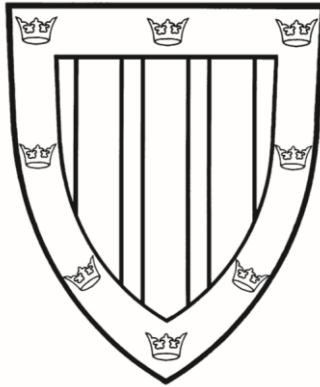


PETERHOUSE

STATUTES



1972

REPRINTED 2011, WITH ORDINANCES

STATUTES FOR
PETERHOUSE
IN THE
UNIVERSITY OF
CAMBRIDGE

1972

REPRINTED 2011, WITH ORDINANCES

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INTRODUCTORY NOTE

This edition of the Statutes contains the Statutes now in force. These Statutes are the Statutes made by the University of Cambridge Commissioners in the exercise of the powers conferred upon them by the Universities of Oxford and Cambridge Act, 1923, as altered and amended by Statutes made subsequently by the Governing Body of the College in exercise of the powers given them by that Act.

The Statutes made by the Commissioners were made by them 17 November 1925 and were approved by King George V in Council 30 April 1926.

The 1926 Statutes contained a preamble which is reproduced below. After the preamble there is a list of the occasions on which the Governing Body and the University Commissioners have altered and amended the 1926 Statutes, and a table showing the occasions on which each of the Statutes now in force has been altered or amended since 1926.

The Statutes were further altered and amended by Statutory Instrument by the University Commissioners in the exercise of the powers conferred upon them by the University Commissioners (Statute Modifications) (Peterhouse, Cambridge) Order 1995, under the terms of the Education Reform Act, 1988.

The Statutes made by the University Commissioners were made by them 21 October 1993 and were approved by Queen Elizabeth II in Council 26 July 1995.

1 August, 2011

PREAMBLE TO THE 1926 STATUTES

WHEREAS Hugh de Balsham, Bishop of Ely, by two instruments, dated the 31st day of March 1284, which were confirmed by a Charter of King Edward I, dated the 28th day of May 1284, removed his endowed Corporation of Ely Scholars, consisting of a Master and Fellows, which under Letters Patent of King Edward I, dated the 24th day of December 1280, he had originally placed amongst the Brethren of the Hospital of St John, to two Hostels near the Church of St Peter without Trumpington Gate, assigned from the possessions of the Hospital; and erected it anew into a House or College, which he desired to be named for ever The House of St Peter, or The Hall of the Scholars of the Bishop of Ely in Cambridge; and gave Statutes for the good government of the same, perfecting some and intending others when interrupted by his death:

And whereas Simon Montague, seventh occupant in succession from Hugh de Balsham of the see of Ely, completed, on the petition of the Master and Scholars or Fellows of the said House, the unfinished work of his predecessor, and on the 9th day of April 1344 ordained new Statutes whilst ratifying those of the Founder, so far as consistent with his own:

And whereas the said Statutes, supplemented by enactments of John Alcock, Bishop of Ely, in 1489, of Nicholas West, Bishop of Ely, in 1516, and of the Master and Scholars or Fellows of the House from time to time, were by Visitors appointed in 1549 by King Edward VI re-arranged, revised, and confirmed:

And whereas further modifications were subsequently made by Royal Letters Patent of King Charles I in 1629, of King William IV in 1836, and of Queen Victoria in 1837, in 1860, and in 1861:

And whereas the Statutes of the said College now in force consist of a body of Statutes made on 18 March 1881 by the University of Cambridge Commissioners appointed under the Universities of Oxford and Cambridge Act, 1877, and approved by Queen Victoria in Council on 29 June 1882:

PREAMBLE

And whereas further Statutes were made for the said College and approved by Queen Victoria in Council on 9 May 1892 and by King Edward VII on 24 April 1902 and 5 May 1908:

And whereas it is expedient that, in order to give effect to certain recommendations contained in the Report of a Royal Commission referred to in the preamble of the Universities of Oxford and Cambridge Act, 1923, the aforesaid Statutes and any other Statutes now in force should be repealed or altered as hereinafter set forth and that other Statutes should be made for the government of the said College in order to promote education, religion, learning and research:

And whereas the Universities of Oxford and Cambridge Act, 1923, has established a body styled the University of Cambridge Commissioners for the purpose of making statutes and regulations for the University its colleges and halls and any emoluments endowments trusts foundations gifts offices or institutions in or connected with the University in general accordance with recommendations contained in the Report of the Royal Commission referred to in the preamble of the said Act:

Now we the University of Cambridge Commissioners being assembled on the seventeenth day of November nineteen hundred and twenty-five at a meeting at which more than three Commissioners are present do hereby in the exercise of the powers conferred upon us by the said last mentioned Act (and of any other powers thereto enabling us) make the Statutes following wholly for the said College.

ALTERATIONS AND AMENDMENTS TO THE 1926 STATUTES

The 1926 Statutes have been altered and amended on the following occasions:

Number key	Amending Statutes	
	Made by the College	Approved by Order in Council
1	21 June 1937, 6 December 1937	6 May 1938
2	23 May 1938, 6 June 1938	2 February 1939
3	1 December 1941, 15 April 1942	23 July 1942
4	20 November 1944, 15 January 1945	9 May 1945
5	21 February 1949, 14 March 1949	28 July 1949
6	30 July 1951, 16 October 1951	10 March 1952
7	23 June 1955, 7 November 1955	23 February 1956
8	16 January 1956, 12 March 1956	3 August 1956
9	23 January 1961, 6 March 1961	2 August 1961
10	22 January 1962, 30 April 1962	24 August 1962
11	8 May 1967, 22 June 1967	26 January 1968
12	9 October 1967, 20 November 1967	22 March 1968
13	25 June 1970, 23 November 1970	5 April 1971
14	27 January 1975, 3 March 1975	25 June 1975
15	14 March 1983, 9 May 1983	21 December 1983
16	Not applicable	26 July 1995

An Emergency Statute was made by the College 20 December 1939, approved by the Visitor 22 December 1939, and terminated on 30 September 1948 by Order in Council.

TABLE OF ALTERATIONS AND AMENDMENTS

In this table the numbers set in bold type refer to the number key of the list above. They show on what occasions a Statute was altered or amended. A number in brackets indicates the number of the Statute in the Statutes in force before that occasion (an asterisk indicates that the Statute was renumbered but not otherwise changed). The occasion of the making of a new statute is also indicated in brackets.

Statute	Statute
1. 15,13,11,9,1	37 13(42*), 1 (43)
2.	38 14,13(43&),11,1(42)
3. 9, 1	39 14(44*), 11, 1(45)
4. 9, 1	40 13(47*),7,1(44)
5.	41 13(47*)7,1(44)
6. 1	42 13 (49*),1(50)
7.	43 13(50*), 1(50)
8.	44 13 (51*), 1(52)
9. 9, 1	45 13,(52*), 11,1(53*)
10. 13	46 16,13(54*), 9,1(55)
11. 9, 1	47 13(55*), 1(46)
12. 1	48 13(56*), 1
13. 13, 9, 1	49 13(New Statute)
14. 9	50 16,13(57),1
15. 13, 9, 1	51 13(58), 1
16. 9, 1	52 13(59*), 1
17.	53 13(60*), 1(New Statute)
18. 1	54 13(61*), 1 (New Statue)
19. 13,9,1	55 13(61A*).11 (New Statute)
20. 1	
21. 1	56 13(61A), 11(New Statute)
22. 9, 1	
23. 16, 9, 1	57 13(62*), 1,(60*)
24. 12, 1	58 13(63*), 1(61*)
25. 16, 9, 1	59 13(64*),10, 1(62*)
26. 13, 11, 1	60 13(65*), 1(63*)
27. 13(28), 1	62 13(66*), 1(64*)
28. 13(29*), 1	63 13(68*), 8, 1(66)
29. 13(33*), 11, 9, 5, 1	64 13(69*), 8, 2 1(67)
30. 13(34*), 11, 9, 1	65 13(70*), 1(68*)
31. 13(35), 11, 7, 5, 1	66 13(71*), 1(68*)
32. 13(36*), 1	67 13(72*), 1(70*)
33. 13(37*)	68 13(73), 1(71*)
34. 13(38),11,7,1	69 13(74*), 1(72)
35. 13(40*), 1	70 13(75*), 1(73)

71. 13(76*), 1(74*)	90 14, 13(100*), 11, 1(98)
72. 13(77*), 1(75*)	91 14, 13 (New Statute)
73. 13(78), 1(76*)	92 13(101*), 1(8-99*)
74. 13 (79*), 1(77)	93 13(102*), 1(101*)
75. 13(80), 1(78*)	94 13(103*), 1(101*)
76. 13(81*), 1(79*)	95 13(104*), 1(102*)
77. 13(82*), 1(808)	96 13(105*), 1(103)
78. 13(83), 11 1(81)	97 13(106*),1(104)
79. 13(83A), 6 (New Statute)	98 13(107*), 1(105)
80. 13 (83B), 6 (New Statute)	99 13(108A*) 11 (New Statute)
81. 13(New Statute)	
82. 13(83C), 6 (New Statute)	100 16, 13(109*), 1(107*)
83. 13 (New Statute)	101 13(110*), 9, 1(108)
84. 1(82*)	102 13(111*), 1(109*)
85. 1(83*)	103 13(112*),1(110)
86. 1(84*)	104 13(113*), 1 (New Statute)
87. 13(88), 1(86*)	105 13(114*), 9, 3(New Statute)
88. 13(94*), 11, 4, 1(92)	
89. 13(99), 11, 1(97*)	106 16(New Statute)

THE CONSTITUTION OF THE COLLEGE

1. The Foundation of the College shall consist of a Master (or ‘Keeper’) and Fellows.

The College shall also include the following other members:

- (i) Honorary Fellows,
- (ii) Emeritus Fellows,
- (iii) Visiting Fellows,
- (iv) Scholars, Exhibitioners and Research Students elected,
- (v) Bye-Fellows and Fellow-Commoners elected, and
- (vi) (vi) other persons admitted, in the manner hereinafter provided by these Statutes.

The term Fellow when used in these Statutes without qualification shall include both a Fellow who is a member of the Governing Body (as defined in Statute 3) and a Research Fellow but shall not include an Honorary Fellow, an Emeritus Fellow, a Visiting Fellow, a Bye-Fellow or a Fellow-Commoner.

THE VISITOR

2. The Bishop of Ely for the time being shall be, as heretofore, Visitor of the College.

THE GOVERNMENT OF THE COLLEGE

3. The government of the College and the control and management of all its affairs, except as hereinafter provided, shall be vested in the following Governing Body assembled at a Meeting duly held:

The Master

The Official Fellows

The Professorial Fellows

The Supernumerary Fellows.

Meetings of the Governing Body

4. The Master may, whenever he shall deem it expedient, and shall at least once in every term, summon a Meeting of the

Governing Body, of which Meeting he shall – save and except in circumstances deemed by him to be urgent – give at least seven clear days' notice.

In the case of a vacancy in the Mastership or in the absence or illness of the Master, if no *locum tenens* has been appointed as hereinafter provided, this duty shall devolve on the senior member of the Governing Body present in the University.

5. At all Meetings of the Governing Body the Master, if present, shall preside *ex officio*. If the Master is absent, and if no *locum tenens* has been appointed as hereinafter provided, the senior Fellow present shall preside. The Governing Body may act at any Meeting duly held in accordance with these Statutes notwithstanding the absence of any one or more of the Members of the Governing Body.

6. All questions brought forward at Meetings of the Governing Body shall, except as is otherwise specially provided in these Statutes, be decided by the majority of votes of those present and voting – the Master, or, in his absence, his *locum tenens* or the presiding Fellow, having, besides his own vote, a casting vote in case of equality.

7. It shall be competent for the Master in his sole discretion to stay the execution of any order made and decided at any Meeting of the Governing Body until the next succeeding Meeting of the Governing Body but no longer.

8. It shall be lawful for the Governing Body assembled at any Meeting to adjourn such Meeting to such day and hour as they shall then specify.

9. If so requested by at least three members of the Governing Body, it shall be the duty of the Master (or, if there is a vacancy in the Mastership, of the senior member of the Governing Body present in the University) to summon a Meeting of the Governing Body; and if, when so requested, he shall fail to summon such Meeting within three days from the receipt of such request, then the members of the Governing Body preferring the request shall have power to summon it. Of such Meeting seven clear days' notice shall be given accompanied by a written statement specifying the objects of the desired Meeting, and no business not so specified shall be considered or transacted at that Meeting.

Common Seal

10. The Common Seal shall be kept in some safe place and shall be secured with two different locks, the keys of which shall be severally kept by the Master and a Fellow to be appointed from time to time by the Governing Body.

If either of them shall be absent from the University for any long time, he shall deposit this key with a deputy, but no one shall have the two keys in his keeping at the same time.

The Seal shall not be affixed to any writing or document except in pursuance of a resolution passed at a Meeting of the Governing Body.

Orders and Ordinances

11. A record shall be kept of all Orders passed at Meetings of the Governing Body.

There shall also be kept a body of Ordinances made from time to time, as hereinafter laid down, by the Governing Body. No motion shall be brought forward at a Meeting of the Governing Body to add to or to alter or to repeal Ordinances unless notice in writing of such motion has been sent to all the members of the Governing Body at least thirty days previous to the Meeting in question. No such addition, alteration or repeal shall be made unless with the consent of two-thirds of those present and voting at such Meetings.

Attendance of Fellows at Meetings

12. Any Fellow who, being duly summoned on at least fourteen days' notice to a Meeting of the Governing Body or of the Fellows held under these Statutes for any of the following purposes:

Election of a Master or a Fellow,

Alteration or repeal of or addition to these Statutes,

Audit, shall fail to attend, shall be fined ten pounds unless the Governing Body shall be satisfied that he had just cause of absence.

Executive Council

13. The Governing Body may from time to time at a Meeting specially summoned for the purpose appoint an Executive Council to have, until the first day of October next following, such of the powers of the Governing Body as shall be prescribed at such Meeting. Such Executive Council shall be appointed only with the consent of two-thirds of those present and voting. Such Executive Council shall consist of the Master (who, if present, shall preside and shall have a casting vote in case of equality), the senior Tutor, the Senior Bursar, and six other members elected by the Governing Body from their own number.

THE MASTER

Election of Master

14. The election of the Master shall be vested in those Fellows who are members of the Governing Body who shall choose as Master the person who in their judgment shall be best qualified to preside over the College as a place of education, religion, learning and research.

15. When the Mastership is about to become vacant but within one hundred and eighty days before the occurrence of the vacancy, or on the day succeeding that on which the vacancy of the Mastership becomes known, it shall be the duty of the senior Fellow, being a member of the Governing Body, then present in the University to call together the other members and announce to them the prospective or actual vacancy; they shall then fix the day, hour and place for the election of a new Master, such day to be not earlier than the fourteenth and not later than the thirtieth after that on which they meet, and shall cause notice of the day, hour and place for the election to be given to all the Fellows who are members of the Governing Body. If the Fellows assembled accordingly shall so determine, the election shall be postponed for any further period not exceeding ninety days from the date of vacancy of the Mastership.

16. The election shall be conducted in the following manner. The electors shall assemble in the College Chapel or such other place as may have been determined. The senior Fellow present, and after him the other Fellows in their order, shall then make the following declaration: 'I, *M.N.*, do solemnly declare that without fear or favour I will choose as 'Master the person that shall be in my judgment most fit to secure the 'good government of the College as a place of education, religion, 'learning and research'; which declaration shall be repeated in case the Fellows have occasion again to assemble for the election. After all the electors have made the foregoing declaration, the senior Fellow present and the junior Fellow present shall stand in scrutiny, and shall first write on separate papers, and independently of each other, the names of the persons for whom they vote and their own names, and shall then receive the votes, similarly and independently written, of the other Fellows in order. The junior scrutator shall then read aloud the votes of all the Fellows, and if it shall appear that a majority of the Fellows present are in favour of one person, the senior Fellow present shall pronounce him elected. But if no person shall have obtained the votes of a majority, the Fellows shall proceed at once to a second scrutiny, and, if necessary, to a third scrutiny, which shall be held within three days.

17. If a majority of the Fellows present shall not even at the third scrutiny agree in voting for one person, the appointment of a Master shall lapse for that turn to the Visitor.

Admission of Master

18. The person elected or appointed Master shall read aloud and then sign the following declaration: 'I, *M.N.*, elected (or appointed) Master 'of Peterhouse, do solemnly declare that I will observe the Statutes, 'Ordinances and Orders of the College, and cause them to be observed 'by others, so far as in me lies: and will observe and defend its rights, 'liberties, privileges, and possessions of whatever kind they be.' He shall then be admitted Master by the senior Fellow present.

19. If any person so elected or appointed shall die before admission, or shall refuse to accept the Mastership, or omit to make the said declaration within the space of four months after the date of the vacancy,

or of his election or appointment, whichever date is the later, the Mastership shall be deemed vacant and those Fellows who are members of the Governing Body shall forthwith proceed to a fresh election in the manner aforesaid.

Duties of Master

20. It shall be the duty of the Master to be present at Meetings of the Governing Body and to pay special attention to everything relating to the welfare of the College, over the affairs of which he shall exercise a general superintendence. He shall have power, in all cases not provided for by these Statutes or by Ordinance or Order, to make such provision for the good government and discipline of the College as he shall think fit.

21. The Master shall not be absent from the College more than one hundred and fifty days in any calendar year, nor more than one-third in all of any one Term, without grave cause to be approved at a Meeting of the Governing Body.

Locum Tenens

22. When and so often as the Master is absent from the College for any long time, and always if during Term he shall be absent for more than seven days continuously, he shall appoint one of the members of the Governing Body, according to his discretion, to act as his *locum tenens* during his absence. He shall also appoint one of the members of the Governing Body to act as his *locum tenens* during a temporary illness. Failing the appointment of a *locum tenens* by the Master the Governing Body may proceed to appoint one of their number as a *locum tenens*. During his term as *locum tenens* so appointed, such member of the Governing Body shall exercise and perform all the functions and duties and shall have all the powers and authorities of the Master but shall receive no portion of the Master's emoluments.

Incapacity of Master

23.[*Repealed*]

Term of Appointment of Master

24. The term of Appointment of the Master shall be a fixed-term of seven years (or such other fixed-term period as the Governing Body may decide). The Mastership shall be vacated no later than the last day of the Easter Term of the calendar year in which the fixed-term expires. However if, at the date of his election or appointment, the Master shall already have attained the age of sixty-three years, the Mastership shall be vacated no later than the last day of the Easter term of the seventh calendar year following that in which he was elected or appointed; or of the calendar year in which the Master shall attain the age of seventy-three years, whichever shall be the earlier. The Term of Appointment of the Master shall be non-renewable. The Master may resign the office of Master at any time by giving six months' written notice to the senior Fellow or such lesser period of notice as the Governing Body may allow.

25. Deprivation of Master

[Repealed]

THE FELLOWS

Classes of Fellowships

26. There shall be the following classes of Fellowships, tenable as hereinafter laid down:

- Official Fellowships.
- Research Fellowships.
- Professorial Fellowships.
- Supernumerary Fellowships.

All Fellowships shall be non-stipendiary, except Research Fellowships which may be stipendiary.

Qualifications of Fellows

27. Unless the Governing Body shall determine otherwise in any particular case the Fellows shall be Graduates. They shall be of good moral conduct and such as, in the judgment of the Governing Body, are most fit to be Fellows of the College as a place of education, religion, learning and research.

Election of Fellows

28. The election of Fellows shall be vested in the Governing Body. The Class of Fellowship (Official, Research, Professorial or Supernumerary) for which a candidate is proposed or into which an election is made shall be specified at the time of such proposal or election. The election shall be carried out in the manner hereinafter laid down.

Election into Fellowships

29. The Master or any member of the Governing Body shall have power, on written notice of his proposal being previously given by him to all other members of the Governing Body, to propose at a Meeting of the Governing Body at any time as candidate for a Fellowship any person who is eligible under these Statutes to hold such Fellowship. Provided that a person not being or having been a Fellow may be proposed as a candidate for a Supernumerary Fellowship only if the number of supernumerary Fellows has fallen or is about to fall below ten.

30. If any such candidate is approved by a majority of those present at the Meeting aforesaid, then the Master (or, if there is a vacancy in the Mastership, the senior member of the Governing Body present in the University) shall send notice to the members of the Governing Body announcing the name of the candidate and the class of Fellowship into which it is proposed to elect him and summoning them to meet for the purpose of making the election. He shall give at least fourteen clear days' notice of such Meeting.

31. If on the day for which notice of election is given it appears that there is not present a majority of the Governing Body, there shall be no election. If a majority of the Governing Body is present they shall proceed to the election, and the candidate shall be held to be elected if he obtains the votes of a majority of the Governing Body present.

The resolution proposing the election of the candidate shall state the date of commencement of his tenure of a Fellowship and any conditions of tenure attached to it.

Admission of Fellows

32. Every Fellow elected shall as soon as possible after his first election to a Fellowship be admitted by the Master in the presence of the Fellows having first read aloud, and then signed, the following declaration: ‘I, *A.B.*, elected Fellow of Peterhouse, do ‘solemnly declare that I will observe all the Statutes, Ordinances and ‘Orders of the College so far as in me lies; that I will be ‘faithful and well disposed towards the College, and that I will obey the ‘Master thereof in all things lawful and proper.’

He shall be so admitted after a subsequent election to a Fellowship unless such subsequent election shall have taken place before or within four calendar months after the termination of his previous tenure of a Fellowship.

Fellows to Proceed to Degrees

33. Every Fellow who at the time of his election has not taken any degree qualifying him to be a member of the Senate, shall proceed to some degree so qualifying him as soon as he is of standing to take such degree or in any case within one year from such time.

Official Fellowships

34. An Official Fellowship shall be tenable only by

- (i) the following College Officers: Tutor, Senior Bursar, Domestic Bursar, Dean, College Lecturer, or
- (ii) a person who has been qualified under (i) for twenty years, has attained the age of sixty years and is a University teaching or administrative officer.

35. An Official Fellowship shall terminate after five years’ tenure. If at any time the Fellowship held by an Official Fellow has terminated or is about to terminate, and if he shall continue to be eligible for an Official Fellowship, he shall be capable of re-election into an Official Fellowship.

Research Fellowships

36. There shall be at least one Research Fellowship.

37. A Research Fellow shall be elected in the first instance for three years. When the Fellowship held by a Research Fellow has terminated or is about to terminate, he shall be capable of re-election into a Research Fellowship for a further and final period of one, two or three years.

38. The Governing Body shall, at the time of election or re-election of a Research Fellow, lay down such other conditions of tenure as they shall think fit; provided that his tenure shall be conditional during the whole period thereof (except a period not exceeding one year in all) on his pursuing a course of study or research to the satisfaction of the Governing Body, unless excused by the Governing Body for grave cause.

The emoluments of a Research Fellow shall be fixed from time to time by the Governing Body and shall be subject to such deduction as the Governing Body may determine if a Fellow holds a University or other office or post or holds any Scholarship Exhibition or Research Studentship.

The emoluments of a Research Fellow may, at his option, be pensionable.

Professorial Fellowships

39. The College shall comply with the Statutes of the University as to Professorial Fellowships and the Master shall inform the Vice-Chancellor if at any time the number of Fellowships so held shall fall below the number required by the Statutes of the University to be so held.

Vacation of Fellowships

40. The Fellowship held by a person who is qualified by the Statutes of the University to hold a Professorial Fellowship, shall terminate when he ceases to be so qualified. The Fellowship held by a Supernumerary Fellow shall terminate after five years' tenure

If at any time the Fellowship held by a Supernumerary Fellow has terminated or is about to terminate, he shall be capable of re-election into a Supernumerary Fellowship.

Provided that no person shall hold a Supernumerary Fellowship after the last day of that academical year in which he shall attain the age of sixty-seven years.

41. No Fellow shall hold more than one Fellowship at the same time.

No Fellow shall hold any Scholarship, Exhibition or Research Studentship in the gift of this or of any other College or University, save with the previous permission of the Governing Body.

Any Fellow who becomes Master, or any Fellow who becomes either the Head or a Fellow of any other College or Approved Foundation in this University or in the University of Oxford, shall thereby and thereupon vacate his Fellowship in this College.

42. Whenever in these Statutes it is provided that a Fellowship shall terminate after tenure for a prescribed period of years, the said period shall be reckoned from the first day of October in the calendar year of the Fellow's election.

43. Any Fellow who holds his Fellowship on condition of his occupying some qualifying Office in accordance with Statute 34 or of his fulfilling any other terms or conditions prescribed in these Statutes, who shall cease to occupy such Office or, in the judgment of the Governing Body, has ceased to fulfil such terms and conditions, shall thereby and thereupon vacate his Fellowship

Provided that

(i) any Fellow who vacates an aforementioned qualifying Office merely by reason or for the purpose of accepting some other Office which will qualify him to hold his Fellowship, which Office he shall accept and hold within one calendar month of his vacating his former Office, shall for the purposes of this Statute be deemed to be continuously the holder of a qualifying Office;

(ii) any Fellow who vacates any such Office, tenable for a limited time, to which he shall be re-eligible, shall for the purposes of this Statute be deemed to hold such Office until the next election or appointment thereto, if such next election or appointment shall take place within three calendar months from the time of his vacating the same.

Precedence of Fellows

44. Each Fellow shall take precedence after the Master according to the order of his last admission as Fellow.

Address of Fellows

45. Every Fellow shall leave with such person as the Governing Body shall appoint an address to which notices intended for him are to be sent; and in all cases in which by these Statutes notice is required to be given to any Fellow, it shall be sufficient that the notice be sent to this address by post, and a notice so sent shall be deemed to have been given at the time at which the notice would have been delivered at such address in the ordinary course of post.

Suspension and Deprivation of Fellows

46. If any Fellow (not being a member of the academic staff to whom Statute 106 applies) is charged either by the Master, or before the Master by three or more of the members of the Governing Body, with neglect of duty or misconduct, the Master shall, within seven days of such charge being made, summon a Meeting of the Governing Body excepting the Fellow charged. At the Meeting so convened the Governing Body shall inquire into the charge without in the first instance hearing the Fellow charged, and shall decide whether there is or is not *prima facie* ground for further investigating the same. If they decide that there is not such ground, the charge shall not be further proceeded with. If they decide that there is such ground, the Master shall at once inform the Fellow charged of their decision, shall give him a specification of the charge, and shall summon a Meeting of the Governing Body, excepting the Fellow charged, for the purpose of a full investigation of the charge; and shall at the same time give to the Fellow charged notice of the day and hour of such Meeting. In fixing the day and hour of such Meeting the Master shall give due consideration to the interests both of the College and of the Fellow charged. At this second Meeting they shall fully investigate the charge, giving the said Fellow an opportunity of being heard in his defence. They shall then decide on the charge, the said Fellow not being present at the voting. If they decide that the charge or part thereof is

proved, they may adjudge that the said Fellow be subjected to any one or more of the following penalties:

Censure by the Master.

Deprivation of any Office or Offices which he may hold.

Suspension of his Fellowship.

Deprivation of his Fellowship.

Expulsion from the College.

Such decision and such judgment shall be forthwith recorded and a written statement of the same shall be sent within three days to the said Fellow. The said Fellow may at any time within thirty days from the day on which he shall receive such statement appeal to the Visitor against such decision and judgment. If he so appeals, the Visitor shall inquire into the charge and shall confirm, reverse or vary such decision and judgment as he shall think fit. If the said Fellow does not within such thirty days make such appeal or does not duly prosecute the same, the aforesaid decision and judgment of the Governing Body shall be final.

Emeritus Fellows

47. The Governing Body at a Meeting to be held for the purpose, and by a vote in which not less than two-thirds of the votes of the whole Governing Body shall concur, may elect a former Master or Fellow of the College to be an Emeritus Fellow.

Honorary Fellows

48. The Governing Body at a Meeting to be held for the purpose, and by a vote in which not less than two-thirds of the votes of the whole Governing Body shall concur, may elect any person whom they may consider it desirable so to distinguish to be an Honorary Fellow.

Visiting Fellows

49. There shall be such number of Visiting Fellowships as the Governing Body shall from time to time determine. Election to Visiting Fellowships shall be vested in the Governing Body, who shall determine from time to time the conditions and tenure of Visiting Fellowships.

Every Visiting Fellow shall be admitted to his Visiting Fellowship by the Master in the presence of the Fellows, having first read aloud and then signed the following declaration: 'I, A.B., elected Visiting Fellow 'of Peterhouse, do solemnly declare that I will observe the Statutes, 'Ordinances and Orders of the College so far as they concern me; that I 'will be faithful and well disposed towards the College; and that I will 'obey the Master thereof in all things lawful and proper.'

THE COLLEGE OFFICERS

Appointment and Duties of College Officers

50. The Governing Body shall appoint such number of Tutors as they shall from time to time determine, a Senior Bursar, a Domestic Bursar, a Dean, a Praelector, a Steward, and such number of College Lecturers and other Officers as they may from time to time determine.

Subject to Statute 106 the duties, tenure, emoluments and other conditions of these Offices shall be fixed from time to time by the Governing Body.

Retirement of College Officers

51. Any Tutor, Bursar, Dean, or College Lecturer shall vacate his Office upon the last day of that academical year in which he shall attain the age of sixty-seven years.

ADMISSION

52. The Governing Body shall from time to time, by Ordinance or Order, make such regulations as they think fit as to admission to the College, provided always that no person may be admitted to residence as a member of the College *in statu pupillari* unless he is qualified to be matriculated.

THE BYE-FELLOWS

53. There shall be such number of Bye-Fellowships as the Governing Body shall from time to time determine. Election to Bye-Fellowships shall be vested in the Governing Body, who shall determine from time to time the conditions, tenure and emoluments of Bye-Fellowships.

Every Bye-Fellow shall be admitted to his Bye-Fellowship by the Master in the presence of the Fellows, having just read aloud and then signed the following declaration: 'I, *A.B.*, elected Bye-Fellow of Peterhouse, do solemnly declare that I will observe the Statutes, Ordinances and Orders of the College so far as they concern me; that I will be faithful and well disposed towards the College; and that I will obey the Master thereof in all things lawful and proper.'

54. The Governing Body may at any time in their discretion deprive any Bye-Fellow of his status as such or of the whole or any part of his emolument, or may inflict either or both these penalties either temporarily or absolutely.

THE FELLOW-COMMONERS

55. There shall be such number of Fellow-Commonerships as the Governing Body shall from time to time determine. Election to Fellow-Commonerships shall be vested in the Governing Body, who shall determine from time to time the conditions and tenure of Fellow-Commonerships. Every Fellow-Commoner shall be admitted to his FellowCommonership by the Master in the presence of the Fellows, having first read aloud and then signed the following declaration: 'I, *A.B.*, elected Fellow-Commoner of Peterhouse, do solemnly declare that I will observe the Statutes, Ordinances and Orders of the College so far as they concern me; that I will be faithful and well disposed towards the College; and that I will obey the Master thereof in all things lawful and proper.'

56. The Governing Body may at any time in their discretion deprive any Fellow-Commoner of his status as such and may inflict this penalty either temporarily or absolutely.

THE SCHOLARS, EXHIBITIONERS, ETC.

**THE SCHOLARS, EXHIBITIONERS, RESEARCH STUDENTS
AND PRIZEMEN General Regulations**

57. There shall be such number of Scholarships, Exhibitions, Studentships and Prizes as the Governing Body shall from time to time determine. In the designation of these awards, the names of Benefactors shall, so far as is possible, be commemorated.

58. Scholarships shall be of the following classes:

- (i) Entrance.
- (ii) Senior.

Senior Scholarships shall be awarded only to students who have begun residence.

Election

59. Election to all Scholarships, Exhibitions and Studentships shall be vested in the Governing Body, who shall determine from time to time, subject to the provisions of these Statutes, the conditions, tenure and emoluments of Scholarships, Exhibitions and Studentships

Provided that

(i) Entrance Scholarships and Entrance Exhibitions shall be awarded only on the results of an open examination held for the purpose; (ii) Entrance Scholarships (except at most one Entrance Scholarship in any one academic year) shall be awarded only to candidates who have not attained the age of nineteen years and 3 months before the first day of the month in which the examination for Entrance Scholarships begins; and

(iii) no one shall hold a Scholarship or Exhibition after he is of standing to take the degree of Master of Arts in this University.

60. Every person elected to any Scholarship or Exhibition or Studentship shall, if not admitted already a member of the College, forthwith procure admission thereto, and shall receive no emolument until he has been admitted and has begun residence, or, in the case of a Studentship, has been specifically exempted from residence by the Governing Body.

Admission of Scholars

61. Every Scholar shall be admitted to his Scholarship by the Master. He shall previous to his admission first read aloud and then sign the following declaration: 'I, *M.N.*, elected Entrance Scholar [or Senior 'Scholar] of Peterhouse, promise that I will in all things lawful and 'proper obey the constituted authorities of the College, and will set an 'example of order, diligence, and good conduct to the other students of 'the College.'

Emoluments

62. Save as hereinafter provided no payment of any emolument shall be made to any person *in statu pupillari*, not being a Bye-Fellow of the College, from the general revenues of the College or from any fund under the control of the College, unless the Governing Body hold it to be justified by his financial circumstances. In fixing any such payment the Governing Body shall pay heed to any general principles that may be laid down by the University Intercollegiate Advisory Committee on Scholarships.

The following emoluments may be paid to persons *in statu pupillari* without regard to their financial circumstances:

- (i) the Rooms Allowance of Scholars hereinafter mentioned;
- (ii) the emolument of an Exhibitioner;
- (iii) the emoluments of any Scholarship held by a person who has been admitted or is qualified to be admitted to a degree and who satisfies the Governing Body that he intends to pursue a course of research;
- (iv) the emolument of any Studentship held by any person who has been admitted to the status of Research Student in the University;
- (v) prizes awarded for success in any examination or competition of the College or University;
- (vi) emoluments payable out of any trust fund which by the direction of the donor, so long as his direction is legally binding on the College, or by regulations made for the time being by any legally competent authority other than the College, are required either expressly or by necessary implication to be paid without regard to financial circumstances, or if the application to them of the rule contained in the foregoing section is clearly incompatible with the objects of the trust;
- (vii) payments for services rendered.

THE SCHOLARS, EXHIBITIONERS, ETC.

63. The titular emoluments of Scholarships shall be such sums not less than sixty pounds a year and not more than one hundred pounds a year as the Governing Body may from time to time determine

Provided that

(i) the only part of the titular emolument of his Scholarship which shall actually be payable to a Scholar irrespective of his own and his family's pecuniary circumstances shall be a sum equivalent to the rent of his rooms or an allowance not exceeding fifty pounds a year,

(ii) any part of the titular emolument additional to the allowance for rooms specified in (i) shall be paid or allowed to him only if and in so far as the Governing Body, having regard to the principles governing the receipt of emolument to be laid down from time to time in pursuance of the Statutes of the University, shall in their discretion determine that such supplementary payment is from time to time justified by his financial circumstances,

(iii) in the event of a Scholar being allowed to come into residence during the Long Vacation he shall not be charged for rent or rates of rooms during such residence.

64. The emolument of an Exhibitioner shall not exceed forty pounds a year.

Deprivation

65. The Governing Body may at any time, in their discretion, deprive any Scholar, Exhibitioner or holder of a Research Studentship of his status as such, or of the whole or any part of his emolument, or may inflict either or both these penalties either temporarily or absolutely.

THE MEMBERS OF THE COLLEGE
IN STATU PUPILLARI

Tutor

66. Every member of the College *in statu pupillari*, not being a ByeFellow, shall have a Tutor until he is of standing to proceed to the degree of Master of Arts.

Fees

67. Members of the College *in statu pupillari* shall pay such fees and such charges at such times as the Governing Body shall from time to time determine.

Discipline

68. All members of the College *in statu pupillari* shall show due respect and obedience to the Master, Fellows and Officers of the College and shall satisfy them as to diligence and progress in study; they shall conduct themselves in a quiet and orderly manner, shall observe the Statutes, and shall conform to all such regulations as may be made by the Governing Body from time to time for the good government of the College.

69. The Governing Body may at any time, in their discretion, inflict the penalty of expulsion from the College or any less penalty upon any member *in statu pupillari*.

The Master may, in his discretion, inflict the penalty of temporary removal or any less penalty.

The Governing Body may from time to time assign such disciplinary powers as they may think fit to any of the Tutors, Fellows, or College Officers.

Provided that the penalty of expulsion shall be inflicted only by the Governing Body.

THE MEMBERS OF THE COLLEGE

**RELIGIOUS INSTRUCTION AND
DIVINE SERVICE**

70. In pursuance of sections 5 and 6 of the Universities Tests Act, 1871, the Governing Body shall appoint some one or more persons to the Offices of Catechist and Chaplain, and shall provide a stipend or stipends for such person or persons from the College revenues and may make from time to time such other regulations as they deem expedient for the due celebration of Divine Service and for the due maintenance of religious instruction in the College.

FINANCE Keeping of Accounts

71. Full accounts shall be kept of the receipts and expenditure of the College, whether the same relate to funds administered for general or special purposes or in trust or otherwise; and shall be kept in the form prescribed from time to time by the Governing Body.

72. Such accounts shall be kept by such Officer or Officers as the Governing Body shall from time to time appoint for this purpose. Each such Officer shall receive all moneys paid into the fund which he administers and shall hold or expend the same in such manner as the Governing Body shall direct from time to time. He shall further, whenever the Governing Body shall so require, render an account to them of all his receipts and expenses on behalf of the College.

Audit

73. All the accounts shall in each year be audited by one or more professional Auditors appointed from time to time by the Governing Body and not members thereof. The accounts so audited shall be submitted to an annual Audit Meeting of the Governing Body. If accepted and approved by this Meeting, the accounts shall be signed by the Master. No Officer shall be deemed to have received a final quittance from the College until his accounts shall have been so accepted and approved.

Examiners of Accounts

74. The Governing Body shall appoint two or more Fellows as Examiners of Accounts. The Examiners of Accounts shall examine the accounts and shall be entitled to consult with the Auditors. They shall report in writing to the Governing Body at the Audit Meeting whether all Ordinances and Orders relating to accounts have been carried out, and, if they think fit, on matters of general financial policy.

Abstract of Accounts sent to Treasurer

75. The Auditor or Auditors shall give such certificate or certificates as are required by the University Statutes in respect of the accounts audited by them, or shall state in writing to the Governing Body their reasons for withholding them.

On or before the thirty-first day of December next after the closing of the accounts a statement of the accounts, as nearly as may be in the form prescribed by the University, shall be sent to the Treasurer of the University.

Contribution to University

76. The College shall pay to the University such sums as are authorised to be levied from the College by the Statutes of the University at such times as those Statutes require.

77. The Governing Body shall have power to charge against the income of any Trust Fund such proportion of the sums so to be paid to the University as shall be levied in respect of such Trust.

Income Tax

78. No income tax or surtax to which any person is liable in respect of any stipend or other payment from the general revenues of the College or from the Tuition Fund or any other fund shall be borne on his behalf by the said general revenues or by any such fund.

FINANCE

Powers of Investment

79. Any funds or endowments held by or on behalf of the College, whether or not subject to particular trusts or restrictions, may be invested by the Governing Body in property or securities of any class or description, subject to the next following Statute, and may also be applied for any purpose for which capital moneys arising under the Universities and College Estates Acts 1925 and 1964, may be applied.

80. The foregoing Statute shall not extend to

(i) investments which are expressly forbidden by the instrument creating any trust;

(ii) the investment of funds held under trusts of which the College is not sole trustee and which were created within the period of sixty years immediately prior to the coming into operation of this Statute.

81. Any money (not being rent) payable as a consideration on a sale or exchange of land effected by the College under these Statutes or any fine or premium received on the grant of a lease or any money received in respect of any transaction which under the provisions of the Universities and College Estates Acts 1925 and 1964 would have constituted capital money shall be capital money and shall not be applied as income.

82. In these Statutes ‘property’ includes land (whether freehold or leasehold) and ‘securities’ includes loans, funds, bonds, notes, annuities, debentures, debenture stock, shares and stock (whether ordinary or of any other class) and shares not fully paid and other securities of all sorts; and any securities may be required notwithstanding that they are redeemable at any time or that the purchase price exceeds the redemption value.

83. In relation to the management, development, improvement, sale, lease, mortgage or other disposition of any land or any estate or interest therein held by the College or to the acquisition of any land or any estate or interest therein the Governing Body may exercise any power and may carry out any transaction which an individual holding or acquiring such land, estate or interest for his own benefit could exercise or carry out.

Tuition Fund

84. All the fees paid to the College in respect of tuition or examinations shall be paid into a Tuition Fund. The Governing Body shall determine from time to time what payments shall be made from that Fund to the University and to the Tutors and College Lecturers and what other payments and expenses the Fund shall bear.

The tuition fees shall be of such amount that the Tuition Fund is normally self-supporting, and no contribution shall ordinarily be made to the Fund from the Corporate Revenues of the College; but if in any year the income of the Fund, together with any income unapplied in previous years, whether invested or not, is insufficient to meet the charges on the Fund, the whole or any part of the deficiency may be discharged out of the Corporate Revenues of the College.

Scholarship Fund

85. The Scholarship Fund shall consist of the income now arising or that may hereafter arise from

(i) endowments for Scholarships, Exhibitions, Student ships and Prizes;

(ii) any other moneys which the Governing Body shall from time to time assign.

86. The Fund shall defray the expenses of Scholarship examinations and such portion (if any) of the contribution payable by the College to the University under these Statutes as shall be charged in respect of the Fund.

87. The Scholarship Fund shall be applied to Scholarships, Exhibitions, Studentships and Prizes.

Master's Stipend

88. The Governing Body shall fix the stipend of the Master. If the Master holds a University or other appointment, this sum shall be subject to such deduction as the Governing Body shall determine in any particular case. Otherwise, the stipend of the Master shall not be reduced without his consent.

FINANCE

Pensions

89. The Tutorship or Tutorships, the Senior Bursarship, the Domestic Bursarship, a College Lectureship, and the Office of Dean shall be the Pensionable Offices of the College.

Provided that

(i) the Governing Body shall have power to add to or to remove from the category of Pensionable Offices from time to time by Ordinance any other College Office or Offices;

(ii) no such addition or removal shall be made in respect of any such other Office during tenure without the consent of the holder.

90. Any person holding one or more of the following appointments shall be subject to such superannuation scheme or schemes as the Governing Body shall from time to time approve:

(i) the Mastership,

(ii) a Pensionable Office.

The Superannuation System shall apply to the aggregate annual amount of the regular stipends received in respect of the above appointments; but shall not apply to any fees or other payments for lecturing or other work received by a College Officer outside his regular stipend from the College, notwithstanding that such fees or other payments may be paid him by or through the College.

91. Subject to the provisions of these Statutes, the Governing Body shall have power to make such regulations in connection with the superannuation scheme or schemes as they think fit, and to determine any questions relating thereto.

Provided that any person required to join a superannuation scheme may opt with the consent of the Governing Body to make, in respect of part or all of his stipend, such other superannuation provision as may from time to time be approved by the Governing Body.

PRESENTATION TO BENEFICES

92. The Governing Body shall present to the several Benefices in the patronage of the College those persons who are in their judgment best qualified to fulfil the duties belonging to the said Benefices.

Residence

93. For the purposes of these Statutes the phrase ‘present in the University’ shall be deemed to mean ‘present within five miles of the University Church’. ‘Absent from the University’ shall mean ‘not present in the University’.

Precincts of the College

94. The Governing Body shall have power to define from time to time the extent of the College precincts.

Master’s Lodge

95. The Governing Body shall from time to time assign to the Master a Master’s Lodge which shall be free of rent. The repairs, rates and taxes thereof shall be borne by the College.

Rooms in College

96. The Governing Body shall have power to assign or to withdraw from time to time at their discretion all rooms in College. The rent of all College Rooms shall be fixed from time to time by the Governing Body. Fellows and Bye-Fellows occupying rooms in College shall have them free of rent, rates and taxes.

Dinner in College

97. The expenses of the dinner of the Master, Fellows and Bye-Fellows at the common table shall be borne by the College.

College Servants

98. The Governing Body shall have power to make from time to time such arrangements as they shall think fit for the appointment, wages, conditions of service, and dismissal of College Servants

Saving of Interests

The interests and conditions of tenure of any person who before 26th January 1968 was elected Master or Fellow shall continue to be regulated by the Statutes in force immediately before that date unless

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he signifies by notice in writing, not later than one year from that date, that he elects that his interests and conditions of tenure be regulated by the Statutes in force immediately after that date.

A notice under the foregoing paragraph shall be addressed to the Master who shall report its receipt to the Governing Body; and the receipt of every such notice shall be recorded in the Minutes of the Governing Body.

Ambiguities in Statutes

100. (1) If any question shall arise in regard to the interpretation of these Statutes or of any of them it shall be decided by the Governing Body. The decision of the Governing Body shall be subject to appeal to the Visitor, provided that such appeal is made by the Master or by not less than three Fellows.

(2) In accordance with the provisions of the Education Reform Act 1988, nothing in these Statutes shall enable or require the Visitor

(a) to hear any appeal or determine any dispute relating to a member of the academic staff to whom Statute 106 applies which concerns the member's appointment or employment or the termination of that appointment or employment;

(b) to disallow or annul any Ordinance or Order of the Governing Body made under or having effect for the purposes of Statute 106.

Alterations in Statutes

101. Notwithstanding the provisions of Statute 3, every Fellow shall (in accordance with section 7 of the Universities of Oxford and Cambridge Act, 1923, and with section 2 of the Schedule to that Act) be reckoned a member of the Governing Body for the purpose of any repeal of or addition or amendment to the Statutes.

A Meeting of the Governing Body for this purpose may be summoned by the Master if he shall so determine or if he is requested so to do by not less than three of the Fellows. Notice of such Meeting and of any repeal or addition or amendment proposed shall be sent to all the Fellows at least thirty days before such Meeting. No such repeal or addition or amendment shall be made without the consent of two-thirds of those present and voting at such Meeting.

Copies of Statutes and Ordinances

102. A printed copy of the Statutes and of the Ordinances shall be given by the Master to every Fellow as soon as possible after his election.

Additional Ordinances and Orders

103. The Governing Body shall have full power, if consistent with these Statutes and with the Statutes and Ordinances of the University, to make from time to time new Ordinances and Orders and to deal with all matters not provided for in these Statutes.

Endowments

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

Elections in National Emergency

105. If the Governing Body shall declare that owing to a national emergency it is not practicable to comply with the statutable requirements for the election of Fellows, election to Fellowships, Emeritus Fellowships and Honorary Fellowships may be made under the following regulations:

- (i) The Master (or if there is a vacancy in the Mastership the senior member of the Governing Body present in the University) shall send notice to each member of the Governing Body present in Great Britain or Ireland whose address is available
 - (a) informing him that a Meeting of the Governing Body is to be held at a date not less than fourteen days after the date of the notice,
 - (b) informing him of the names of candidates and of the classes of Fellowship for which they are severally proposed, and

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- c) inviting him, if unable to attend the Meeting, to communicate his vote by letter or telegram: provided always that no election shall be invalidated by the fact that a notice has inadvertently not been sent or has not been received.
- (ii) At the Meeting elections may be made with the concurrence of the votes of a majority of the whole Governing Body, including any votes given by letter or telegram.

ACADEMIC STAFF**106. Part I – Construction Application and Interpretation**

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

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

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

3. – (1) This Statute shall apply –

- (a) to any person holding one or more of the following offices that is to say Tutor, Senior Bursar, Domestic Bursar, Dean and College Lecturer; and
- (b) to any person employed by the College to carry out teaching or research save for those holding appointments which have been excluded by the Governing Body from the scope of this Statute on the ground that the duties in that regard are only of a limited nature; and

- (c) to the Master, to the extent and in the manner set out in Part VII of this Statute.
- (2) In this Statute any reference to “academic staff” is a reference to persons to whom this Statute applies.
- (3) In this Statute references to the senior Fellow shall be construed as referring to the senior Fellow in residence.
- 4. – (1) For the purposes of this Statute the following terms have the meanings specified:
 - “dismiss” and “dismissal” refer to dismissal of a member of the academic staff and
 - (a) include remove or, as the case may be, removal from office: and
 - (b) in relation to employment under a contract, shall be construed in accordance with section 55 of the Employment Protection (Consolidation) Act 1978
 - (2) “good cause” in relation to the dismissal or removal from office of a member of the academic staff of the College, being in any case a reason which is related to conduct or capability or qualifications for performing work of the kind which the member was appointed or employed to do, means:
 - (a) conviction for an offence which may be deemed by a Disciplinary Committee appointed under Part III to be such as to render the person convicted unfit for the execution of the duties of his office or for employment as a member of the academic staff of the College; or
 - (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 IV.
- (3) In this section –
 - (a) “capability” means capability assessed by reference to skill, aptitude, health, or any other physical or mental quality; and
 - (b) “qualifications” means any degree, diploma, or other academic, technical, or professional qualification relevant to an office or position held.

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

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

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

Provided that Part III, Part IV and Part VII shall not apply in relation to anything done or omitted to be done before the date on which the instrument making these modifications was approved under subsection (9) of section 204 of the Education Reform Act 1988.

Provided also that disciplinary proceedings in relation to anything done or omitted to be done before that date may continue or be instituted after that date under the relevant College Statutes in force before that date.

(2) Nothing in any appointment made, or contract entered into, shall be construed as overriding or excluding any provision made by this Statute concerning the dismissal of a member of the academic staff of the College by reason of redundancy or for good cause:

Provided that this shall not invalidate any waiver made under section 142 of the Employment Protection (Consolidation) Act 1978.

(3) Nothing in any other Statute shall enable the Governing Body to delegate its power to reach a decision under section 10.

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

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

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

Part II Redundancy

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

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

- (a) his appointment is made, or his contract of employment is entered into, on or after 20th November 1987; or (b) he is promoted on or after that date.

(2) For the purposes of this section in relation to a person, a reference to an appointment made or a contract entered into on or after 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. The Governing Body shall have power to decide that there should be a reduction by way of redundancy either:

- (a) in the academic staff of the College as a whole, or
- (b) in the academic staff concerned with a particular field of study in the College.

11. (1) Where the Governing Body has reached a decision under section 10 it shall select the requisite members of the academic staff for dismissal by reason of redundancy.

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

12.–(1) Where the Governing Body has made a selection 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 for dismissal 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 (Appeals); and
- (d) a statement as to when the intended dismissal is to take effect.

Part III Discipline, Dismissal and Removal from Office

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

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

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

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

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

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

(3) If it appears to the Master (whether on receipt of a complaint or otherwise) that there are grounds for believing that the conduct or performance of a member of the academic staff of the College could constitute good cause for dismissal, he shall write to the person concerned inviting comment in writing and may suspend the person concerned from the performance of his duties without loss of emolument.

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

15. If the Master has determined that the matter should be considered by a Disciplinary Committee, the Governing Body shall at his request appoint such a Committee to hear the charge or charges, to determine whether the conduct or performance of the person concerned constitutes good cause for dismissal or otherwise constitutes serious misconduct

relating to his appointment or employment, and to make recommendations concerning the action (if any) to be taken as a result of the Committee's findings. Pending the consideration of such recommendations, the Master, after consulting the Governing Body, may suspend the person charged from the performance of his duties without loss of emolument.

16. A Disciplinary Committee shall consist of three persons selected by the Governing Body from a panel of seven persons appointed annually by the Governing Body. The members of the panel shall be Fellows of the College or other persons, being members of the Regent House of the University. In selecting members of the panel for appointment as members of a Disciplinary Committee, the Governing Body shall exclude the person charged, any person responsible for originating the charge (whether by making a complaint to the Governing Body or otherwise), and any person who has been involved at an earlier stage in considering the charge or charges.

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

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

(i) 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

(ii) to make any necessary administrative arrangements for the summoning of witnesses, the production of documents and generally for the proper presentation of the case before the Committee.

18. The procedure to be followed in respect of the preparation, hearing, and determination of charges by a Disciplinary Committee shall be prescribed by Ordinances made under this Statute. Such Ordinances shall ensure:

(a) that the person charged is entitled to be represented by another person, whether such person is legally qualified or not, in connection with and at any hearing of charges by a 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 to consider and respond to the new evidence; and
- (e) that any charge is heard and determined as expeditiously as is reasonable practicable.

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

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

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

(2) In any case where the charge or charges are upheld, other than where the Master has decided under sub-section (1) to dismiss the member of the academic staff concerned, the action available to the Master, after consulting the Governing Body, (not comprising a greater penalty than that recommended by the Disciplinary Committee) may be – (a) to discuss the issues raised with the member concerned; or

- (b) to advise the member concerned about his future conduct; or

- (c) to warn the member concerned; or
- (d) to suspend the member concerned for such period as the Master shall think fair and reasonable, provided that the suspension shall not extend beyond three months after the date on which the Governing Body shall have considered the Disciplinary Committee's decision, provided that no suspension without pay may be ordered unless the terms of the contract of employment of the member concerned contain provisions expressly entitling the Master to impose such a penalty; or
- (e) to take such further or other action under the member's contract of employment or terms of appointment as appears fair and reasonable in all the circumstances of the case; or (f) to combine any of the courses of action specified above.

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

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

Part IV Removal for Incapacity on Medical Grounds

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

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

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

(4) References to the member of the academic staff include, in cases where the nature of the alleged disability so requires, a responsible relative or friend, or other person with authority to act on behalf of that member, in addition to (or instead of) that member.

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

- (a) shall inform the member accordingly; and –
- (b) shall notify the member in writing that it is proposed to make an application to the member’s doctor for a medical report and shall seek the member’s consent in writing in accordance with the requirements of the Access to Medical Reports Act 1988; and
- (c) may suspend the member from the performance of his duties without loss of emolument.

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

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

(4) The procedure to be followed in respect of the preparation, hearing, and determination of a case by a Medical Board shall be prescribed by Ordinances made under this section. Such Ordinances shall ensure:

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

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

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

Part V Appeals

25. This Part of this Statute 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 of this Statute applies –

- (a) to appeals against the decisions of the Governing Body as the appropriate body (or of a delegate of that body) to dismiss in the exercise of its powers under Part II;
 - (b) to appeals arising in any proceedings, or out of any decision reached, under Part III other than appeals under section 13 (Appeals against disciplinary warnings);
 - (c) to appeals against dismissal otherwise than in pursuance of Part II or Part III;
 - (d) to appeals against disciplinary decisions otherwise than in pursuance of Part III;
 - (e) to appeals against decisions reached under Part IV; and
 - (f) to appeals arising in any proceedings, or out of any decision reached, under Part VII, including appeals against decisions reached in pursuance of section 47; and “appeal” and “appellant” shall be construed accordingly.
- (2) No appeal shall however lie against –
- (a) a decision of the appropriate body under section 10(2);
 - (b) the findings of fact of a Disciplinary Committee under Part III, or of a Tribunal under Part VII, save where, with the consent of the person or persons hearing the appeal, fresh evidence is called on behalf of the appellant at that hearing;
 - (c) any medical finding by a Board set up under section 23(3) save where, with the consent of the person or persons appointed, fresh evidence is called on behalf of the appellant at that hearing.

(3) In this Part references to “the person appointed” are references to the person appointed by the Governing Body under section 29 to hear and determine the relevant appeal.

(4) The parties to an appeal shall be the appellant and the Master and any other person added as a party at the direction of the person appointed.

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

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

(2) The Master shall bring any notice of appeal received (and the date when it was served) to the attention of the Governing Body and shall inform the appellant that he has done so.

(3) Where the notice of appeal was served on the Master outside the twenty-eight day period the person appointed under section 29 shall not permit the appeal to proceed unless he considers that justice and fairness so require in the circumstances of the case.

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

(2) The persons who may be appointed under this section are – (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 considers that justice and fairness will best be served by sitting as an Appeal Tribunal with two other persons appointed in accordance with Ordinances made under this section.

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

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

(b) one other member.

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

(2) Without prejudice to the generality of the foregoing such Ordinances shall ensure –

(a) that an appellant is entitled to be represented by another person, whether such person be legally qualified or not, in connection with and at any hearing of his appeal;

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

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

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

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

(a) remit an appeal from a decision under Part II to the Governing Body as the appropriate body (or any issue arising in the course of such an appeal) for further consideration as the person or persons hearing the appeal may direct; or

(b) remit an appeal arising under Part III for re-hearing by a differently constituted Disciplinary Committee to be appointed under that Part; or

(c) remit an appeal from a decision of the appropriate officer under Part IV for further consideration as the person or persons hearing the appeal may direct; or

(d) remit an appeal by the Master arising under Part VII for rehearing 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 Master following the finding by the Disciplinary Committee which heard and pronounced upon the original charge or charges.

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

Part VI Grievance Procedures

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

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

- (a) to matters affecting themselves as individuals; or
- (b) to matters affecting their personal dealings or relationships with other staff of the College, not being matters for which express provision is made elsewhere in this Statute.

34.–(1) If other remedies within the relevant area have been exhausted the member of the academic staff may raise the matter with the Master. (2) If it appears to the Master that the matter has been finally determined under Part III, IV or V or that the grievance is trivial or invalid, he may dismiss it summarily, or take no action upon it. If it so appears to the Master he shall inform the member accordingly.

(3) If the Master is satisfied that the subject matter of the grievance could properly be considered with (or form the whole or any part of) –

- (a) a complaint under Part III;
- (b) a determination under Part IV; or
- (c) an appeal under Part V he shall defer action upon it under this Part until the relevant complaint, determination or appeal has been heard or the time for instituting it has passed and he shall notify the member accordingly.

(4) If the Master does not reject the complaint under sub-section (2) or if he does not defer action upon it under sub-section (3) he shall decide whether it would be appropriate, having regard to the interests of justice and fairness, for him to seek to dispose of it informally. If he so decides he shall notify the member and proceed accordingly.

35. If the grievance has not been disposed of informally under section 34(4), the Master shall refer the matter to a Grievance Committee for consideration.

36. A Grievance Committee 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 Ordinances in such a way as to ensure that the aggrieved person and any person against whom the grievance lies shall have the right to be heard at a hearing and to be accompanied by a friend or representative.

38. The Committee shall inform the Governing Body whether the grievance is or is not well-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 Master from Office

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

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

41. If it appears to the Governing Body, on material presented, that the complaint raises a *prima facie* case which could, if proved, constitute good cause for the dismissal or removal of the Master from office, they shall appoint a Tribunal to hear and determine the matter. A Tribunal appointed by the Governing Body shall consist of three persons who are not Fellows of the College and are not employed by the College, as follows:

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

(b) two other persons.

42. A complaint referred to the Tribunal shall be dealt with in accordance with the procedure prescribed in sections 17 and 18, provided that the Senior Fellow shall perform any duty and exercise any power there assigned to the Master, and that for the purposes of this Part references in

those sections to a Disciplinary Committee shall be construed as referring to the Tribunal.

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

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

45. The Master may institute an appeal against the findings of a Tribunal by serving on the Senior Fellow a notice in writing setting out the grounds of the appeal. A notice of appeal shall be served within twenty-eight days of the date on which the document recording the decision appealed from was sent to the Master, provided that the person appointed to hear an appeal shall have power to hear an appeal submitted after that date if he considers that justice and fairness so require in the circumstances of the case.

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

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

48. For the purposes of this Part, references to the Senior Fellow shall, if the Senior Fellow is not in residence, or is incapacitated by illness or otherwise, be construed as referring to the senior member of the Governing Body present in the University.

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ORDINANCE A1: DISCIPLINE

(Made under Statutes 11 and 103)

1. When there is a proposal by the Governing Body to inflict upon a member of the College *in pupillari* the penalty of expulsion or of temporary removal from the College for any cause other than that of failure or failure to be classed in a University Tripos or Preliminary examination, the Governing Body, before taking a decision, shall

(a) ensure that he is fully apprised of the nature and circumstances of the offence with which he is charged, and

(b) afford him an opportunity to appear in person before the Governing Body and to offer such defence or make such statement as he may think proper.

(c) In the case of failure or failure to be classed in the University Tripos or Preliminary Examination that the Governing Body provide that the case of the undergraduate concerned be investigated in the first instance by a committee of the Governing Body to which the member of the College *in statu pupillari* may make representation in person.

2. When there is a proposal by the Master to inflict upon a member of the College *in statu pupillari* the penalty of temporary removal from the College, the Master, before taking a decision, shall

(a) ensure that he is fully apprised of the nature and circumstance of the offence with which he is charged, and

(b) afford him an opportunity to appear in person before the Master and to offer such defence or make such statement as he may think proper.

3. When a member of the College *in statu pupillari* appears before the Governing Body as provided in paragraph 1(b) above, or before a committee of the Governing Body as in paragraph 1(c) above, or appears before the Master, as provided in paragraph 2(b) above he may be accompanied by a member of the Governing Body of the College or other Senior Member of the University who may give him advice and assistance and may speak on his behalf. He shall not be accompanied by any other person.

In the case of an appearance before the Governing Body, they at their discretion, and in the case of an appearance before the Master, he at his discretion, may also hear evidence from other persons.

ORDINANCE B1: COLLEGE OFFICES

(Made under Statutes 11 and 103)

The Governing Body may at any time, in their discretion, by a vote of not less than two-thirds of those present, appoint a Fellow to the office of College Reader. The conditions, tenure and emoluments of a College Reader shall be determined from time to time by the Governing Body. The office of College Reader may be pensionable at the discretion of the Governing Body.

ORDINANCE C1: ACADEMIC STAFF

(Made under Statute 106)

1. This Ordinance is made in pursuance of Statute 106 and references herein to 'the Statute' are references to that statute.

Application of the Statute

2. (1) A person who is employed by the College in teaching or research whose duties are only of a limited nature and who does not hold an office designated under Section 3(1)(a) of the Statute is not, by virtue of that employment, a person to whom the Statute applies.

(2) A person holding a Chaplaincy or Research Fellowship is not a person employed by the College to carry out teaching or research within the meaning of Section 3 of the Statute and accordingly is not by virtue of that appointment, election or award a member of the academic staff to whom the Statute applies.

(3) Where it is proposed that a Fellow should be deprived of his Fellowship under the provisions of Statute 46, the Governing Body may direct that the determination of the cause of deprivation shall, subject to Statute 46, be regulated by some or all of the provisions specified in Part III of Statute 106 and in this Ordinance in respect of the removal of members of the academic staff for good cause, the expression 'good cause' being taken for this purpose only as referring to the several grounds on which a Fellow may be deprived under Statute 46 and not as bearing the meaning assigned in Section 4 of Statute 106.

(4) Where it is proposed that a College officer who is not a member of the academic staff within the meaning of Statute 106 should be removed or dismissed for good cause or required to retire on grounds of medical incapacity, the Governing Body may direct that the determination of such good cause or medical incapacity shall be regulated by some or all of the provisions specified in Parts III and IV of Statute 106 and in this Ordinance in respect of members of the academic staff, and (without prejudice to any other right of appeal he may enjoy) such College officer shall have the same rights of appeal under Part V of Statute 106 as members of the academic staff, save that the

provisions of this sub-paragraph shall not confer any rights in respect of the termination of an appointment by expiry of tenure.

Hearings by a Disciplinary Committee under Part III of the Statute

3. (1) If the Master has determined that a charge or charges against a member of the academic staff should be considered by a disciplinary committee, he shall forthwith summon a meeting of the Governing Body to appoint such a committee under Section 15 of the Statute. Save where the Statutes provide otherwise, the person charged shall not be entitled to attend the meeting.

(2) The Governing Body shall appoint three persons selected from the panel constituted under Section 16 of the Statute, and shall designate one of the persons so appointed to be chairman. The Governing Body may at the same time conditionally appoint a further person or persons from the panel to serve in place of any person who is unable or unwilling to serve on the committee. The person to be charged before the committee shall be informed of the appointments by the secretary to the Governing Body and shall be entitled within two days to object for good cause to any member appointed to serve on the committee. The Governing Body shall rule on any such objection, and may if it sees fit set aside any appointment and make a new appointment from among the remaining members of the panel. The decision of the Governing Body upon any such objection shall be final. When the committee is appointed, the secretary to the Governing Body shall send a copy of the Statute and of this Ordinance to the person to be charged.

(3) If any person selected is unwilling or unable to serve on the committee, he shall immediately inform the secretary to the Governing Body, and if no further person has already been conditionally appointed the Governing Body shall thereupon appoint another person to act in his place and shall, where necessary, designate a new chairman; but subject to the preceding sub-paragraph no replacement shall be made after a person has agreed to serve.

(4) The Governing Body shall further appoint

- (i) a suitable person to act as secretary of the committee; and
- (ii) a suitable person to formulate a charge or charges in writing and to present, or arrange for the presentation of, the charges before the committee.

Such persons shall not be members of the committee.

(5) With the consent of the Governing Body, the chairman may appoint a legal adviser to assist the committee in such manner as the committee may

decide; provided that the committee shall alone make any findings, determinations and recommendations.

4. (1) If, after the committee has been appointed, a member of the committee becomes unable or unwilling to act, the remaining members shall continue to act, so long as there remain two members willing and able to act, but not otherwise, and where necessary the Governing Body shall designate one of the remaining members to be chairman. If more than one member becomes unwilling or unable to act, the Governing Body shall appoint a new committee to act *de novo* in the matter.

(2) A decision of the committee may be taken by a majority thereof. Where there remain only two members of the committee, any decision shall be unanimous.

5. (1) The parties to a hearing by the committee shall be:

(i) the person charged;

(ii) the person appointed by the Governing Body to formulate the charges; and

(iii) any person who shall be added as a party by the committee on application or on its own motion.

(2) Any party to a hearing by the committee shall be entitled to be represented by another person, whether such person is legally qualified or not, in connection with or at any hearing by the committee. The party wishing to be so represented shall inform the chairman and the other parties in writing of the appointment or dismissal of any representative on his behalf, and shall give notice whether any papers or notices in connection with the case should be sent to that representative in substitution for or in addition to the person charged.

6. (1) The person appointed to formulate the charges, either himself or through the person presenting the charges, shall send to the secretary of the committee written notice of the charge or charges to be brought before it, and the particulars thereof, and shall send with the notice a copy of any documents which it is proposed to produce and a list of all witnesses whom it is proposed to call, together with statements of the evidence that they are expected to give.

(2) After consultation with the person charged and with the party presenting the charges, the chairman of the committee shall fix the date, time and place for the hearing. The chairman shall have power, if the circumstances require it, to cancel a hearing so arranged at any time before the commencement of the hearing, and to fix a different date, time, and place.

(3) Not later than fourteen days (or such shorter period as may be agreed between him and the parties) before the date so fixed the secretary of the committee shall send to each party (a) a notice of the hearing which shall contain information and guidance as to attendance at the hearing, the calling of witnesses and the production of documents, representation by another person and the use

of written submissions, and (b) a copy of the charge or charges and of the other information contained in or sent with the notice specified in sub-paragraph (1) of this paragraph.

(4) Not later than two days before the date appointed for the hearing the person charged and any other person who has been added as a party shall forward to the secretary of the committee and to the other parties a copy of any documents he wishes to present and a list of all witnesses he proposes to call, with statements of the evidence they are expected to give.

(5) It shall be the duty of the person presenting the charges to make any necessary arrangements for the summoning of witnesses, the production of documents and generally for the proper presentation of the case before the committee.

(6) No new witness or documentary evidence may be introduced by the person presenting the charges, beyond those of which notice has been given under sub-paragraph (1) of this paragraph, without the consent of the committee, and that consent shall not be given except for good reason. If such late introduction is permitted, the person charged shall be allowed an adjournment sufficient to allow him to consider and respond to the new evidence and to introduce further evidence in rebuttal.

7. (1) The fact that any person has been or is liable to be prosecuted in a court of law in respect of an act or conduct which is the subject of the proceedings before the committee shall not affect the jurisdiction and powers of the committee under the Statute; but the committee shall consider the advisability of referring the matter to the police and, if the matter is so referred (by the committee or otherwise), it may adjourn its proceedings for such time as is reasonable in the circumstances to enable a prosecution to be undertaken.

(2) Evidence that a person has been convicted of an offence by or before any court of law, or that any court of law has found an offence with which he was charged proved, shall, for the purpose of proving that he committed the offence or was guilty of any act or conduct in respect of which he was so charged or convicted, be admissible in any proceedings before the committee.

8. (1) A charge shall not be determined without an oral hearing at which the person charged and any other parties to the hearing are entitled to be present together with their representatives, if any. Where the person charged is unrepresented, he shall be entitled to be accompanied by another person who is not a witness in the proceedings. Nothing in this sub-paragraph shall entitle the parties to attend meetings of the committee held before or after the hearing.

(2) The committee shall have power, if it thinks appropriate in the circumstances, to hear charges against two or more persons at the same hearing.

(3) The committee may sit *in camera* or otherwise at the discretion of the chairman, provided that if the person charged so requests the committee shall conduct the hearing *in camera*.

(4) The committee shall have power to proceed with a hearing in the absence of the person charged or of his representative and, notwithstanding the provisions of sub-paragraph (1) of this paragraph, the chairman shall have power to exclude any person from a hearing if in his opinion such exclusion is necessary for the maintenance of order.

(5) Each party to a hearing before the committee, or his representative, shall be entitled to make opening statements, to give evidence, to call witnesses, to question any witness concerning any relevant evidence, and to address the committee after the evidence has been heard; provided that, if the person charged chooses to be represented by any other person, he shall not also be entitled to speak at the hearing, otherwise than as a witness, without the consent of the chairman.

(6) Subject to the provisions of the Statute and of this Ordinance, the committee shall regulate its own procedure. The chairman may set time-limits for each stage of the proceedings, and any meeting may be postponed or adjourned at the discretion of the chairman. It shall be the duty of the committee and of the chairman to ensure that a charge is heard and disposed of as expeditiously as is reasonably practicable.

(7) The committee shall have power to dismiss a charge for want of prosecution.

9. (1) The committee shall not find a charge proved unless it is satisfied that the charge has been proved beyond reasonable doubt.

(2) If the person charged chooses not to give evidence or refuses, without good cause, to answer any question, the committee may, in determining whether the charge has been proved, draw such inferences as appear proper from the failure of the person charged to give evidence or from his refusal, without good cause, to answer any question.

(3) If the committee finds a charge proved it shall give the parties an opportunity to address it in respect of the penalty or other course of action to be recommended.

10. (1) The secretary of the committee and the committee's legal adviser, if any, shall be entitled to be present throughout the hearing and at any meeting of the committee, and the secretary shall keep a sufficient record of the proceedings of the committee.

(2) The decision of the committee shall be recorded in a document, signed by the chairman, which shall contain

- (i) its findings of fact;
- (ii) the reasons for its decision; and

(iii) its recommendations.

The chairman shall have power by certificate under his hand to correct the document if it is found to contain any clerical errors arising from accidental mistakes or omissions.

(3) The secretary of the committee shall send a copy of the document recording the decision to the Master, the person charged and any person who shall have been added as a party. He shall ensure that a copy of Part V of the Statute accompanies each copy so sent, in order to draw attention to the period of time within which any appeal should be made.

11. The College shall meet all proper costs of members of the committee and of its secretary and legal adviser, if any.

Hearings by a Medical Board under Part IV of the Statute

12. (1) Where it appears to the Governing Body (or in any case of urgency the Master) that it is necessary to refer a case to a medical board under the provisions of Part IV of the Statute, the Governing Body shall appoint a person to present the case to the board. The secretary to the Governing Body shall forthwith send a copy of the Statute and of this Ordinance to the member of the academic staff whose possible retirement on medical grounds is to be considered by the board, herein referred to as the member concerned.

(2) When the board has been constituted under the provisions of Section 23(3) of the Statute, the Governing Body shall appoint a secretary to the board on the nomination of its chairman.

(3) With the consent of the Governing Body, the chairman may appoint a legal adviser to assist the board in such manner as the chairman may decide; provided that the board shall alone determine the case.

13. (1) If, after the board has been constituted, a member of the board (other than the chairman) becomes unable or unwilling to act, the remaining members shall continue to act, provided (a) that the party who nominated that member (or his representative) consents and (b) that there remain two members willing and able to act. In any other case the Master shall discharge the board and a new board shall be constituted in accordance with the provisions of Section 23(3) of the Statute.

(2) A decision of the board may be taken by a majority thereof. Where there remain only two members of the board, any decision shall be unanimous.

14. (1) The parties to a hearing by the board shall be:

- (i) the member concerned; and
- (ii) the person appointed by the Governing Body to present the case to the board.

(2) The member concerned shall be 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. The appointment of such a representative shall be made in writing by the member concerned or by any person having authority in law to act on his behalf, and the appointment may similarly be revoked in writing at any time. Notice of any appointment or revocation shall be given to the secretary of the board and to the person presenting the case. Service on the representative of any paper or notice in connection with the case shall constitute sufficient service upon the member concerned; and any consultation with the representative, and any action taken by the representative within the scope of his authority, shall be binding on the member concerned. References in this Ordinance to the member concerned shall, where appropriate, refer to or include reference to his representative.

15. (1) The person presenting the case shall send to the secretary of the board a written statement of the case and the relevant medical evidence, and shall send with the statement a copy of any documents which it is proposed to produce and a list of all witnesses it is proposed to call, together with statements containing the evidence they are expected to give.

(2) After consultation with the member concerned and with the person presenting the case, the chairman of the board shall appoint a date, time and place for the hearing, and he shall have power, if the circumstances require it, to cancel a hearing so appointed at any time before the commencement of the hearing and to appoint a different date, time, or place.

(3) Not later than fourteen days (or such shorter period as may be agreed by him with the parties) before the date appointed for the hearing, the secretary of the board shall send a notice of the hearing to each party and to any representative appointed under sub-paragraph (2) of paragraph 14. The notice shall include (a) information and guidance as to attendance at the hearing, the calling of witnesses and the bringing of documents, representation by another person and written submissions, and (b) a statement of the case, together with a copy of the documents and other information specified in sub-paragraph (1) of this paragraph.

(4) Not later than two days before the date appointed for the hearing the member concerned, or his representative, shall send to the secretary of the board and to the person presenting the case a copy of any documents he wishes to present and a list of all witnesses he proposes to call, with statements of the evidence they are expected to give.

(5) It shall be the duty of the person presenting the case to make any necessary arrangements for the summoning of witnesses, the production of documents and generally for the proper presentation of the case to the board.

(6) No new witness or documentary evidence may be introduced by the person presenting the case on behalf of the College without the consent of the board, and such consent shall not be given save for good reason. If such late introduction is permitted, the member concerned shall be allowed an adjournment sufficient to allow him to consider the additional evidence and respond to it, and to introduce further evidence as appropriate.

16. (1) The case shall not be determined without an oral hearing at which the member concerned shall be entitled to be represented.

(2) Any hearing before the board shall take place *in camera*. At any hearing at which the member concerned is present, he may be accompanied by another person who is not a witness in the proceedings.

(3) The board shall have power to proceed with a hearing in the absence of the member concerned or of his representative and, notwithstanding the provisions of sub-paragraph (1) of this paragraph, the chairman shall have power to exclude any person from a hearing if in his opinion such exclusion is necessary for the maintenance of order.

(4) Each party to a hearing before a medical board, or his representative, shall be entitled to make an opening statement, to give evidence, to call witnesses, to question any witness concerning any relevant evidence and to address the board after the evidence has been heard; provided that, if the person charged chooses to be represented by any other person, he shall not also be entitled to speak at the hearing, otherwise than as a witness, without the consent of the chairman.

(5) Subject to the provisions of the Statute and of this Ordinance, the board shall regulate its own procedure and any meeting may be postponed or adjourned at the discretion of the chairman. It shall be the duty of the board and of the chairman to ensure that the case is heard and determined as expeditiously as is reasonably practicable.

17. (1) The board may require the member concerned to undergo medical examination at the College's expense.

(2) The College shall meet all proper costs of members of the board and of its secretary and legal adviser, if any.

18. The board shall not determine that a person should be required to retire from office by reason of incapacity on medical grounds unless it is satisfied that the incapacity has been proved beyond reasonable doubt.

19. (1) The secretary and the board's legal adviser, if any, shall be entitled to be present throughout the hearing and at any meeting of the board, and the secretary shall keep a sufficient record of the proceedings of the board.

(2) The determination of the board shall be recorded in a document signed by the chairman which shall contain

(i) its medical findings

- (ii) its other findings of fact; and
- (iii) its determination and the reasons therefor.

The chairman shall have power by certificate under his hand to correct the document if it is found to contain any clerical errors arising from accidental mistakes or omissions.

(3) The secretary of the board shall send a copy of the document specified in sub-paragraph (2) of this paragraph to the Master, to the person responsible for presenting the case to the board, and to the member concerned. He shall ensure that a copy of Part V of the Statute accompanies each copy so sent, in order to draw attention to the period of time within which any appeal should be made.

Appeals under Part V of the Statute

20. When an appeal is commenced under Part V of the Statute, the Governing Body shall appoint to hear and determine the appeal a person jointly agreed with the appellant or, in default of agreement, a person to be nominated by the Commissary of the University. The person so appointed shall be a person who holds or has held judicial office or who is a barrister or solicitor of at least ten years' standing. Notice of the appointment shall be sent to the appellant by the Secretary to the Governing Body.

21. (1) In accordance with Section 26(4) of the Statute the parties to the appeal shall be

- (i) the appellant;
- (ii) the Master (or in the case of an appeal by the Master, the senior Fellow) acting as respondent on behalf of the College; and
- (iii) any other person added as a party by the direction of the person hearing the appeal.

(2) The Master (or in the case of an appeal by the Master, the senior Fellow) may appoint a suitable person as respondent to act in his place on behalf of the College in the matter.

22. (1) The Master shall send to the person appointed to hear the appeal and to the appellant: (a) copies of the record of the decision appealed against, (b) copies of the papers received by the body that earlier heard or considered the matter and (c) copies of the document recording the determination of that body.

(2) After consultation with the parties, the person appointed to hear the appeal shall determine:

- (i) the date, time and place for the hearing of the appeal;
 - (ii) whether any witnesses are to be heard and the extent of the matters (if any) on which oral evidence is to be permitted;
 - (iii) whether he will sit alone to hear the appeal or will sit as chairman of an appeal tribunal in accordance with Section 29(3) of the Statute;
- and he shall inform the parties accordingly.

(3) If the person appointed decides to sit as chairman of an appeal tribunal, he shall appoint two persons to sit with him, one of whom shall be a member of the Regent House of the University not being a Fellow of the College; and he shall inform the parties that he has done so. In this event references to the person hearing the appeal shall be construed as references to the persons appointed.

(4) With the consent of the Governing Body, the person hearing the appeal may appoint a legal adviser to assist him in such manner as he may decide, provided that the person hearing the appeal shall alone determine the appeal.

23. (1) The parties shall each be entitled to be represented by another person, whether such other person is legally qualified or not, in connection with and at any hearing of the appeal; provided that if either party chooses to be so represented, he shall not also be entitled to speak, other than as a witness, without the consent of the person hearing the appeal.

(2) The appellant and the respondent shall notify the person hearing the appeal and each other in writing of the appointment and of the dismissal of any representative, and shall give notice whether any papers or notices in connection with the case should be sent to the representative for, or in addition to, them.

24. (1) Not later than fourteen days before the date set for the hearing, the appellant and the respondent shall send to the person hearing the appeal and to each other a copy of any documents to be submitted at the hearing, a list of any witnesses to be called with statements containing the evidence they are expected to give, and a list of any legal authorities which it is intended to cite at the hearing.

(2) The appeal shall not be determined without an oral hearing at which the appellant and his representative, if any, are entitled to be present.

(3) The person hearing the appeal shall have power, if he thinks it appropriate in the circumstances, to hear appeals by two or more parties at the same hearing.

(4) The hearing of the appeal may take place *in camera* or otherwise at the discretion of the person hearing the appeal, provided that if the appellant so requests it shall normally take place *in camera*.

(5) The person hearing the appeal shall have power to proceed with a hearing in the absence of any of the persons entitled to be present and, notwithstanding the provisions of sub-paragraph (2) of this paragraph, he shall have power to exclude any person from a hearing if in his opinion such exclusion is necessary for the maintenance of order.

(6) The person hearing the appeal may agree to add any other person as a party to the appeal, if he is of the opinion that that step is desirable to give effect to the guiding principles stated in Section 1 of the Statute.

(7) Persons appearing at the hearing of the appeal shall be entitled to make opening statements and to address the person hearing the appeal. Any witnesses who are permitted to be called may be questioned concerning any evidence on permitted matters and shall be subject to cross-examination and re-examination on such evidence. Where a person seeks to adduce evidence, or to cite any legal authority, of which notice has not been given under subparagraph (1) of paragraph 24, the person hearing the appeal may, at his discretion, allow its introduction, but, if he does so, he shall allow the other party an adjournment sufficient to allow him to consider and respond to such evidence or legal authority as the case may be.

(8) Subject to the provisions of the Statute and of this Ordinance, the person hearing the appeal shall regulate his own procedure. He may set time limits for each stage of the proceedings (including the hearing itself), may postpone or adjourn any meeting at his discretion, and may dismiss the appeal for want of prosecution. It shall be the duty of the person hearing the appeal to ensure that the appeal is heard and disposed of as expeditiously as is reasonably practicable.

(9) In any exercise of a discretion the person hearing the appeal shall seek to give effect to the guiding principles stated in Section 1 of the Statute. Any giving of a consent, or any exercise of a discretion, by the person hearing the appeal may be made subject to such conditions as he may think fit.

25. (1) Nothing in the Statute shall be taken as authorising the person hearing an appeal against dismissal to allow the appeal on any ground not recognised by law at the time of the making of the Education Reform Act 1988 as a ground for annulling or setting aside the dismissal of a member of the academic staff.

(2) The person hearing an appeal against dismissal shall not have power to make any order which would require any expenditure of money not authorised by the Governing Body at or before the time of the decision to

appoint the member concerned to the office or post from which he has been dismissed.

26.(1) The person hearing the appeal shall give written notice of his decision to the parties, together with his reasons and a statement of any findings of fact different from those made by the bodies specified in Section 31 of the Statute.

(2) The person hearing the appeal (or the chairman in the case of an appeal tribunal) shall have power by certificate under his hand to correct in documents recording his decisions any clerical errors arising from accidental mistakes or omissions.

27. The College shall meet all proper costs of the person or persons hearing the appeal and of the legal adviser, if any.

Grievance Procedures under Part VI of the Statute

28. (1) When a grievance committee is constituted under Section 35 of the Statute, the Governing Body shall appoint one of the members of the committee to be its chairman.

(2) A grievance shall not be disposed of without an oral hearing at which the aggrieved person and any person against whom the grievance lies shall have the right to be heard and to be accompanied by a friend or representative.

(3) It shall be the duty of the committee to consider and determine the grievance as expeditiously as is reasonably practicable.

(4) 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 its redress as it thinks fit.

(5) The Governing Body shall consider the proposals of the committee as soon as is reasonably practicable. In reaching any decision upon the matter, it shall seek to give effect to the guiding principles stated in Section 1 of the Statute.

Hearings under Part VII of the Statute

29.(1) The paragraphs of this Ordinance governing or relating to hearings by a disciplinary committee shall apply to hearings by a tribunal appointed under Part VII of the Statute, provided that references in those paragraphs to a disciplinary committee and to a person charged shall be construed for this purpose as referring to the tribunal and to the Master respectively.

(2) The paragraphs of this Ordinance governing or relating to hearings by a medical board shall apply to hearings by a medical board convened by virtue of Section 47 of the Statute, provided that references in those

paragraphs to the Master shall, subject to Section 48 of the Statute, be construed for this purpose as referring to the President.

Appointment of an alternate under Section 7(2) of the Statute

30. (1) The Governing Body shall appoint an alternate to act in place of any person who is designated to perform any duties or exercise any powers under the Statute or under this Ordinance if that person is himself involved in the matter in question.

(2) In any case in which this Ordinance specifies particular qualifications that must be satisfied by a person designated to perform any duties or exercise any powers, a person shall not be appointed as an alternate unless he satisfies those qualifications so far as reasonably possible.

Notices

31. (1) Any notice given under the provisions of the Statute or of this Ordinance shall be in writing; and any documents and notices required to be sent to a person shall either be delivered to him or to his authorised representative or sent by post to that person at his last known address or to his authorised representative at an authorised address. Where a document or notice is sent by post, it shall be sent by the recorded delivery service, and proof of posting by recorded delivery service shall be sufficient proof of delivery.

(2) A party may at any time by notice to the secretary of the disciplinary committee or of the medical board or tribunal (or, in the case of an appeal, to the person hearing the appeal), and to the other parties, change his address for receiving notices under this Ordinance.

