers that the College might otherwise suffer significant harm, suspend the

member from duty without loss of pay.

- (2) If the member elects to apply for early retirement on medical grounds he shall be allowed to do so and the College shall meet the reasonable costs of any medical opinion required.
  - (3) If the member does not elect to retire voluntarily on medical grounds the Principal may refer the case in confidence, with any medical and other evidence (including any such evidence submitted by the member), to a Board comprising one person nominated by the Governing Body; one person nominated by the member concerned or, in default of the latter nomination, by the Principal; 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 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 member concerned and any person appointed to represent him are entitled to be present;
    - (c) that witnesses may be called and may be questioned concerning any relevant evidence; and
    - (d) that the case is heard and determined as expeditiously as is reasonably practicable.
  - (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 should be required to retire on medical grounds, the Principal shall consult the Governing Body, and may terminate the employment of the member concerned on those medical grounds.
- (2) Any action taken by the appropriate officer shall be confirmed in writing and notified to the Governing Body.

## **PART 5: 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 to dismiss in the exercise of its powers under Part 2;
  - (b) to appeals arising in any proceedings, or out of any decision reached, under Part 3 other than appeals against disciplinary warnings under Clause 13 (Appeals against disciplinary warnings);
  - (c) to appeals against any dismissal otherwise than in pursuance of Part 2 or Part 3;
  - (d) to appeals against any disciplinary decision otherwise than in pursuance of Part 3;
  - (e) to appeals against any decision reached under Part 4; and
  - (f) to appeals against any decision reached under Part 7;
- and “appeal” and “appellant” shall be construed accordingly.
- (2) No appeal shall however lie against:
- (a) a decision of the appropriate body under Clause 10(2);
  - (b) any finding of fact of an Academic Disciplinary Committee under Part 3, or of a Tribunal under Part 7 save on legal grounds or save where, with the consent of the person or persons hearing the appeal, fresh evidence is called on behalf of the appellant at that hearing;
  - (c) any medical finding by a Board set up under Clause 23(3) save on legal grounds or save where, with the consent of the person or persons appointed, fresh evidence is called on behalf of the appellant at that hearing.
- (3) In this Part references to “the person appointed” are references to the person appointed by the Governing Body under Clause 29 to hear and determine the relevant appeal.
- (4) The parties to an appeal shall be the appellant and the person appointed by the Governing Body under this Clause to take charge of the proceedings 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 Principal, within the time allowed under Clause 28, notice in writing setting out the grounds of the appeal.

28. (1) A notice of appeal shall be served within 28 days of the date on which the document recording the decision appealed from was sent to the appellant or such longer period, if any, as the person appointed may determine under sub-clause (3).
  - (2) The Principal 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 was served on the Governing Body outside the 28 day period the person appointed under Clause 29 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 sub-clause (2) to hear and determine that appeal.
  - (2) The person described in this sub-clause is:
    - (a) the person who is the Visitor; or
    - (b) persons not employed by the College holding, or having held, judicial office or being barristers or solicitors of at least ten years' standing.
  - (3) The person appointed shall sit alone unless he or she considers that justice and fairness will best be served by sitting as an Appeal Tribunal 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 members of the Governing Body to whom this Statute does not apply, Honorary Fellows and Emeritus Fellows;
    - (b) one other member;

provided that neither shall have been involved in or associated with the making of the complaint or any part of it, nor have been involved in any earlier stage of the proceedings which have given rise to the appeal.

- (a) that an appellant is entitled to be represented by another person, whether such person is 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 to represent him or her are entitled to be present and, with the consent of the person or persons hearing the appeal, to call witnesses;
  - (c) that full and sufficient provision is made for postponements, adjournments, dismissal of the appeal for want of prosecution and for the correction of accidental errors; and
  - (d) that the person appointed may set appropriate time limits for each stage (including the hearing itself) to the intent that any appeal shall be heard and determined as expeditiously as is reasonably practicable.
- (2) 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 2 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 3 for re-hearing by a differently constituted Academic Disciplinary Committee to be appointed under that Part; or
  - (c) remit an appeal from a decision of the appropriate officer under Part 4 for further consideration as the person or persons hearing the appeal may direct; or
  - (d) remit an appeal by the Principal arising under Part 7 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 Principal following the finding by the Academic Disciplinary Committee which heard and pronounced upon the original charge or charges.
31. The person appointed shall send a reasoned decision, including any decision reached in exercise of his powers under Clause 30(3)(a), (b), (c) or (d), on any appeal and a statement of any findings of fact different from those come to by the Governing Body under Part 2 or by the Academic Disciplinary Committee under Part III or by the Board under Part 4 or by the Tribunal appointed under Part VII, as the case may be, to the Principal and to the parties to the appeal.

## **PART 6: 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 College 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:
  - (1) to matters affecting themselves as individuals; or
  - (2) 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 College have been exhausted the member of the academic staff may raise the matter with the Principal.
  - (2) If it appears to the Principal that the matter has been finally determined under Part 3, 4 or 5 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 Principal then he or she shall inform the member and may inform the Governing Body accordingly.
  - (3) If the Principal 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 3; or
    - (b) a determination under Part 4; or
    - (c) an appeal under Part 5;then the Principal 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 shall notify the member accordingly.
  - (4) If the Principal does not reject the complaint under sub-clause (2) or if he or she does not defer action upon it under sub-clause (3) then he or she shall decide whether it would be appropriate, having regard to the interests of justice and fairness, for the Principal to seek to dispose of it informally. If the Principal so decides then he or she shall notify the member and proceed accordingly.
35. If the grievance has not been disposed of informally under Clause 34(4), then the Principal shall refer the matter to the Grievance Committee for consideration.
36. The Grievance Committee to be appointed by the Governing Body shall comprise three Fellows of the College.



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 then the Committee shall make such proposals for the redress of the grievance as it sees fit.

## **PART 7: REMOVAL OF THE PRINCIPAL FROM OFFICE**

39. Not less than 15% of the members of the Governing Body may make complaint to the Vice-Principal seeking the removal of the Principal from office for good cause.
40. The Vice-Principal shall refer such a complaint to the Governing Body, exclusive of the Principal 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 a good cause for the removal of the Principal from office, it shall appoint a Tribunal to hear and determine the matter and shall appoint a Pro-Principal to hold office until the determination of the case.
42. The Tribunal appointed by the Governing Body shall comprise:
  - (a) an independent Chair; and
  - (b) one member of the Governing Body to whom this Statute does not apply or an Honorary or Emeritus Fellow; and
  - (c) one member of the Governing Body to whom this Statute applies.
43. A charge referred to the Tribunal shall be dealt with in accordance with the procedure prescribed in Clauses 17 to 19, provided –
  - (a) that the Pro-Principal shall perform any duty and exercise any power there assigned to the Principal; and
  - (b) that the only recommendation the Tribunal may make is whether or not the Principal should be removed from the office of Principal.
44. Where a charge or charges have been upheld and the Tribunal finds good cause and recommends dismissal, but in no other case, the Pro-Principal shall consult the Governing Body and may then dismiss the Principal.

45. Where a complaint is to be referred to a Tribunal under Clause 41, the Pro-Principal may, if he or she considers that the College might otherwise suffer significant harm, suspend the Principal from his or her duties in all matters relating to the government and discipline of the College without loss of salary.
46. For the purpose of the removal of the Principal from office for incapacity on medical grounds, the provisions of Part 4 shall have effect, provided that the Pro-Principal shall perform any duty or exercise any power there assigned to the Principal.
47. For the purpose of appeals by the Principal against removal from office, the provisions of Part 5 shall have effect, provided that the Pro-Principal shall perform any duty or exercise any power there assigned to the Principal.

### **STATUTE III: STATUS AND ALTERATION**

1. These Statutes, being made wholly for St Edmund Hall 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, are subject to alteration in the manner provided by the latter Act, and in so far as they affect the University shall not be altered without the University's consent.
2. These Statutes shall operate without prejudice to any existing interests of the Principal, Fellows and employees of the College on the date on which they come into operation.
3. All existing Statutes of the College are hereby repealed on the date on which these Statutes come into operation; but this repeal shall not affect any right acquired or act done under such existing Statutes or the conditions of tenure or any emolument held by virtue of such a right.
4. These Statutes are subject to alteration (in the manner provided by the Universities of Oxford and Cambridge Act, 1923), by the Governing Body at a Special General Meeting summoned for the purpose, provided that not less than two-thirds of the members present vote in favour of the alteration.