

## **ELIZABETH THE SECOND**

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

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING!

WHEREAS an humble Petition has been presented unto Us by the Master, Fellows and Scholars of Clare College in the University of Cambridge praying that We should be graciously pleased to grant a Charter of Incorporation to the Approved Foundation in the University of Cambridge known as Clare Hall, (hereinafter referred to as “the Approved Foundation”)

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

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

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

1. The first President and first Fellows of Clare Hall and all such persons as may hereafter become members of the Body Corporate hereby constituted shall for ever hereafter be one Body Politic and Corporate by the name and style of “The President and Fellows of Clare Hall in the University of Cambridge” (hereinafter referred to as “the College”) and by the same name shall have perpetual succession and a Common Seal with power to break, alter and make anew the said Seal from time to time at their will and pleasure and by the same name shall and may sue and be sued in all Courts and before all Justices of Us, Our Heirs and Successors.
2. The College shall have full power and capacity to accept, acquire and hold any personal property whatsoever and shall also, without any further authority, by virtue of this Our Charter have full power and capacity to accept, acquire and hold any lands and hereditaments and to dispose of any such property real or personal by way of sale or lease and exchange, mortgage, charge, improve, manage, develop, turn to account or otherwise deal with all or any part of such property real or personal belonging to the College upon such terms and in such manner as it shall see fit and also to do all other things incidental to or appertaining to a Body Corporate provided always that nothing in this Article shall be deemed to empower the college to dispose of or to deal with its property in the manner above mentioned without first obtaining such consent as would otherwise be required by law.
3. The College is incorporated and shall be conducted with the following objects:
  - 1) To advance education, learning and research in the University of Cambridge(hereinafter referred to as the “University”); and
  - 2) To provide for men and women who shall be members of the University a College wherein they may work for Postgraduate Degrees in the University or may carry out

postgraduate Degrees in the University or may carry out postgraduate or other special studies at Cambridge provided that no member of the College and no candidate for membership thereof shall be subject to any test of a religious, political or social character;

- 3) to acquire and take over the properties and liabilities of the Approved Foundation now vested in its Trustees;
  - 4) to apply the moneys of the College including any money acquired or taken over as aforesaid to the objects of the College with power to invest as prescribed in the Statutes of College;
  - 5) to administer any trust or scheme for purposes connected with the objects of the College;
  - 6) to do all such things as are incidental or conducive to the carrying out of the above objects.
4. The College shall have power, subject to the Statutes of the University, to present candidates for matriculation by the University.
  5. The first Visitor of the College shall be Our trusty and well beloved Counsellor Sir Robert Edgar Megarry, Knight, Fellow of the British Academy, Vice-Chancellor of the Supreme Court, for as long as he shall hold office as Vice-Chancellor of the Supreme Court or for a period to the thirty-first day of December in the year of our Lord one thousand nine hundred and eighty-eight whichever period shall be longer. The successors to the first Visitor shall be the Vice-Chancellors of the Supreme Court from time to time.
  6. The first President of the College shall be Our trusty and well beloved Sir Michael George Parke Stoker, Knight, Commander of Our Most Excellent Order of the British Empire, Fellow of the Royal Society. Such persons as are at the date of this Our Charter Fellows of the Approved Foundation shall be the first Fellows of the College. The Statutes of the College shall apply to the first President and the first Fellows as if they had been appointed pursuant to the Statutes save that due regard shall be had to the terms of their appointment as Officers or Fellows of the Approved College or further Fellows of the College shall be appointed in the manner prescribed by the Statutes of the College.
  7. The government of the College shall be vested in the Governing Body as defined in the Statutes of the College which shall, subject to the provisions of this Our Charter and of the Universities of Oxford and Cambridge Act 1923, have full power to make and when made to alter the Statutes of College provided that no alteration of those Statutes shall have any force or effect if it be repugnant to the provisions of this Our Charter.
  8. The first Statutes of the College shall be those set out in the Schedule to this Our Charter and the same shall be and shall remain in force unless and until they shall be altered in manner hereinbefore prescribed.

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

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

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

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

WITNESS Ourselves at Westminster the twenty second day of October in the thirty third year of Our Reign.

BY WARRANT UNDER THE QUEEN'S SIGN MANUAL

## THE SCHEDULE

## THE STATUTES

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## **I. THE OBJECTS AND CONSTITUTION OF THE COLLEGE**

1. The Objects of the College are:
  - a) To advance education, learning and research in the University of Cambridge;  
and
  - b) To provide for men and women who shall be members of the University of Cambridge a College wherein they may work for Post graduate Degrees in the University or may carry out postgraduate or other special studies at Cambridge provided that no member of the College and no candidate for membership thereof shall be subject to any test of a religious, political or social character.
2. The Corporate Body of the College shall consist of a President and Fellows and its corporate title shall be "The President and Fellows of Clare Hall in the University of Cambridge".
3. The President and Fellows shall be elected as hereinafter provided.
4. There shall be a Governing Body, a Council, a Finance Committee and such other Committees and Sub-Committees as may be established and to whom powers may be delegated by authority of these Statutes.

## **II. THE FELLOWS**

1. Every Fellow shall hold his Fellowship under one or other of the following Titles:
  - Title A Official Fellows
  - Title B Professorial Fellows
  - Title C Research Fellows
  - Title D Supernumerary Fellows
2. The number of Fellowships under each Title shall be determined from time to time by the Governing Body subject to the provisions of these Statutes.
3. Elections and re-elections to Fellowships shall be made by the Governing Body.
4. No person shall be elected or re-elected to a Fellowship under any Title, unless he receives at a meeting of the Governing Body the votes, cast in person at such meeting, of more than half of all the members of the Governing Body who are entitled to vote.
5. The Fellows shall, unless excused by the Governing Body, reside for at least two-thirds of each University Term within the area prescribed by the University for the residence of University Officers.
6. If a Fellow is elected to a Headship or to a Fellowship (other than an Honorary Fellowship) of any other College, Approved Foundation or Approved Society in the University he shall thereby vacate his Fellowship.

7. If a Fellow is elected to a Fellowship under Title A, B or C shall be formally admitted by the President as soon as conveniently possible after the election and shall sign an undertaking in the following words: "I undertake to conform to the Statutes and Ordinances of Clare Hall, to promote its good government and interests as a place of education, learning and research, and to give what advice and assistance I can to the Graduate Students".
8. A roll of the Fellows shall be kept in which the names of Fellows shall appear in the order of their election. Fellows elected at the same time shall appear on the Roll according to the seniority of their degree. The seniority of a Fellow shall be determined by his position on the Roll.
9. Fellows under the several Titles shall enjoy such privileges as may be prescribed by Ordinance of the College and such additional privileges as may from time to time be determined by the Governing Body.
10. The tenure of a Fellow shall not be prolonged beyond the end of the academical year in which he attains the age of sixty seven, save that when a Fellow is a holder of a College Office the Fellowship may be extended by the Governing Body annually beyond that date for up to three further years.

#### **Title A: Official Fellows**

11. The Governing Body may elect to an Official Fellowship under Title A any person who holds a University Office (other than an Office qualifying him for election to a Fellowship under Title B or such other non-University Office deemed by the Governing Body to be equivalent or who has been appointed to hold such Office although his tenure may not have commenced, in the first instance until the end of the academical year in which he is elected and for the ensuing year. The Governing Body shall have the power to re-elect such Fellow annually thereafter. The tenure of such Fellowship shall however terminate if the holder ceases to hold any University or other such Office qualifying him for election to such Fellowship.
12. The Governing Body may elect to an Official Fellowship under Title A any person who holds the College Office of Bursar, Senior Tutor, Tutor, Steward, Praelector or such other College Office as the Governing Body shall declare to be a qualifying Office for election to a Fellowship under this Title, provided that a Fellow under any other Title who holds one of these Offices shall not thereby become a Fellow under Title A. A Fellow elected under this Section of this Statute shall retain his Fellowship only so long as he holds the qualifying Office.
13. The Governing Body may elect or re-elect to an Official Fellowship under Title A for periods of not more than six years at a time any person of distinction whom it shall appear to the Governing Body to be in the interest of the College to elect or re-elect, provided that the number of Fellows elected under this Section of this Statute shall not at any time exceed five.
14. The Governing Body shall have power (subject to Statute XXVI) to attach to the tenure of a Fellowship under Title A any conditions which they may think proper, provided that such

conditions shall be contained with the duties of any qualifying Office upon which the holding of the Fellowship is dependent.

#### **Title B: Professorial Fellows**

15. The Governing Body may, subject to the Statutes of the University, elect to a Professorial Fellowship under Title B any person holding a University Office specified for the time being in Schedule B of those Statutes provided that the Governing Body shall have regard to such number of Professorial Fellowships as shall from time to time be assigned to the College under those Statutes.
16. The Governing Body may, subject to those Statutes, pre-elect any person who has been elected or appointed to hold such Office. A person so pre-elected shall on assuming his University Office, forthwith become a Fellow under Title B.
17. Any person already a Fellow under another Title who is appointed to a University Office specified in Schedule B of those Statutes shall thereupon without re-election become a Fellow under Title B.
18. A Fellow under Title B shall retain his Fellowship so long as he holds the University Office upon which the holding of his Fellowship is dependent.

#### **Title C: Research Fellows**

19. The Governing Body may elect to a Research Fellowship under Title C any person undertaking or intending to undertake research approved by the Governing Body.
20. Election to a Fellowship under Title C shall be for a period of not less than one nor more than three years in the first instance and such Fellowship may be renewed by re-election for further periods of not less than one year at a time but no Fellowship under Title C shall be tenable for more than six years in all.
21. A Fellow under Title C shall engage in research in such manner and on such conditions as the Governing Body shall approve.
22. The Governing Body may assign to a Fellow under Title C such stipend and allowances as they may from time to time determine.

#### **Title D: Supernumerary Fellows**

23. A Fellow under Title A or B who is within six months of retiring from his Fellowship under the age of sixty-seven may be elected by the Governing Body to a Supernumerary Fellowship under Title D to be held from the date of expiry of the Fellowship already held. The period

and conditions of tenure shall be determined in each case by the Governing Body at the time of election subject to the provision of Section 10 of this Statute.

### **III. THE PRESIDENT**

1. The President shall be elected by the Fellows holding Fellowships under Titles A, B, C and D (hereinafter referred to as the "Electors") who shall choose as President the person who is judged by them to be the best qualified to preside over the College as a place of education, learning and research, provided that, if at the expiration of two months from the date of retirement of a President at the end of his term of office or twelve months from the occurrence of a vacancy for any other reason an election shall not have been made, the power to appoint the President shall pass to the Visitor.
2. It shall be the duty of the President to exercise a general supervision over the affairs of the College and to see that these Statutes are duly observed. He shall preside, except where these Statutes provide otherwise, at all meetings of the Governing Body, the Council and the Finance Committee, provided always that the powers conferred upon the Governing Body in Statue XI and upon the Council in Statue XII and upon the Finance Committee in Statute XOO respectively shall continue to be exercisable notwithstanding a vacancy in the Office of President. The President shall have the right to attend, speak and vote at any other Committee or Sub-Committee transacting College business. He shall have the power in any emergency not provided for by these Statutes or by an Ordinance or any resolution of the Governing Body to take such action to ensure the good government of the College as he shall think fit and shall report any such action at the next meeting of the Governing Body.
3. The President shall be elected for a single period of seven years, subject to the provisions of these Statutes. The President shall not be eligible for re-election.
4. The period of office of the President shall (unless the Governing Body by Special Resolution determine otherwise) commence on the first day of October immediately following the period of office of his predecessor. If the date of admission is other than the first day of October a President so admitted shall hold office from the date of his admission until the thirtieth day of September that shall next follow the seventh anniversary of the date of such admission.
5. When it is known that the Office of President will fall vacant on a particular date the Electors may make an election to take effect on a date not more than twelve months after the date of the election.
6. The election of the President shall take place at a meeting of the Electors in Full Term summoned for the purpose by the Vice-President or in his absence by the senior of the Fellows in residence. Not less than fourteen days' notice of such meeting shall be sent in writing to the Electors. If at that meeting no election is made the meeting shall have power to adjourn. Further adjournment may take place as necessary. No person shall be elected President unless he receives the votes, cast in person at such meeting, of not less than two-thirds of the whole number of Electors. Voting shall be by secret ballot.

7. The President elected or appointed shall on his admission make and subscribe the following declaration: "I will to the best of my ability discharge the duties of the Office entrusted to me and will, as far as in me lies, observe and cause to be observed the Statutes and Ordinances of the College and its reasonable and approved customs".
8. The President shall receive such stipend and such allowances for expenses including those for entertainment as the Governing Body may from time to time determine.
9. The President shall, save by Special Resolution of the Governing Body to the contrary, reside within Clare Hall and shall not, without the authority of the Governing Body, habitually be absent from the college for more than two nights a week during Full Term.
10. The President may be granted leave of absence by the Governing Body.
11. The President may at any time resign the office of President by notice in writing under hand addressed to the Vice-President or failing him the Senior Fellow then in residence, provided that, unless the Governing Body consent to a shorter period, the period of notice shall not be less than three months.
12. The President shall on his retirement or resignation become an Emeritus Fellow with seniority in accordance with the date of his election as President or as a Fellow of the College if he has previously held a Fellowship provided that if he resigns or if his period of office ends before he has reached the retiring age specified for University Offices in the Statutes of the University he shall become a Fellow under Title B if he is a Professor but otherwise a Fellow under Title D with seniority as aforesaid.
13. If the President shall at any time become incapable of performing the duties of his office the Visitor shall have power, after enquiry to appoint one of the Fellows to act in the President's place during his incapacity, and to assign to the person so appointed such portion of the stipend provided for the President under these Statutes as the Visitor shall think fit.

#### **IV. THE COLLEGE OFFICERS**

1. The College Officers shall be the persons, if any, holding the Offices of Vice-President, Bursar, Senior Tutor, Tutor, Steward, Praelector and such other Offices as the Governing Body may from time to time determine.
2. Two or more College Offices may be held by the same person and the functions of a College Office may be divided among two or more persons as the Governing Body may determine.
3. Appointments and re-appointments to College Offices shall be made by the Governing Body which shall have power (subject to Statute XXVI Governing Body) on appointing or re-appointing a person to a College Office to attach to the tenure of that Office such duties and conditions of appointment additional to those specified in these Statutes as may seem to them desirable.

4. A holder of a College Office may receive such stipend and allowances as the Governing Body may determine from time to time.
5. The Governing Body may at any time determine that any Office shall no longer be a College Office but they shall not so determine in respect of an Office during the tenure of its holder without his consent.

#### **V. THE VICE-PRESIDENT**

1. The Vice-President shall be appointed by Special Resolution of the Governing Body from among the Fellows under Titles A, B and D and shall be eligible for re-appointment. The Vice-President shall be appointed or re-appointed for such period not exceeding four years on each occasion as may be specified by the Governing Body on the occasion of each appointment or re-appointment. He shall not be eligible for re-appointment within one calendar year of the termination of any period of his tenure as Vice-President. But if the expiry of his period of office occurs during a vacancy in the Presidency, the Governing Body may reappoint him for such further period not exceeding two years as the Governing Body may determine.
2. The Vice-President may resign his Office by notice in writing to the President and shall vacate it on ceasing to be a Fellow under Title A, B or D.
3. The duties of the Vice-President shall be such as are assigned to him by the Governing Body from time to time and shall include acting as the President's deputy.
4. The Governing Body shall from time to time determine the stipend and allowances of the Vice-President.
5. If the Vice-President is deputising for the President or if the Vice-President is ill or not in residence his duties as Vice-President shall be discharged by the senior of the Fellows under Titles A, B and D in residence.

#### **VI. THE BURSAR**

1. The Bursar shall be appointed by the Governing Body and shall be eligible for reappointment.
2. The Bursar shall be appointed or re-appointed for such period not exceeding five years on each occasion as may be specified by the Governing Body on the occasion of each appointment or re-appointment.
3. Subject to Statute XXVI the Governing Body shall determine the conditions of appointment of the Office of Bursar.
4. The duties of the Bursar shall be determined by the Governing Body and shall include managing the College property and keeping the College accounts.

## **VII. THE SENIOR TUTOR**

1. The Senior Tutor shall be appointed by the Governing Body and shall be eligible for re-appointment.
2. The Senior Tutor shall be appointed or re-appointed for such period not exceeding five years on each occasion as may be specified by the Governing Body on the occasion of each appointment or re-appointment.
3. Subject to Statute XXVI the Governing Body shall determine the conditions of appointment of the Office of Senior Tutor.
4. The Senior Tutor shall be responsible for ensuring that the University's requirements in respect of Students of the College are complied with and shall provide such assistance and supervision for the Students as may be required.
5. The Senior Tutor shall undertake such other duties as the Governing Body may prescribe.

## **VIII. THE TUTORS**

1. The Tutors shall be appointed by the Governing Body and shall be eligible for reappointment.
2. The Tutors shall each be appointed or re-appointed for such period not exceeding three years on each occasion as may be specified by the Governing Body on the occasion of each appointment or re-appointment.
3. The Tutors shall assist the Senior Tutor and undertake such other duties as the Governing Body may prescribe.

## **IX. THE STEWARD**

1. The Steward shall be appointed by the Governing Body and shall be eligible for reappointment.
2. The Steward shall be appointed or re-appointed for such period not exceeding three years on each occasion as may be specified by the Governing Body on the occasion of each appointment or re-appointment.
3. The Steward shall undertake such duties relating to the Common Table as the Governing Body may prescribe.

## **X. THE PRAELECTOR**

1. The Praelector shall be appointed by the Governing Body and shall be eligible for reappointment.

2. The Praelector shall be appointed or re-appointed for such period not exceeding three years on each occasion as may be specified by the Governing Body on the occasion of each appointment or re-appointment.
3. The Praelector shall be responsible for the arrangements for the matriculation of candidates for admission to the College and for the presentation of candidates for degrees.
4. The Praelector shall undertake such other duties as the Governing Body may prescribe.

#### **XI. THE GOVERNING BODY**

1. The Governing Body shall consist of the President, the Fellows under Titles A, B, C and D and two Graduate Students who are members of the Graduate Student Body of the College. The Governing Body may act notwithstanding any vacancy in its membership.
2. The Governing Body may exercise any of the powers vested in the College by law, shall have the control of the College as a place of education, learning and research and shall administer its estates and property. Each year the Governing Body shall consider, and if they think fit formally approve, the annual College accounts.
3. The Governing Body shall have power to make, and when made to revoke, amend or add to standing orders which shall be called "Ordinances", provided that such Ordinances shall not be inconsistent with the Charter or with these Statutes or with the Statutes of the University. Such Ordinances shall be made, revoked, amended or added to only by the Governing Body.
4. Special Ordinances shall be Ordinances substantially determining, modifying or limiting the size of the Governing Body and the numbers of Fellows under Titles A, B, C and D. Special Ordinances shall only be made, revoked, amended or added to by Special Resolution. The decision of the President or of any other person presiding as to whether or not any particular Ordinance falls within these definitions shall be conclusive.
5. The Graduate Student members of the Governing Body shall be chosen by the Graduate Student Body in such manner and for such periods as shall be specified by Ordinance of the College.
6. Subject to the provisions of these Statutes a meeting of the Governing Body shall be summoned by notice in writing from the President.
7. There shall be at least one meeting of the Governing Body in each Term and the President may summon additional meetings whenever he thinks fit. Not less than seven clear days' notice shall be given of each meeting. At one meeting each year additional members of the Graduate Student Body shall be invited to attend to discuss College policy.
8. On receipt of a requisition signed by seven members of the Governing Body and President shall summon a special meeting of the Governing Body with all convenient speed and before the lapse of twenty days of term. Such requisition shall set forth the resolution or resolutions to be put to the meeting.
9. No business shall be transacted at a meeting of the Governing Body unless at least one-half of all the members of the Governing Body, not being on leave of absence, are present.

10. At a meeting of the Governing Body the President or, in his absence, the Vice-President or, in the absence of both of them, the senior Fellow present shall preside.
11. Except where otherwise provided in these Statutes the making of a decision on any matter at a meeting of the Governing Body shall require votes in favour of that decision from more than half of the members of the Governing Body present at such meeting. In the case of equality of votes the person presiding shall be entitled to have an additional or casting vote.
12. A Special Resolution shall be carried only if it receives at a meeting of the Governing Body the votes, cast in person at such meeting, of not less than two-thirds of all the members of the Governing Body who are entitled to vote.
13. The Governing Body shall have power to appoint Committees consisting wholly or mainly of members of the Governing Body and may delegate to a Committee such powers as the Governing Body may decide except for those powers which the Charter and these Statutes state shall be exercised by the Governing Body.
14. No member of the Graduate Student Body shall be present at a meeting of any body constituted by the Charter, these Statutes or the Ordinances or of any other body appointed by such a body for the discussion of or decision on any item of business which the President or other person presiding declares to be reserved. Reserved business shall include:
  - a) the elections or removal of the President or of a Fellow under any Title or the appointment or removal of a College Officer;
  - b) the employment or promotion or any matter relating to the employment or promotion of individuals by the College;
  - c) the admission and academic assessment of individuals; and
  - d) such other matters as may be specified by Statute or Ordinance

In any case of doubt the President or other person presiding shall decide whether an item of business is reserved and his decision shall be final. No member of the Graduate Student Body shall receive papers relating to any item of reserved business except that such member being a member of the Governing Body may, if and to the extent the President shall so determine receive Minutes of the decision taken on reserved business at a meeting of any body constituted by the Charter, these Statutes or the Ordinances of the College or of any other body appointed by such body.

15. It shall be the duty of the Bursar or of such other member of the Governing Body as may be directed by the Governing Body to maintain a record of the decisions of the Governing Body which shall be open to inspection by all members of the Governing Body.
16. Where the Statutes call for a Special Resolution it shall be open to the Governing Body, when appropriate, to permit voting in any prescribed form, including by electronic mail.

## **XII. THE COUNCIL**

1. The Council shall consist of the President, the Vice-President, the Bursar and the Senior Tutor, all ex officio, four Fellows from the Governing Body elected by the Governing Body who shall be eligible for re-election, and two Graduate Students.
2. A Fellow elected or re-elected as a member of the Council shall serve for such period not exceeding two years on each occasion as may be specified by the Governing Body on the occasion of each election or re-election. He shall not be eligible for re-election within one calendar year of the termination of any period of his service on the Council. A Graduate Student member shall be elected in such manner and for such period as shall be specified by Ordinance of the College.
3. The Council shall control and manage such College business as shall be prescribed by the Governing Body.
4. There shall be at least one meeting of the Council in each Term.
5. No business shall be transacted at a meeting of the Council unless more than half the members of the Council are present.
6. At a meeting of the Council the President or in his absence, the Vice-President or, in the absence of both of them, the senior Fellow present shall preside.
7. The making of a decision on any matter at a meeting of the Council shall require votes in favour of that decision from more than half of the members of the Council present at such meeting. In the case of equality of votes the person presiding shall be entitled to have an additional or casting vote.
8. The transactions of the Council shall be recorded in a Minute Book which shall, subject to the provisions of Section 14 of Statute XI, be open to the inspection of any member of the Governing Body at all reasonable times.

### **XIII. THE FINANCE COMMITTEE**

1. The Finance Committee shall consist of the President, the Vice President, the Bursar and four other members of the Governing Body elected by the Governing Body. The elected members shall be eligible for re-election and shall always include the Senior Tutor or a Tutor.
2. An elected member of the Finance Committee shall serve for such period not exceeding four years on each occasion as may be specified by the Governing Body on the occasion of each election or re-election.
3. At a meeting of the Finance Committee the President or, in his absence, the Vice-President or, in the absence of both of them, the senior Fellow present shall preside.
4. The making of a decision on any matter at a meeting of the Finance Committee shall require votes in favour of that decision from more than half of the members of the Finance Committee present at such meeting. In the case of equality of votes the person presiding shall be entitled to have an additional or casting vote.

5. The secretary of the Finance Committee shall be the Bursar unless the Governing Body shall decide otherwise.
6. The Finance Committee shall on behalf of the Governing Body exercise the authority delegated to them by the Governing Body to manage, in accordance with general policies laid down from time to time by the Governing Body, the land, property and investments of the College and its financial affairs in general and to direct the Bursar in the performance of his financial duties.
7. There shall be at least two meetings of the Finance Committee in each academical year.
8. No business shall be transacted at a meeting of the Finance Committee unless at least half the members of the Finance Committee are present.
9. The Finance Committee shall submit an annual report in writing to the Governing Body and such other reports as the Governing Body may from time to time require.

#### **XIV. FELLOW COMMONERS, VISITING FELLOWS, HONORARY FELLOWS AND EMERITUS FELLOWS**

1. No person shall be elected or re-elected to a Fellow Commonership, Visiting Fellowship, Honorary Fellowship or Emeritus Fellowship unless he receives at a meeting of the Governing Body the votes, cast in person at such meeting, of more than half of all members of the Governing Body who are entitled to vote.
2. Fellow Commoners, Visiting Fellows Honorary Fellows and Emeritus Fellows shall enjoy such privileges as may be prescribed by Ordinance of the College and such additional privileges as may from time to time be determined by Governing Body.
3. If a Fellow Commoner, Visiting Fellow or Emeritus Fellow be elected to a Headship or to a Fellowship (other than an Honorary Fellowship) of any other College, Approved Foundation or Approved Society in the University he shall thereby vacate his Fellowship.
4. No Fellow Commoner, Visiting Fellow, Honorary Fellow or Emeritus Fellow shall have any voice or authority in the government of the College.
5. Fellow Commoners, Visiting Fellows, Honorary Fellows and Emeritus Fellows shall be categorised as Bye-Fellows for the purposes of the Universities of Oxford and Cambridge Act 1923.

#### **FELLOW COMMONERS**

6. The Governing Body may elect to a Fellow Commonership any person whom it shall appear to the Governing Body in the interest of the College to admit.
7. A Fellow Commonership shall be held on such conditions and for such periods as the Governing Body may determine.

### **VISITING FELLOWS**

8. The Governing Body may elect to a Visiting Fellowship any person who is not normally resident in Cambridge, if they consider that such person is specially fitted to be elected a Fellow and that it will be in the interests of the College to elect him.
9. A Visiting Fellowship shall be held on such conditions and for such periods as the Governing Body may determine provided that no person shall hold a Visiting Fellowship for more than fifteen months consecutively save in exceptional circumstances and by Special Resolution of the Governing Body whereby his tenure may be extended to two years.
10. A Visiting Fellow shall, unless excused by the Governing Body reside for at least two-thirds of each University Term within the area prescribed by the University for the residence of University Officers.
11. The Governing Body may assign to a Visiting Fellow such stipend and allowances as they may from time to time determine.

### **HONORARY FELLOWS**

12. The Governing Body may elect to an Honorary Fellowship any person of distinction.
13. The tenure of an Honorary Fellowship shall, subject to the provisions of these Statutes, terminate only with the death or resignation of the holder.

### **EMERITUS FELLOWS**

14. The Governing Body may elect to an Emeritus Fellowship any of the following:
  - a) any fellow under Title A, B or D who reaches the age for retirement specified for University Officers in the Statutes of the University, at the time when he reaches that age;
  - b) any person who for fifteen years whether continuously or not shall have been a Fellow of the College;
  - c) exceptionally, any retiring Fellow who they consider specially fitted for such status, if they consider that it is in the interests of the College to elect such person.
15. The tenure of an Emeritus Fellowship shall, subject to the provisions of these Statutes, terminate only with the death or resignation of the holder.

## **XV. SENIOR MEMBERS**

1. The Governing Body may admit as a senior member for such period as they may think fit any person who engages in research or other activity approved by the Governing Body or any person whom it shall appear to the Governing Body to be in the interest of the College to admit.

2. The Governing Body shall determine from time to time what privileges and allowances may be granted to such senior members and may withdraw any privileges and allowances in case of abuse.

#### **XVI. GRADUATE STUDENTS**

1. The Senior Tutor shall, subject to general direction of the Governing Body, decide upon all applications for admission for Graduate Students to the College provided that the College shall not admit any student who is candidate for the degree of Bachelor of Arts, Bachelor of Education or Bachelor of Music, nor shall the College present any candidate for these degrees.
2. Graduate Students shall observe these Statutes and shall conform to such orders and regulations as may be made by the Governing Body from time to time for the good government of the College and they shall pay such fees at such times as the Governing Body shall from time to time determine.
3. There shall be a Graduate Student Body whose constitution shall be subject to confirmation by the Governing Body.

#### **XVII. DISCIPLINE**

1. If ten or more Fellows being members of the Governing Body shall declare in writing to the Vice-President that in their opinion the President has through any cause (other than temporary disability) become incapable of performing satisfactorily the duties of his Office or that he has been guilty of grave misconduct or neglect of his duties the Governing Body shall have power by Special Resolution to declare that the facts be reported to the Visitor. The Visitor or a deputy appointed by him shall then have discretion after such further enquiry as he may think fit to declare the Office of President vacant provided that before reaching a decision he shall inform the President of the allegations that have been made against him and shall allow the President an opportunity to be heard, to call witnesses and to cross-examine witnesses called against him and shall allow him to be accompanied by a qualified solicitor, barrister or other representative of his choice who may advise him and speak on his behalf.
2. If any Fellow shall in the opinion of the President or any seven of the Fellows under Titles A, B, C and D be guilty of grave misconduct or serious violation of the Statutes of the College the matter shall be referred to a meeting of the Governing Body, notice of the case having been duly given at least fourteen days previously to each member of the Governing Body who is entitled to vote at such meeting. If after due enquiry the Governing Body are satisfied that the said Fellow is guilty of grave misconduct or serious violation of the Statutes of the College they shall have power by Special Resolution to deprive him of his Fellowship, provided that:
  - a) before the Governing Body reach any decision in the matter they shall inform him of the complaint made against him and shall give him an opportunity to be heard by the Governing Body, to call witnesses and to cross-examine witnesses called against him and shall allow him to be accompanied by a Fellow of the College or by a qualified solicitor or barrister of his choice who may advise him and speak on his behalf; and

- b) a person so deprived of his Fellowship may within two calendar months appeal to the Visitor and the Visitor or a deputy appointed by him shall have power to confirm, vary or reverse the decision of the Governing Body.
- 3. Any Fellow charged under this Statute shall take no part in discussion or voting by the Governing Body on the enquiry into such charges or on the Special Resolution arising therefrom.
- 4. The President shall have power at his discretion to suspend a College Officer from the performance of his duties until the next ensuing meeting of the Governing Body and the Governing Body shall have power to renew such suspension until such time as they shall have decided in accordance with the provisions hereinafter contained whether or not to remove the said Officer from his Office. If after due enquiry the Governing Body are satisfied that the said College Officer has failed to perform the duties of his Office satisfactorily they shall have power by Special Resolution to remove him from his Office provided that:
  - a) before the Governing Body reach any decision in the matter they shall inform him of the complaint made against him and shall give him an opportunity to be heard by the Governing Body, to call witnesses and to cross-examine witnesses called against him and shall allow him to be accompanied by a Fellow of the College or by a qualified solicitor or barrister of his choice who may advise him and speak on his behalf; and
  - b) a person so removed from office may within two calendar months appeal to the Visitor and the Visitor or a deputy appointed by him shall have the power to confirm, vary or reverse the decision of the Governing body.
- 5. If any Graduate Student shall in the opinion of the President and the Senior Tutor be guilty of grave misconduct or serious violation of the Statutes of the College the matter shall be referred to a meeting of the Council, notice of the case having been duly given to each member of the Council not less than fourteen days previously. If the said Student shall after due inquiry be found guilty by the Council, the Council shall have the power to take such action or impose such penalty including the expulsion from the College as they may consider appropriate. If the said Student is one of the Student Representatives on the Council, he shall take not part in discussion or voting the Council meeting which discusses the case, and his place on the Council at that meeting shall be taken by another student who shall be appointed by the Graduate Student Body in a manner prescribed by Ordinance. If the said Student shall consider himself aggrieved by the decision made by the Council he may within two calendar months appeal to the Governing Body whose decision shall be final. Before taking any decision the Council or the Governing Body as the case may be shall afford the said Student opportunity to appear in person to call witnesses and to cross examine witnesses called against him and shall allow him to be accompanied by one person who may advise him and speak on his behalf.

### **XVIII. ACCOUNTS AND AUDIT**

- 1. It shall be the duty of the Bursar to render accounts to the Governing Body at such time and in such form as the Governing Body may direct.

2. The College accounts shall be kept and rendered as nearly as possible in the form prescribed by the Statutes of the University and a copy of such accounts shall be sent annually to the Treasurer of the University not later than the date required by those Statutes.
3. The College shall comply with the Statutes of the University relating to accounts and statistics.
4. The College accounts shall be audited by a professional accountant appointed by the Governing Body (but not being a member of the Governing Body) who shall be a member of a body of accountants established in the United Kingdom and for the time being recognised by the Secretary of State for Trade and Industry for the purpose of Section 161 of the Companies Act 1948 as amended, and who shall be requested to sign a certificate in the form required by the Statutes of the University.

#### **XIX. POWERS OF INVESTMENT**

1. The Governing Body shall have power to purchase, lease, retain, sell or transfer property real or personal and to purchase, retain, sell or transfer securities (which term shall include stocks, funds and shares) or any description whether or not authorised by law for the investment of trust funds on behalf of the College and may also apply moneys to any purpose to which capital moneys arising under the Universities and College Estates Acts 1925 and 1964 may be applied.
2. In relation to the management, development, improvement, sale, lease, mortgage or other disposition of any land or any estate or interest therein held by the College or to the acquisition of any land or any estate therein the Governing Body may exercise any power and may carry out any transaction which an individual holding or acquiring such land, estate or interest for his own benefit could exercise or carry out, provided that any capital moneys thereby arising shall form part of the permanent endowment of the College.
3. The powers conferred by this Statute shall apply to all endowments, lands, securities property and funds of the College and of any specific trust for purposes connected with the College of which the College is trustee, provided that such powers shall not extend to the funds of a specific trust constituted after the date of this Charter.

#### **XX. POWERS TO ACCEPT AND REGULATE ENDOWMENTS**

1. The Governing Body on behalf of the College may accept endowments for any purpose in furtherance of the interests of the College as a place of education, learning and research.
2. The Governing Body on behalf of the College may make regulations giving effect to the wishes or suggestions of donors recorded in writing (whether such as to create a trust or not) regarding the application of such endowments or any place or emolument to be supported thereby, even though the regulations are inconsistent with these Statutes, provided that no such regulations shall derogate from any obligations of the College under the Statutes of the University.

## **XXI. CONTRIBUTION TO THE UNIVERSITY**

1. The College shall make out of its assessable income as defined in the Statutes of the University such annual contribution to the University as may be required by those Statutes and the income of trust or other separate funds included in the assessable income of the College may be charged with a proportionate share of the total contribution made by the College to the University.

## **XXII. SUPERANNUATION AND PENSION SCHEMES**

1. The Governing Body shall take such steps as may be necessary for the participation of the College in whatever superannuation or pension scheme or schemes may from time to time be appropriate.
2. The Governing Body shall by Ordinance approve such rules for the administration of superannuation and pension schemes for the President, College Officers, Fellows and College staff as they may from time to time think fit provided that such rules are not inconsistent with the provisions of the schemes themselves.

## **XXIII. LEAVE OF ABSENCE**

1. The Governing Body may grant leave of absence to any Fellow on such terms as they may determine and shall take into account the provisions in the Statutes of the University regarding entitlement to leave of absence. At the written request of a Fellow under Title C the Governing Body may agree that the period of his absence on leave shall be omitted in reckoning the limit of the tenure of his Fellowship, in which case he shall retain his Fellowship but shall receive no emolument during the period of his absence.
2. A Fellow who has been granted leave of absence under the provisions of Section 1 of this Statute shall not during the period of his leave of absence be reckoned a member of the Governing Body or of any Committee of the Governing Body. Nevertheless such Fellow shall be eligible to take part in the election of a President under the provisions of Statute III or the changing of Statutes under the provisions of Statute XXIV.

## **XXIV. CHANGES OF STATUTES**

1. These Statutes may only be revoked, amended or added to in compliance of Section 7(2) of the Universities of Oxford and Cambridge Act 1923 by the passing of a Special Statute by Special Resolution at a meeting of the Governing Body specially summoned for that purpose.
2. Members of the Governing Body entitled to vote at such meeting shall be sent at least fourteen days' written notice of such meeting and at least seven days' written notice of any Special Resolutions to be proposed thereat.
3. Notice of any proposed Special Statute shall be given to the University before such Statute is submitted to Her Majesty in Council.
4. A Statute which affects the University shall not be made, revoked, amended or added to except with the consent of the University.

## **XXV. COMMON SEAL AND MUNIMENTS**

1. The Bursar shall be responsible for the safe custody of the Common Seal and the muniments of the College.
2. The Common Seal shall not be affixed to any writing or document which has not previously received the sanction of the Governing Body, except for any writing or document belonging to any class of writings or documents in respect of which the Governing Body have given general sanction in advance. Every writing or document needing to be sealed shall be brought before the Governing Body for sanction or for report of sealing made in accordance with the prior general sanction of the Governing Body. The Bursar shall ensure that a record is kept of documents sealed.
3. The Common Seal shall not be affixed to any writing or document except in the presence of a member of the Governing Body and of the President or of a deputy appointed by him.

## **XXVI. ACADEMIC STAFF**

### **PART I CONSTRUCTION, APPLICATION AND INTERPRETATION**

1. This Statute and any Ordinance made under this Statute shall be construed in every case to give effect to the following guiding principles, that is to say:
  - a) to ensure that members of the academic staff of the College have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy or losing their jobs or privileges;
  - b) to enable the College to provide education, to promote learning, and to engage in research efficiently and economically; and
  - c) to apply the principles of justice and fairness.
2. No provision in Part II, Part III or Part IV shall enable any member of the academic staff to be dismissed unless the reason for the dismissal may in the circumstances (including the size and administrative resources of the College) reasonably be treated as a sufficient reason for dismissal.
3. – (1) This Statute shall apply –
  - a) to any person holding a full-time College Office designated by the Governing Body as one to which Statute applies;
  - b) to any person employed by the College to carry out teaching or research save for those holding appointments which have been excluded by the Governing Body from the scope of this Statute on the ground that the duties in that regard are only of a limited nature; and

c) to the President, to the extent and in the manner set out in Part VII of this Statute.

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

4. For the purposes of this Statute the following terms have the meanings specified:  
“dismiss” and “dismissal” refer to the dismissal of a member of the academic staff and

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

“good cause” in relation to the dismissal or removal from office of a member of the academic staff of the College, being in any case a reason which is related to conduct or capability or qualifications for performing work of the kind which the member was appointed or employed to do, means:

- i. Conviction for an offence which may be deemed by a Disciplinary Committee appointed under Part III to be such as to render the person convicted unfit for the execution of the duties of his office or for employment as a member of the academic staff of the College; or
- ii. Conduct of an immoral, scandalous, or disgraceful nature incompatible with the duties of the office or employment; or
- iii. Conduct constituting failure or persistent refusal or neglect or inability to perform the duties or comply with the conditions of the office or employment; or
- iv. Physical or mental incapacity established under Part IV.

In this section –

- a) “capability” means capability assessed by reference to skill, aptitude, health, or any other physical or mental quality; and
- b) “qualifications” means any degree, diploma or other academic, technical, or professional qualification relevant to an office or position held.

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

- a) The fact that the College has ceased, or intends to cease, to carry on the activity for the purposes of which the person concerned was appointed or employed or has ceased, or intends to cease, to carry on that activity in the place in which the member concerned worked; or

- b) The fact that the requirements of that activity for members of the academic staff of the College to carry out work of a particular kind in that place have ceased or diminished or are expected to cease or diminish.
6. – (1) In any case of conflict, the provisions of this Statute shall prevail over those of any other Statute and over those of any Ordinance, and the provisions of any Ordinance made under this Statute shall prevail over those of any other Ordinance:
- Provided that Part III 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 sub-section (9) of section 204 of the Education Reform Act 1988.
- (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 (2).
- (4) In this Statute references to numbered Parts, sections and sub-sections are references to Parts, sections and sub-sections so numbered in this Statute.
7. No one shall sit as a member of any of the bodies established under this Statute, and no one shall be present at a meeting of such a body when the body is considering its decision or discussing a point of procedure, except as provided by this Statute or by Ordinances made under this Statute.

## **PART II REDUNDANCY**

8. This Part enables the appropriate body to dismiss any member of the academic staff by reason of redundancy.
9. – (1) Nothing in this Part shall prejudice, alter or affect any rights, powers or duties of the College or apply in relation to a person unless –
- a) his appointment is made, or his contract of employment is entered into, on or after 20<sup>th</sup> November 1987; or
- b) he is promoted on or after that date
- (2) For the purposes of this section in relation to a person, a reference to an appointment made or a contract entered into on or after 20<sup>th</sup> November 1987 or to promotion on or after that date shall be construed in accordance with subsections (3) to (6) of section 204 of the Education Reform Act 1988.

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

(2) The Governing Body shall have power to decide 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) If the Governing Body has reached a decision under section 10(2) it may either

- a) Select the requisite members of the academic staff for dismissal by reason of redundancy, if such a course satisfies the guiding principles set in section 1; or
- b) Appoint a Redundancy Committee, whose duties shall be :
  - i) to select the requisite members of the academic staff and recommend them for dismissal by reason of redundancy; and
  - ii) to report their recommendations to the Governing Body by such date as the latter may determine

(2) A Redundancy Committee appointed under this section shall comprise:

- a) a Chairman; and
- b) two Fellows not being members of the academic staff; and
- c) two members of the academic staff.

(3) The Governing Body shall either approve any selection recommended by the Redundancy Committee or remit it to the Redundancy Committee for further consideration in accordance with such further directions as the Governing Body may give.

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

12. . – (1) If the Governing Body has itself selected a member or members of the academic staff for dismissal by reason of redundancy it may authorise an officer of the College 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 such selection. The notice shall sufficiently identify the circumstances which have satisfied the Governing Body that the intended dismissal is reasonable in particular shall include –

- a) a summary of the action taken by the Governing Body under this Part ;
- b) an account of the selection procedure used;

c) a reference to the rights of the person notified to appeal against the dismissal or the decision to dismiss and to the time within which any such appeal is to be lodged under Part V of this statute; and

d) a statement as to when the intended dismissal is to take effect.

### **PART III DISCIPLINE, DISMISSAL AND REMOVAL FROM OFFICE**

13. – (1) If it appears to the President 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 President concludes after investigation that the member is or has been at fault, he may issue an oral warning to the member. The President 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 President 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 President shall advise the member that he may appeal against the warning under subsection (4), and shall indicate that, if no satisfactory improvement takes place within the state time, a complaint may be made seeking institution of charges to be heard by a Disciplinary Committee.

(3) The President shall keep a written record of any warning issued under subsection (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 President within two weeks. An Appeals Committee appointed by the Governing Body shall hear the appeal and the Committee's decision shall be final. If the appeal is allowed, the warning shall be disregarded for purposes of section 14.

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

(2) To enable the President 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 President (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 were invited the President shall consider the matter in the light of all the available material and may dismiss the matter summarily, or issue a formal warning to the person concerned, or direct that the matter be considered by a Disciplinary Committee appointed under section 15.

15. If the President 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 President, 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 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. 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..
18. The procedure to be followed in respect of the preparation, hearing, and determination of charges by a Disciplinary Committee shall be prescribed by Ordinances made under this statute. Such Ordinances shall ensure:
  - a) that the person charged is entitled to be represented by another person, whether such person is legally qualified or not, in connection with and at any hearing of charges by a Disciplinary Committee;
  - b) that a charge not 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 t the person presenting the charge, and may be questioned concerning any relevant evidence;
  - d) that any charge is heard and determined as expeditiously as is reasonably practicable.

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

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

20. – (1) If the charge or charges are upheld but the Governing Body advises against dismissal, or if the Disciplinary Committee has recommended some lesser penalty than dismissal, the President, after consulting the Governing Body, may dismiss the member.

(2) If the charge or charges are upheld but the Governing Body advises against dismissal, or if the Disciplinary Committee has recommended some lesser penalty than dismissal, the President shall either -

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

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

21. – (1) Any reference in Section 20 to the President shall include a reference to an officer acting as his delegate.

(2) Any action taken by the President 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 President 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 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;

(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 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 President; 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 establishes procedures for hearing and determining appeals by members of the academic staff who are dismissed or under notice of dismissal or who are otherwise disciplined.
26. –(1) This Part applies –
- (a) to appeals against the decisions of the Governing Body as the appropriate body (or of a delegate of that body) to dismiss in the exercise of its powers under Part II;
  - (b) to appeals arising in any proceedings, or out of any decision reached, under Part III other than appeals under section 13 (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 a 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).
- (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 President 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 President, 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 President 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 President 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 in accordance with Ordinances made under this section.
- (2) A person appointed under sub-section (1) above shall be the person who is the Visitor; or a person who holds or has held judicial office or who is a barrister or solicitor of at least ten years' standing.
- (3) The person appointed shall sit alone unless he considers that justice and fairness will best be served by sitting as an Appeal Tribunal with two other persons appointed in accordance with Ordinances made under this section.
- (4) The other persons who may sit with the person appointed shall be –
- (a) one member of the Regent House of the University not being a Fellow of the College; and
- (b) one other member.
30. (1) The procedure to be followed in respect of the preparation, consolidation, hearing and determination of appeals shall be that set out in Ordinances made under this section.
- (2) Without prejudice to the generality of the foregoing such Ordinances shall ensure –
- (a) that an appellant is entitled to be represented by another person, whether such person be legally qualified or not, in connection with and at any hearing of his appeal;
- (b) that an appeal shall not be determined without an oral hearing at which the appellant, and any person appointed by him to represent him are entitled to be present and, with the consent of the person or persons hearing the appeal, to call witnesses;
- (c) that full and sufficient provision is made for postponements, adjournments, dismissal of the appeal for want of prosecution and for the correction of accidental errors; and
- (d) that the person appointed may set appropriate time limits for each stage (including the hearing itself) to the intent that any appeal shall be heard and determined as expeditiously as reasonably practicable.

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

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

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

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

(d) substitute any lesser alternative penalty that would have been open to the appropriate officer following the finding by the Disciplinary Committee which heard and pronounced upon the original charge or charges.

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

(2) if it appears to the President 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 President he shall inform the member.

(3) If the President 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 President 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 President shall refer the matter to a Grievance Committee for consideration.
36. A Grievance Committee to be appointed by the Governing Body shall comprise three Fellows of the College appointed 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 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 PRESIDENT FROM OFFICE**

39. Any three members of the Governing Body may make a complaint to the President seeking the removal of the President from office for good cause.
40. The President shall refer such a complaint to the Governing Body, exclusive of the President 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 complainant raises a prima facie case which could, if proved, constitute good cause for the dismissal or removal of the President 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 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 14 – 18, provided that the Vice-President shall perform any duty and exercise any power there assigned to the President, 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 President and the Vice-President. The Tribunal shall draw attention to the period of time within which any appeal should be instituted by ensuring that a copy of Part V of this Statute accompanies the notification of its decision sent to the President.
44. If the Tribunal finds that the complaint constitutes good cause for dismissal, the Vice-President, after consulting the Governing Body, may dismiss the President.
45. The President may institute an appeal against dismissal by serving on the Vice-President a notice in writing setting out the grounds of the appeal. A notice of appeal shall be served within twenty-eight days of the date on which the notice of dismissal was sent to the President; provided that the person appointed to hear an appeal shall have power to hear an appeal commenced after that date if he considers that justice and fairness so require in the circumstances of the case.
46. An appeal commenced under section 45 shall be heard in accordance with the provisions of Part V of this Statute, provided that the Vice-President shall perform any duty and exercise any power there assigned to the President and references in sections 30 and 31 to Part III shall be construed as referring to this Part.
47. For the purposes of the removal of the President for incapacity on medical grounds, the provisions of Part IV and Part V shall have effect, provided that the Vice-President shall perform any duty or exercise any power there assigned to the President.
48. For the purposes of this Part, references to the Vice-President shall, if the Vice-President is not in residence or is incapacitated by illness or otherwise, be construed as referring to the senior Fellow in residence.

## XXVII. INTERPRETATION AND INVALID PROCEEDINGS

1. In any Statute or Ordinance of the College words of the masculine gender shall import the feminine unless this interpretation is excluded expressly or by necessary implication.
2. In these Statutes unless the context otherwise requires the following expression have the meanings hereby respectively assigned to them, that is to say: “academical year” means a year commencing on the first of October;

“year” means a calendar year commencing on any date;

“University” means the University of Cambridge;

“College” means Clare Hall;

“Charter” means the Charter of the College;

“Term”, “Full Term” and “residence” have the meanings assigned to them by the Statutes and Ordinances of the University of Cambridge.

3. If any question shall arise concerning the meaning or effect of any of these Statutes it shall be decided by the President who shall report his decision to the Governing Body. The President’s decision shall be binding on all members of the College unless varied by a Special Resolution of the Governing Body. The President or any five members of the Governing Body may within two calendar months or such longer period as the Visitor may allow appeal to the Visitor against any such Special Resolution and the Visitor or a deputy appointed by him shall have power to confirm, vary or reverse the decision of the Governing Body.
4. No act shall become valid by reason of the fact that any person taking part in the act and chosen in good faith in the manner prescribed or authorised by these Statutes to be the person or a member of the body eligible to act was subsequently found not to be eligible to be so chosen.
5. 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 XXVI applies which concerns the member’s appointment or employment or the termination of that appointment or employment; or
  - (b) to disallow or annul any Ordinance of the Governing Body made under or having effect for the purposes of Statute XXVI.

## **XXVIII. DATE OF COMMENCEMENT AND INITIAL PROVISIONS**

1. These Statutes shall take effect on the day following the date of the Charter.
2. These Statutes shall apply to the first President and the first Fellows of the College, save that the length of their tenure and their stipends if any as Fellows or Officers of the Approved Foundation known as Clare Hall, Cambridge, shall not without their consent be modified. The seniority of the first Fellows of the College shall be their seniority as Fellows of the said Approved Foundation.
3. The Governing Body shall as soon as may be after the coming into effect of these Statutes determine as regards each of the Fellows of the College who are appointed by the Charter under which Title he is deemed to hold his Fellowship.
4. The first President and the first Fellows shall make the declarations required by Statutes III and II respectively as soon as may be after the coming into effect of these Statutes.