



**STATUTES  
OF  
CLARE COLLEGE**

(As approved by Her Majesty,  
by and with the advice of the Privy Council  
on 22 April 1998, 14 May 2001, 9 October 2013 and 11 October 2017)



## **1 The Foundation**

The foundation of the College shall consist of the Master, the F

- (b) The Senior Tutor
  - (c) Ten Fellows elected by the Governing Body
  - (d) two resident members of the College in statu pupillari who shall be called the Student Members of the Council.
- (2) The members of the Council referred to in section (1)(c) shall be elected by the Governing Body at its annual meeting to serve for one year and shall be eligible for re-election for further terms of one year.
- (3) An elected member who ceases to be a Fellow of the College shall *ipso facto* cease to be a member of the Council. If for whatever reason an elected member ceases to be a member in



Fellow or of any Officer or member of the teaching or assistant staff of the College, the admission of individual persons to membership of the College, the making to such persons of any awards, grants or prizes, or their academic assessment; proceedings relating to discipline or the removal from the College of any member in statu pupillari (except that a Student Member may be present to be heard in their own defence); the ecclesiastical patronage of the College; any matters arising under Statute 46 (the University Commissioners' Statute) and such further business as the Master shall from time to time declare to be reserved, the declaration of the Master to be final.

(6) Each Student Member shall exercise an independent judgement in respect of every matter of unreserved business and shall not in respect of any such matter act upon the direction of any other members of the College in statu pupillari.

(7) Wherever in these Statutes reference is made to the Union of Clare Students or to the Clare College

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- (2) If a Master is not duly elected within twelve months of the occurrence of a vacancy, the Visitor shall appoint some fit and properly qualified person to be Master.
- (3) The Master elected or appointed, unless already a Master of Arts (or of some equal or superior degree) in the University of Cambridge, shall without delay apply for the conferment of the degree under the provisions of the University statutes.
- (4) The Master elected or appointed shall on admission make and subscribe the following declaration: "I [A.B.] 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 orders of the College and its reasonable and approved customs."
- (5) When it is known that the Mastership is about to be vacated, whether by the Master giving notice to the Governing Body of resignation on a specified date or by reason of impending superannuation, an election may be made not more than fifteen months before the date of the vacancy by the same procedure as if the Mastership had already become vacant. Such election shall take effect from the date on which the Mastership becomes vacant.

#### **10 Absence of the Master**

- (1) If absent from the University or unable to discharge any of the duties imposed by these statutes, the Master shall, whenever the interests of the College require it, appoint in writing one of the Fellows to act as locum tenens, either for any special occasion, or generally, and for so long as shall seem advisable.
- (2) In the absence of the Master, the Master's place at College meetings shall be taken by the Fellow appointed to act as locum tenens.
- (3) If the Master is absent or incapacitated without having appointed a locum tenens, or if the Mastership is vacant without a Vice-Master having been elected under Statute 11, the senior of the Official Fellows in residence may summon College meetings, and the senior of the Official Fellows present shall take the Master's place at any lawfully summoned meeting.

#### **11 Appointment of a Vice-master**

- (1) On the occurrence of a vacancy in the Mastership the Governing Body shall meet promptly, and if they think it expedient they may at that or any subsequent meeting elect one of the Fellows to act in the Master's place while the Mastership remains vacant. The Fellow so elected shall be called Vice-Master and shall perform all the duties and exercise all the powers of the Master.
- (2) If the Master should become temporarily incapacitated for the performance of the duties of the office, the majority of the whole body of Fellows may by writing under their hands represent the matter to the Visitor. If the Visitor after due inquiry finds that the incapacity of the Master is proved, the senior of the Fellows by whom the matter was brought before the



Visitor shall summon a meeting of the whole body of Fellows, giving seven days' notice at least, for the election of one of the Fellows as Vice-M

may, by a vote in which not less than two-thirds of those present and voting concur, be re-elected for a further period or periods at a meeting of the Governing Body held not more than six months before the expiry of their tenure. The total tenure of a Fellowship in this class shall not exceed six years in all.

- (2) A Fellow in Class A shall receive such emoluments as shall be determined by the Finance

(1) The Master shall on superannuation or resignation become an Emeritus Fellow with the title of Emeritus Master or, if elected into a Fellowship in another class, shall become Emeritus Master on ceasing to hold a Fellowship in any other class.

(2)

- (4) Each Fellow shall on admission make and subscribe the following declaration: "I [A.B.] will, as far as in me lies, promote the honour and usefulness of the College, observe its statutes and orders and its reasonable and approved customs, be obedient to the Master in the exercise of the Master's statutable powers, and to the best of my judgement and ability discharge the business of the College which may be entrusted to me."
- (5) A Fellow-elect shall not be entitled to any of the privileges of a Fellow until their admission. Seniority among the Fellows who have been admitted shall normally be determined by the order in which they were elected; the Governing Body may however grant to a Fellow, after their election, a definite number of years of seniority.
- (6) If a Fellow elect is not admitted to their Fellowship within six months from the date from which their election takes effect, the Governing Body shall, unless there is a sufficient reason for the postponement of their admission, declare the Fellowship vacant.
- (7) There shall be no admission of Fellows on re-election or transference to another class, but an ex-Fellow, on election to a Fellowship, shall be admitted as at a first election.
- (8) A Fellow who is not already a member of the University shall without delay be presented by the College for matriculation.

## **19 Removal of Fellows**

- (1) If any Fellow should in the opinion of the Master or any two Fellows 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 given to each of the Fellows at least fourteen days previously. If the said Fellow shall after careful inquiry be found guilty by a majority of the whole body, the Governing Body may deprive the said Fellow of their Fellowship, or suspend the said Fellow for a limited period from all the rights and emoluments of a Fellow.
- (2) The said Fellow may within two months appeal to the Visitor, who shall after careful inquiry and without unnecessary delay confirm, reverse, or modify the decision. The said Fellow shall not receive the emoluments or exercise any rights of a Fellow while an appeal is pending.
- (3) Subject to the provisions of subsection (1) of section 6 of Statute 46, nothing in this Statute shall apply to a person who is a member of the academic staff to whom Statute 46 applies.

## **20 Honorary and Visiting Fellows**

- (1) The Governing Body may, by a vote in which not less than two-thirds of those present concur, elect distinguished persons to Honorary Fellowships, tenable for life. They may, however, by a like vote terminate the tenure of an Honorary Fellowship.

(2)

**23      The Bursars**

- (1) A Bursar shall, acting in accordance with the orders of the Finance Committee, have the care of the property and investments of the College, as well as uninvested balances. Such Bursar shall receive all rents and moneys due to the College and shall, either personally or through such persons as the College may appoint, make such payments under the orders of the Finance Committee as may be due from the College, and shall keep accurate account of both receipts and expenditure. The moneys shall be deposited by such Bursar in some bank or banks approved by the Finance Committee, or be invested according to their orders. The Committee may provide that sufficient cash balances shall be left in the hands of other officers of the College to meet the needs of the accounts entrusted to them.
- (2) A Bursar shall superintend the buildings, offices, rooms, courts and gardens of the College, and provide, under the orders of the Finance Committee, for their maintenance and repair.
- (3) The accounts of all funds shall be kept by a Bursar, and the

- (3) Each night in Full Term at least one of the Tutors shall be present in College or in a suitable house approved by Council. The Council shall make such provision as shall seem expedient for the availability of Tutors during vacations.
- (4) The duties of Tutors, Lecturers, Assistant Lecturers and Directors of Studies shall be determined by the Council. The Lecturers, Assistant Lecturers, Directors of Studies and other persons responsible for the education in the College of members of the College in *statu pupillari* shall work in conjunction with the Tutors, and shall be responsible to the Council.
- (5) The Dean of Students shall perform such duties of superintendence over the conduct of members of the College in *statu pupillari*, and such other duties, as the Council may from time to time determine.

## **27 Election of Officers**

- (1) The Dean, Dean of Students, Bursars, Steward, Librarian, Praelector, Tutors, Lecturers and holders of any offices established under Statute 21(2), shall be elected at the annual meeting of the Governing Body and shall enter upon office at such time as the Governing Body determines.
- (2) The Senior Tutor shall be elected in the first instance for three years, and thereafter may from time to time be re-elected for a further period or periods provided that no one shall hold the office of Senior Tutor for a total period of more than ten years. If the Senior Tutorship becomes vacant in the interval between two annual meetings of the Governing Body, the Master shall summon a meeting of the Governing Body to elect a new Senior tutor, who shall hold office until the next annual meeting and for three years in addition.
- (3) A Bursar shall be elected for one year and may be re-elected from year to year. If a Bursarship becomes vacant before the expiry of the year for which the Bursar was elected, the Master shall summon a meeting of the Governing Body to elect a new Bursar, who shall hold office for the remainder of the year.
- (4) The Dean, Dean of Students, Steward, Librarian, Praelector, Tutors other than the Senior Tutor, Lecturers and holders of any offices established under Statute 21(2) shall be elected for one year and may be re-elected from year to year. If any of these offices becomes vacant before the expiry of the year for which the holder was elected, the Council may appoint a duly qualified person to discharge the duties of the office for the remainder of the year.
- (5) The Assistant Lecturers, Directors of Studies, and if necessary a Chaplain, shall be appointed by the Council from time to time for not more than one year at a time.

## **28 Removal of Officers**

The Governing Body may, by a vote in which two-thirds of the Governing Body concur, at a meeting specially summoned for the purpose, remove from office any College Officer other

than the Master. Notice of such meeting shall be given at least 14 days previously. Provided that, subject to the provisions of subsection (1) of section 6 of Statute 46, nothing in this Statute shall apply to a person who is a member of the academic staff to whom Statute 46 applies.

## **29 Membership of the College**

- (1) The Council shall regulate admission to membership of the College, and shall ensure that no person is admitted unless there is satisfactory evidence of their conduct and attainments.
- (2) No person shall be permitted to come into residence in *statu pupillari* who is not qualified for matriculation under the University statutes, unless they have been exempted from this requirement by the competent University authority.
- (3) Every member of the College in *statu pupillari* shall comply with such statutes and ordinances of the University and such regulations made by the Council governing residence and pernoctation within the University and the College as shall for the time being be in force.
- (4) No person in *statu pupillari* shall be permitted to remain in residence unless they shew themselves by their ability, application to study, and general good behaviour, able and willing to profit by their residence.
- (5) If any member of the College in *statu pupillari* misconducts themselves, they shall be punished as their offence deserves. The Council shall make regulations for the constitution of a Court of Discipline and for the conduct of disciplinary proceedings.
- (6) No person in *statu pupillari* shall be sent out of residence under section 4, or be expelled or rusticated under section 5, without the consent of the Council, who shall first give such person the opportunity to make representations to them either orally or in writing as the p-4.6(houB)-1.49(s)-2133(o)1



- (4) Unless payable out of particular trust funds, the emoluments of Studentships, Scholarships, Exhibitions, and other awards, grants and prizes shall be paid out of the Research and Scholarship Fund.

### **31 Rooms**

- (1) Fellows in Classes A and B shall be entitled to occupy rooms in College. Fellows in other classes, and other persons, may occupy rooms in College in such cases and on such conditions as the Council shall determine. No person, not being a Fellow of the College, shall occupy rooms in college without the permission of the Council.
- (2) Rooms shall be allotted by the Master (or some College Officer authorised by the Master) in accordance with any principles laid down by the Council and having regard to the needs, duties and seniority of the occupant.

### **32 Commons**

- (1) No person, not being a Fellow of the College, shall be in Commons without the permission of the Council.
- (2) For the commons of the Master when taking meals in Hall and of each of the Fellows (including Honorary and Visiting Fellows) when taking meals in hall a moderate sum shall be allowed, whose amount shall be fixed by the Finance Committee.
- (3) Before dinner a Grace shall be said.

### **33 Commemoration of Benefactors**

Each year, on a day in the Lent Term (81

- (2) The Finance Committee shall make regulations for the conduct of proceedings for the dismissal of any member of the assistant staff. Such regulations shall provide for an appeal to the Council, whose decision shall be final.

### **35 Audit**

- (1) The financial year for the College accounts shall be from the 1st of July to the 30th of June in the following year, or between such other dates (being in accordance with the statutes of the University) as may be prescribed by the Finance Committee.
- (2) Each financial officer of the College shall make or cause to be made an annual statement or summary of all moneys received by them and all payments made and expenses incurred by them.
- (3) The Governing Body shall appoint annually a professionally qualified auditor who shall audit the several accounts of the College, and they shall also appoint one or more Fellows to inspect the audited accounts.
- (4) A meeting of the Finance Committee shall be called as soon as may be convenient in the Michaelmas Term. At this meeting the financial officers shall present their audited accounts with such observations on them as they deem necessary.
- (5) An abstract of the accounts of the College relating to funds administered either for general purposes, or in trust, or otherwise, shall be sent to the Vice-Chancellor at the time appointed and in the form prescribed by the University statutes.
- (6) The Steward shall keep the kitchen accounts and statistics in such a form as shall be in accordance with the University statutes. The College shall comply with the University statute regarding the inspection of the kitchen accounts of colleges, and the College share of the cost shall be borne by the kitchen department.

### **36 Seal, Plate and Muniments**

- (1) The Common Seal shall be kept in a secure place in a chest fastened with two locks of different patterns, whose keys shall be separately kept by a Bursar and another Fellow, appointed annually by the Governing Body. The persons so appointed shall be called the Chest-Keepers.
- (2) The Seal shall not be affixed to any document dealing with the property of the College except in pursuance of an order in writing of the Finance Committee, nor to a document of any other description except in pursuance of an order in writing of the Governing Body or the Council. The act of sealing shall be attested by two members of the Governing Body when attestation is required by the nature of the document.
- (3) The gold and silver plate which is not in daily use shall be under the charge of the Master, and shall be kept in one or more safes or strong rooms provided for the purpose. Every addition to

or removal from such deposit shall be entered in a register kept for the purpose, and the person taking custody of such plate shall sign their name against the entry. All plate must be produced for the annual inspection.

- (4) Two Fellows appointed annually by the Governing Body shall once in each year inspect the College plate and make a report on their findings.
- (5) All title-deeds and other valuable documents shall be kept in safes securely fastened. The keys of the safes shall be kept by the Master or a Bursar appointed by the Master to act as the Master's deputy. Any Fellow may freely inspect any of the said deeds or documents.

### **37 Investments**

- (1) The Finance Committee shall, subject to section 3 of this Statute, have power to purchase, sell or transfer property, real or personal, and securities (including stocks, funds and shares) of any description on behalf of the College, whether or not they are subject to particular trusts or restrictions; and also to apply moneys to any purpose to which capital moneys arising under the Universities and College Estates Acts of 1925 and 1964 may be applied.
- (2) In relation to the management, development, improvement, sale, lease, mortgage or other disposition of any land or estate or interest therein held by the College, or to the acquisition of any land or estate or interest therein, the Finance Committee may exercise any power and may carry out any transaction which an individual holding or acquiring such land, estate or interest for their own benefit could exercise or carry out.
- (3) The powers conferred by this Statute shall apply to:
  - (a) all endowments, land, securities, property and funds of the College not held on any trust; and
  - (b) any endowment, benefaction or trust for purposes connected with the College of which the College is a trustee.
- (4) In order to facilitate the management of investments under the control of the College, the Finance Committee may at any time and from time to time resolve that all or any part of the endowments or trusts to which this Statute applies be treated as an amalgamated fund invested for the rateable benefit of the property comprised in it (hereinafter called the constituent funds) and upon any such resolution the following provisions shall apply:
  - (a) no investment shall be brought into an amalgamated fund that is expressly disallowed as an authorised investment for any of the constituent funds;
  - (b) an amalgamated fund shall be held on behalf of the constituent funds in shares as nearly as may conveniently be proportionate to their respective capital values upon

the first constitution of the amalgamated fund; such shares shall be fixed by resolution of the Finance Committee;

- (c) the Finance Committee may at any time increase any amalgamated fund by adding thereto resources from constituent funds or new constituent funds, and upon any such increase shall fix the share to be attributed to such additions; and

The Council shall present to the several benefices in the patronage of the College.

**40 The Research and Scholarship Fund**

- (1) There shall be a Research and Scholarship Fund which shall replace and supersede the hitherto existing Scholarship Funds A and B and into which shall be paid the entire capital of those funds and such further sums as the Finance Committee may from time to time direct.
- (2) From this fund may be paid the emoluments of Research Fellowships, Studentships, Scholarships, Exhibitions and Prizes, as well as awards and grants to members of the College for the furtherance of research or other approved educational purposes.
- (3) Any surplus income of this fund may at the discretion of the Finance Committee be applied as



- (1) The College shall participate in the Universities Superannuation Scheme for the purpose of providing pensions for members of its teaching or administrative staff. The College shall continue to participate in the Federated Superannuation System for Universities in respect of those persons entitled to remain in that system.
  - (2) The Finance Committee shall prescribe the officers in respect of whom contributions shall be payable and the items in their emoluments which shall be taken into account in calculating the amount of the contributions.
  - (3) Contributions shall be payable in respect of the stipend of the Master.
  - (4) The College share of the contributions payable shall be provided as the Finance Committee
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- (b) to disallow or annul any regulation of the Governing Body made under or having effect for the purposes of Statute 46.
- (3) If any question arises in regard to the meaning of any part of these statutes, it shall be decided by the Governing Body. Anyone affected by such decision may appeal to the Visitor within two months or such extended period (if any) as shall be allowed by the Governing Body; but failing an appeal within the time allowed, the decision of the Governing Body shall be final. The Visitor, if appealed to within due time, may with the concurrence of at least one of the two Assessors affirm, vary, or reverse the decision of the Governing Body, and the Visitor's decision shall be final.

#### **48 Repeal of Existing Statutes**

- (1) These statutes shall come into force on the date of their approval by Her Majesty in Council, and all statutes of the College in force immediately before that day shall cease to have effect on that day.
- (2) Notwithstanding the preceding section, the interests and conditions of tenure of any person holding the Mastership or a Fellowship, College Office, Studentship, Scholarship or other award immediately before the day on which these statutes come into force shall continue to be governed by the statutes then in force unless they give notice in writing to the Master within a year of that day that they wish them to be governed by these statutes; provided that any re-election or reappointment to, continuance in, or extension of any of the above-mentioned offices or emoluments shall in any case be governed by these statutes.

#### **49 Change of Statutes**

Change of statutes shall be made in accordance with section 7(2) of the Universities of Oxford and Cambridge Act 1923.

#### **50 Regulations**

The Governing Body may make regulations, as far as necessary, for the implementation of these statutes.



STATUTE 46

ACADEMIC STAFF

PART 1 CONSTRUCTION APPLICATION AND INTERPRETATION

1. This Statute and any regulation made under this Statute shall be construed in every case to give effect to the following guiding principles, that is to say:
  - (a) to ensure that members of the academic staff of the College have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges;
  - (b) to enable the College to provide education, to promote learning, and to engage in research efficiently and economically; and
  - (c) to apply the principles of justice and fairness.
  
2. No provision in Part II, Part III or Part IV shall enable any member of the academic staff to be dismissed unless the reason for the dismissal may in the circumstances (including the size and administrative resources of the College) reasonably be treated as a sufficient reason for dismissal.
  
3.
  - (1) This Statute shall apply –
    - (a) to any person holding a College Office designated by the Governing Body as one to which this Statute applies;
    - (b) to any person employed by the College to carry out teaching or research save for those holding appointments which have been excluded by the Governing Body from the scope of this Statute on the ground that the duties in that regard are only of a limited nature; and
    - (c) to the Master, to the extent and in the manner set out in Part VII of this Statute.
  
  - (2) In this Statute any reference to “academic staff” is a reference to persons to whom this Statute applies.
  
4.
  - (1) For the purposes of this Statute the following terms have the meanings specified:



- (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 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 regulation, and the provisions of any regulation made under this Statute shall

matter in question, the Governing Body may appoint an alternate to act in his place under procedures prescribed by regulations made under this Statute.

## PART II REDUNDANCY

8. This Part enables the Governing Body, as the appropriate body for the purposes of section 203(1)(a) of the Education Reform Act 1988, 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. This Part applies where the Governing Body have decided that there should be a reduction in the academic staff –
  - (a) of the College as a whole; or
  - (b) of any area of academic work within the Collegeby way of redundancy.
11.
  - (1) Where the Governing Body have reached a decision under section 10 they shall
    - (a) select the requisite members of the academic staff for dismissal by reason of redundancy, if such a course satisfies the guiding principles set out in section 1; or
    - (b) appoint a Redundancy Committee, whose duties shall be:



- (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 subsection (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 subsection (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 subsection (1) or subsection (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 staf

(4)

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



- (c) to warn the person concerned; or
- (d) to suspend the person 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 person concerned contain provisions expressly entitling the Master to impose such a penalty; or
- (e) to take such further or other action under the contract of employment or terms of appointment of the person concerned as appears fair and reasonable in all the circumstances of the case; or
- (f)

- (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 medical 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 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 regulations made under this section. Such regulations 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.

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 their 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 Governing Body under section 10;
  - (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,

- (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 subsection (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 subsection (3) of this section, be heard and determined by a person appointed in accordance with regulations made under this section.
- (2) A person appointed under subsection (1) above shall be 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 regulations 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 regulations made under this section.
- (2) Without prejudice to the generality of the foregoing such regulations 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 (or any issue arising in the course of such an appeal) to the Governing Body for further consideration as the person or persons hearing the appeal may direct; or
  - (b) remit an appeal arising under Part III for re-hearing by a differently constituted Disciplinary Committee to be appointed under that Part; or
  - (c) remit an appeal from a decision of the appropriate officer under part IV for further consideration as the person or persons hearing the appeal may direct; or
  - (d) remit an appeal by the Master arising under Part VII for re-hearing or reconsideration by the same or by a differently constituted Tribunal to be appointed under that Part; or
  - (e) substitute any lesser alternative penalty that would have been open to the Master or his delegate 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, including any decision reached in exercise of his powers under section 30(3)(a), (b), or (c) or (d), on any appeal together with any findings of fact different from those come to by the Governing Body under Part II or by the Disciplinary Committee under Part III, as the case may be, to the Master and to the parties to the appeal.

## PART VI GRIEVANCE PROCEDURES

32. The aim of this Part is to settle or redress individual grievances promptly, fairly and so far as may be, within the relevant area by methods acceptable to all parties.
33. The grievances to which this Part applies are ones by members of the academic staff concerning their appointments or employment where those grievances relate –
- (a) to matters affecting themselves as individuals; or
  - (b) to matters affecting their personal dealings or relationships with other staff of the College,

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

34.

- (1) If other remedies within the relevant area have been exhausted the member of the academic staff may raise the matter with the Master.
- (2) If it appears to the Master that the matter has been finally determined under Part III, IV or V or that the grievance is trivial or invalid, he may dismiss it summarily, or take no action upon it. If it so appears to the Master he shall inform the member.
- (3) If the Master is satisfied that the subject matter of the grievance could properly be considered with (or form the whole or any part of) –
  - (a) a complaint under Part III;
  - (b) a determination under Part IV; or
  - (c) an appeal under Part V

he shall defer action upon it under this Part until the relevant complaint, determination or appeal has been heard or the time for instituting it has passed and he shall notify the member accordingly.

- (4) If the Master does not reject the complaint under subsection (2) or if he does not defer action upon it under subsection (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 regulations 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

## PART VII REMOVAL OF THE MASTER FROM OFFICE

39. Any five members of the Governing Body may make a complaint to the Senior of the Official Fellows then in residence seeking the removal of the Master from office for good cause.

40. The Senior of the Official Fellows then in residence 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 is not supported by sufficient evidence of good cause for the removal of the Master from office, 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 is supported by sufficient evidence of 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, wd by' stahceh(1)-4.6(e e (a3.9()5a)-14(f)6.9(6(e)-1.7( p)10.9(e)-1.7(r)-3 G th(a)

