

PEMBROKE COLLEGE

Preamble

The College was founded under the Corporate name of the Master, Fellows, and Scholars of Pembroke College, by a Royal Charter granted by King James the First in the year 1624, for Students of Theology, Civil and Canon Law, Medicine, and other good Arts and Languages. It was endowed for the maintenance of ten Fellows and ten Scholars by Thomas Tesdale, Esquire, and Richard Wightwick, Bachelor of Divinity: and was established within the precincts of Broadgates Hall, with the consent of the Chancellor of the University, William, Earl of Pembroke, from whom the College takes its name. It has since received various endowments from other Benefactors.

I. The College

1. Purpose

The College is an historic foundation dedicated to serve the common good through the provision of education and the promotion of scholarship and research

2 Government

The Governing Body of the College shall be the Master and such of the Fellows as are not by the provisions of these Statutes specifically excluded therefrom.

3. Executive Council

The Governing Body shall have power to appoint an Executive Council consisting of the Master and such ex-officio and elected members of the Governing Body and with such powers as may from time to time be determined by the Governing Body by By-laws made for that purpose.

II. The Master

1. Interpretation

For the purposes of this statute

(a) The expression "The Fellows" shall include only those Fellows who are members of the Governing Body.

(b) An election shall not be deemed to have been completed until the person elected has accepted the appointment.

2. Qualifications

In elections to the Mastership the electors shall choose the person who is, in their judgement, most fit for the government of the College.

3. Right of Election

The right of election to the Mastership shall be vested in the Fellows present at the meeting for the election.

4. Mode of Election

(a) When a vacancy occurs in the Mastership, the Vicegerent, or in his or her absence the senior Fellow present in Oxford, shall as soon as may be call a meeting of the Fellows by notice in writing sent to each Fellow. This meeting shall be held within one calendar month of the occurrence of the vacancy and shall appoint a time and place for the election of a new Master, which shall be not less than six weeks and not more than six calendar months from the occurrence of the vacancy.

(b) Notice of the time and place appointed for the election shall immediately be sent by the person who presided at the meeting aforesaid to every Fellow at his or her usual or last known address; but no election shall be void by reason of such notice not having been received by any Fellow to whom it was addressed.

(c) The votes at the election shall be given in writing to the Vicegerent, or in his or her absence to the senior Fellow present; and the Master shall be elected by an absolute majority of the Fellows present and voting. In case of an equality of votes the Vicegerent, or in his or her absence the senior Fellow present, shall be entitled to give a casting vote. The meeting for the election may be adjourned from time to time.

(d) Provided that if a Master shall not have been elected within nine calendar months from the occurrence of the vacancy, the appointment of a Master for that time shall lapse to the Visitor.

5. Pre-election

(a) When the Mastership is due to become vacant on a known date by resignation or retirement, the Fellows shall have power, if they choose, to proceed to the pre-election of a Master.

(b) Upon receiving a request from at least four Fellows, the Vicegerent, or in his or her absence, the senior Fellow present, shall convene a meeting of the Fellows to decide whether to proceed to the pre-election of a Master. Such a meeting may be held at any time within a period of fifteen months before the expected date of vacancy, and the Vicegerent, or in his or her absence the senior Fellow present, shall preside. At least fourteen days' notice shall be given in writing for this meeting.

(c) Should it be decided by a majority of two-thirds of the Fellows present and voting to proceed to a pre-election, the meeting shall appoint a time and place for the election of a new Master, which shall take place not less than one month from the date of the meeting.

(d) Notice and conduct of the meeting for election shall be governed by the provisions of paragraphs (b) and (c) of clause four.

(e) The Fellows may, at the meeting for the election, decide by a majority of those present and voting to terminate the proceedings for pre-election. Should the Mastership fall vacant in the course of proceedings for pre-election such proceedings shall automatically lapse.

(f) An election under this clause shall be valid even if the Mastership falls vacant before the expected date, and the Master-elect shall take up his or her office as soon as may be after the actual date of vacancy.

6. Admission

As soon as may be after the election (or, in the case of pre-election, after the Mastership falls vacant) the new Master shall, in the presence of the Visitor, make a declaration that he or she will faithfully perform the functions of his or her office and observe the Statutes and By-laws for the time being in force.

The Visitor shall deliver to the Master a notification that this declaration has been made. Upon reading this notification to the Fellows assembled in the College Chapel, the Master shall be deemed to have entered into the functions and emoluments of his or her office.

7. Duties and Residence

(a) The Master shall be the Head of the College. He or she shall promote the best interests of the College and shall exercise a general supervision over the affairs and management of the College and over the education, discipline and well-being of its members in statu pupillari. He or she may also take part in the teaching of the College.

(b) The Master shall reside in the College for at least six calendar months each year, including at least six weeks in each Full Term.

(c) Provided that the Visitor may, with the consent of the Master and at the request of the Governing Body, for such periods as the Governing Body may specify, dispense the Master from his or her obligation to reside or from all or any of the functions of his or her office. During the course of such dispensation the stipend and allowances of the Master may be determined at the discretion of the Governing Body, subject to the approval of the Visitor.

8. There shall be attached to the Mastership such annual stipend Stipend payable out of the Corporate Revenue of the College as the Governing Body may determine, subject to the approval of the Visitor. This stipend shall include an annual payment of £600 from the Trust Fund established by Lord Nuffield in 1937 to provide compensation for the surrender of the income of the Canonry of Gloucester formerly annexed to the Mastership.

The Master shall in addition receive such allowances to meet the expenses of entertainment and other expenses incurred by him or her by reason of his or her tenure of office as the Governing Body shall from time to time determine. The Master shall also be entitled to the use of his or her Lodgings free of rent, rates and taxes, the expense of necessary repairs and of such maintenance as the Governing Body may from time to time determine being defrayed by the College.

9. If and so long as the Master shall hold the office of a Professor in the University, or any other paid office in the University, the stipend payable to him or her by the College may be reduced at the discretion of the Governing Body, subject to the approval of the Visitor.

{Old Clause 10: "Deprivation" repealed: 26 July 1995)

10. Powers of the Vicegerent

During such time as the Master is unable to perform the functions of his or her office due to illness, absence or any other reason or where he or she has been dispensed from them, or during a vacancy in the Mastership, the functions of that office shall be assumed and performed by the Vicegerent.

11. Retiring Age

(a) The Master shall vacate his or her office upon the 31st day of July next after he or she shall have attained the age of seventy years, or if he or she shall attain that age upon the 31st day of July, then upon his or her attaining that age.

Provided always that the Governing Body may at a Stated General Meeting at which the Vicegerent, or in his or her absence the senior Fellow present, shall preside, by a vote of not less than three-fourths of the total number of its members, taken not less than six months before the expiry of the Master's term of office, extend the tenure of his or her office for a further period which shall not exceed five years.

(b) If the Master wishes to vacate his or her office by resignation, he or she shall give the Governing Body at least one term's notice of the date on which his or her resignation is to come into effect, provided that the Governing Body may at its discretion dispense the Master from this requirement.

III. The Fellows

1. Classes of Fellows

Fellowships of the following eight classes shall be tenable in the College:

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

(ii) Official Fellowships, tenable by

(a) Persons holding any office for the time being existing in the College (as set out in Stat. Tit. VI.3), whether teaching, administrative, or disciplinary;

(b) University Lecturers, Senior Research Officers, and Departmental Demonstrators appointed under the provisions of any University Statute or Decree in force for the time being;

(c) Persons holding any teaching or research post in the University, other than a post which qualifies them to hold a Professorial Fellowship.

(d) Persons not falling within categories (a), (b) or (c) whose appointment is necessary to enable the Governing Body to fulfil its obligations under Stat. Tit. V. 1

(iii) Research Fellowships tenable by persons who have attained distinction in some branch of knowledge and who shall undertake to perform some definite literary, scientific, or educational work in the College or in the University, or (with the approval of the Governing Body) elsewhere.

(iv) Fellowships by Special Election tenable by holders of such University offices as are declared by any University Statute or Decree to entitle the holder to a Fellowship or such other persons as the Governing Body shall from time to time determine.

(v) Emeritus Fellowships, tenable by persons who have vacated the Mastership, or a Professorial or Official Fellowship, or a Fellowship by Special Election in the College by retirement at a period fixed by any University Statute or Decree or under these Statutes or after fifteen years' service in the College.

(vi) Supernumerary Fellowships, tenable by persons who have vacated Fellowships in the College without qualifying for election to Emeritus Fellowships.

(vii) Advisory Fellows, limited to five in number. An Advisory Fellow shall have such rights as are set out in these Statutes or College By-laws but shall not be eligible to take part in the appointment of the Master or appointment or re-appointment of any Fellows as defined in Stat. Tit. III, I (i), (ii), (iii), (iv), (v), (vi), (viii) and (ix) (added on 27 July 2004)

(viii) Visiting Fellowships, tenable by persons of distinction from other Universities and centres of learning who have occasion to reside and engage in research or teaching in Oxford during the greater part of the academic year. The resolution of the Governing Body by which any person is elected to a Fellowship under this clause shall specify the name of the institution of which the person is already a member and the nature of his or her qualifications for election.

(ix) In addition to the eight classes of Fellowships aforesaid, the Governing Body may from time to time at any Stated General Meeting elect any distinguished person either to an Honorary Fellowship or to a Foundation Fellowship within the College. An Honorary Fellow or a Foundation Fellow shall not be entitled to attend meetings of the Governing Body or to vote or to receive any pecuniary emolument as Fellow unless also elected as an Advisory Fellow.

(amended on 27 July 2004)

2. Regulations as to Number and Classes

(i) The number of Fellowships in the College shall not be as restricted, and it shall accordingly be lawful for the Governing Body to create Fellowships of any of the aforesaid classes.

(ii) The holders of any Professorships which may from time to time be allocated to the College by the appropriate University authority shall, by virtue of their office, be Professorial Fellows of the College.

3. Election

(i) All Fellowships in the College, save those which are attached to the Professorships allocated to the College under clause 2 (ii) of this Statute, shall be filled by vote of the members of the Governing Body present at the time of election.

(ii) Every Professorial Fellow shall continue to hold his or her Fellowship until he or she resigns, or otherwise vacates his or her qualifying office. A Professorial Fellow may be deprived of his or her Fellowship for the same cause, and in the same manner as other Fellows.

(iii) (a) Every Official Fellow shall be elected for seven years or less, as may be determined from time to time by the Governing Body (provided that no such term shall be longer than the term for which he or she holds qualification under clause 1 (ii) of this Statute) and shall be eligible for re-election for a further term or terms of seven years or less.

(b) The election to any Official Fellowship of class (ii) (a) (clause 1) shall be made either after an examination or without an examination as the Governing Body shall determine. They shall elect that person who in their judgement shall be most fit to perform the duties of the office attaching to such Fellowship in the College.

(c) Before appointing any person to an Official Fellowship other than a person qualified under class (ii) (d) (clause 1) connected with the tutorial work of the College or with the post of University Lecturer or Senior Research Officer, the Governing Body shall consult the appropriate Board or Boards of Faculty.

(d) The Governing Body may appoint one or more Fellows under class (ii) (d) (clause 1) and the following provisions of this title of these Statutes viz.: 3.(iv) (a); 3.(iv) (b); 5.(i) shall apply to the appointment(s) as if the expression 'Research Fellow' was substituted by Fellow qualified under class (ii) (d) (clause 1).

(iv) (a) The Governing Body may appoint one or more Research Fellows at its discretion and on such terms as it may think fit. This appointment may be for any period not exceeding seven years and may be renewed. A Research Fellow may be designated Senior, or Junior if the Governing Body shall so decide.

(b) A Research Fellow shall be subject to such conditions as regards his or her work and his or her residence within the College or University or elsewhere as the Governing Body may determine at the time of his or her election or re-election. It shall be lawful for the Governing Body to vary such conditions from time to time at their discretion.

(c) A share in the educational work of the College or any College office may, subject to his or her consent, be assigned to a Research Fellow at any time.

(d) In electing to Research Fellowships the Governing Body shall as far as possible pay regard to the claims of different subjects of study.

- (v) Every Fellow by Special Election shall be elected for seven years or less, as may be determined from time to time by the Governing Body (provided that no such term shall be longer than the term for which he or she holds qualification under clause 1 (iv) of this Statute) and shall be eligible for re-election for a further term or terms of seven years or less.
- (vi) Every Emeritus Fellow shall be elected for life or for such term as the Governing Body shall determine, and shall be eligible for re-election.
- (vii) Every Advisory Fellow shall be elected for such period as is specified by resolution of the Governing Body at the time of the election.
- (viii) No Supernumerary Fellow shall be elected except by the votes of not less than two-thirds of the number of those present and voting at a meeting of the Governing Body. Every such Fellow shall be elected upon such conditions and for such term as the Governing Body shall determine, and shall be eligible for re-election.
- (ix) Every Visiting Fellow shall be elected for such period as the Governing Body may from time to time determine.
- (x) If a person who is already a Fellow in one class shall be elected to a Fellowship in another class, he or she shall ipso facto vacate the Fellowship of the former class.
- (xi) Every Fellow who does not at the time of his or her election hold the degree of Master of Arts or some higher degree in the University of Oxford shall be required to proceed to one or other of those degrees as soon as may be after his or her election, provided that he or she has already received, or is entitled to supplicate for, the degree of Bachelor of Arts.

4. Emoluments

- (i) The emoluments attached to the Fellowships of the College shall consist of such annual stipends and such prescribed allowances as the Governing Body shall from time to time determine.
- (ii) The financial emoluments attached to all Fellowships shall be provided for out of the corporate revenue of the College.
- (iii) There shall be no payment or reimbursement by the College in respect of Income Tax on any stipend or salary payable under these Statutes.
- (iv) For the purposes of this Statute the expression 'Prescribed Allowances' shall be deemed to include such (if any) of the allowances next hereinafter specified as the Governing Body may from time to time attach to any class of Fellowship.

The Governing Body may, if they think fit, set apart and allow such moderate sum of money from the corporate revenue of the College as they may from time to time determine for the provision of a common College luncheon and dinner, whether in Hall or in some public room of the College, of which the Master and each of the Fellows of the College shall be entitled to partake without charge, and also (if the Governing Body so determine) any Lecturer or Officer of the College not being a Fellow. The Governing Body may also, if they think fit, assign to any Fellow rooms in College free of rent, rates, and taxes.

Rooms in College

The Governing Body may require any Fellow to whom rooms have been assigned in College to vacate the said rooms on reasonable notice, if the Fellow be not engaged in work for the College such as to render the occupation by him or her of the said rooms desirable and if in the opinion of the Governing Body the interests of the College make it advisable that the said rooms should be so vacated.

5. Rights and Privileges

(i) Subject to the provisions of this clause, the Fellows of the College holding Fellowships of any class shall be entitled to all rights and privileges attaching to Fellowships, including membership of the Governing Body and the rights to vote at meetings thereof, provided that Research Fellows and Fellows by Special Election shall not be entitled to membership of the Governing Body unless elected thereto by a special resolution of the Governing Body.

(ii) No Emeritus, Supernumerary or Visiting Fellow shall be a member of the Governing Body unless the Fellow holds an office in the College (see Stat. Tit. VI.3).

(iii) The Governing Body may impose such period and terms of probation on the election to any Fellowship as it shall think fit.

(iv) It shall be lawful for any Fellow, the emoluments of whose Fellowship include an annual stipend, to resign his or her right to the whole or part of such stipend without prejudice to the remaining rights and privileges attached to his or her Fellowship.

(v) Any Fellow who has voluntarily surrendered his or her right to the whole or part of his or her stipend under the preceding sub-clause may at any time resume such right by giving notice to the Master in writing not less than three weeks before any meeting of the Governing Body, and the notice so given shall be reported to the meeting and shall take effect from the date of that meeting.

6. Declaration

Every probationer Fellow shall on his or her election make a declaration that he or she will observe the Statutes and By-laws of the College.

Every full Fellow shall on his or her admission make a declaration that he or she will be true and faithful to the College, and that he or she will endeavour to promote its interests and studies.

7. Determination of Fellowship

Every Professorial or Official Fellow shall vacate his or her Fellowship if he or she ceases to hold the qualification in respect of which he or she was last elected.

8. Vacating of Fellowship

If a Fellow (other than a Professorial Fellow who is the holder of a Professorial Chair attached to the College) shall be elected to and shall accept the Headship of any College or Hall or a Fellowship (other than an Honorary Fellowship) in any other College, or any office or work which in the opinion of the Governing Body is incompatible with the due discharge of his or her duties to the College, he or she shall thereupon vacate his or her Fellowship.

9. Deprivation

If a Fellow shall be guilty of grave immorality or of contumacious disobedience to the Statutes or By-laws of the College in force for the time being or of grave misconduct in any College office which he or she may hold, it shall be lawful for the Visitor, after due inquiry, held on the petition of the majority of the Governing Body present at a meeting specially called with notice of the business to be transacted thereat, to deprive him or her of his or her Fellowship. It shall be the duty of the Master, upon receipt of a requisition signed by not fewer than three Fellows, to call, or he or she may at any time of his or her own authority call, such meeting, giving not less than fourteen days' notice thereof.

(Added on 26 July 1995)

Provided that, subject to the provisions of clause 7 (a) of Statute XII, nothing in this clause shall apply to any member of the academic staff to whom Statute XII applies.

10. Conditions

(i) The right of an Official Fellow of class (ii) (a) (clause 1) to his or her Fellowship and other emoluments shall be conditional on his or her taking such part in the work of the College as may be required of him or her in virtue of his or her office by the Governing Body: and if he or she shall with the consent of the Governing Body resign a portion of his or her College work, or shall accept any office or work which in the opinion of the Governing Body is incompatible with the full performance of his or her College work, his or her emoluments shall be liable to such reductions as the Governing Body shall judge to be reasonable. This provision shall apply both to his or her emoluments as Fellow whether out of the Tuition Fund or otherwise and to the further payments which he or she may be entitled to receive, whether out of the Tuition Fund or otherwise.

(ii) The Governing Body shall have power to grant leave of absence to a Fellow on such terms as to period and emolument as it may determine.

11. Retiring Age

Subject to rights under the general law, every Official Fellow and Fellow by Special Election whose Fellowship or office is not otherwise vacated shall vacate the same on the 30th day of September immediately preceding his or her sixty-sixth birthday provided that:

(i) Any Fellow elected before the 1st July 1985 shall not be required to vacate his or her office before the 30th day of September immediately preceding his or her sixty-eighth birthday but shall vacate it on that date;

(ii) Any Fellow holding a linked University appointment who is entitled under the Statutes of the

University to hold that appointment until at least his or her sixty-seventh birthday shall vacate his or her College appointment on the day of September immediately preceding his or her sixty-eighth birthday, unless the College shall agree to extend his or her College appointment on such terms as it thinks fit, but for no longer than the period for which the said University appointment has been extended.

IV. The Scholars and Exhibitioners

1. There shall be in the College as many Scholarships Exhibitions Bursaries and Awards as the Governing Body shall from time to time determine.
2. Subject to the provisions of these Statutes the Governing Body shall from time to time make such regulations as they shall think fit with respect to the conditions and terms of eligibility, designation, mode of election, tenure, deprivation, emoluments and entitlements to be attached to College Scholarships, Exhibitions, Bursaries and Awards and to any other matters pertaining thereto as the Governing Body shall deem appropriate.
3. Every Scholar or Exhibitioner shall upon admission to his or her Scholarship or Exhibition be admonished by the Master to observe the Statutes and By-laws of the College, so far as they concern him or her.
4. If a Scholar or Exhibitioner shall be negligent of his or her studies or be guilty of any misconduct, the Governing Body may deprive him or her of his or her Scholarship or Exhibition or of the whole or any part of the emoluments thereof.
5. If a Scholar or Exhibitioner shall be admitted to a Fellowship or to a Scholarship or Exhibition in any other College, or shall accept any office or undertake any duty which in the opinion of the Governing Body shall be inconsistent with the position of a Scholar or Exhibitioner of the College, he or she shall thereby vacate this Scholarship or Exhibition.
6. Any surplus in respect of the Scholarships listed below may be used for the provision of grants to members of the College in residence and receiving instruction who are in need of financial assistance. If there is no such member of the College who in the opinion of the Governing Body both needs and deserves such assistance the said surplus shall be carried to the corporate revenue of the College.

SCHEDULE

Ashmore Scholarship	King Charles the First Scholarship
Besse Scholarship	Morley Scholarship
Blackett Scholarship	Nuffield Medical Scholarship
Cleoburey Scholarship	John Patterson Scholarship
Hardy Cross Scholarship	Joseph Patterson Scholarship
Hawkins Scholarship	Rous Scholarship
Henney Scholarship	Townsend Scholarship
Holford Scholarship	Gordon Warter Scholarship
Hull Scholarship	Dorothea Wightwick Scholarship

Theodore Williams Scholarship

V. Tuition

1. Courses of Instruction

The Governing Body shall provide course of instruction for members of the College in statu pupillari during at least twenty-four weeks in the academical year, exclusive of the time devoted to any College Examinations.

2. Appointment of Lecturers

The Governing Body may appoint Lecturers in furtherance of its obligation under Stat. Tit. V.1 on such terms and it may determine.

VI. Government of the College

1. College Meetings

The Master may at any time summon a Meeting of the Governing Body, giving not less than four days notice thereof, and shall do so at the request of any four Fellows.

2. Proceedings at College Meetings

Except where the concurrence of any specified proportion of the Governing Body, or the consent of any specified persons, is by these Statutes made requisite, every question arising at a meeting of the Governing Body shall be decided by a majority of the votes of those present and voting.

At all meetings of the Governing Body the Master, or (in his or her absence or during a vacancy in the Mastership) the Vicegerent, or (in the absence of both the Master and the Vicegerent) the senior Fellow present, shall preside.

Whenever the votes shall be equal, the Master or Vicegerent or other presiding Fellow shall have an additional or casting vote.

3. College Officers

The usual Officers of the College shall be the Master, Vice-gerent, Tutors, Academic Director, Bursar, and Dean. In addition the Governing Body shall have power to appoint such other Officers as may be reasonably necessary for the conduct of the affairs of the College, and as the Governing Body shall at any Stated General Meeting from time to time determine. More than one office may be held by the same person.

The Vicegerent shall be elected annually by the Governing Body at a Stated General Meeting. If at any time the office of Vicegerent shall fall vacant, it may be filled by election at any Stated General Meeting.

Subject to the provisions of these Statutes, all College Officers except the Master shall in each case be capable of re-election, and shall be elected at a Stated General Meeting by the Governing Body, who shall at the same time fix the duties, term of office, and reasonable stipend of any such Officer.

The Governing Body shall have power from time to time to make such changes as may be desirable in respect of the said stipend and duties, and on the re-election of any such Officer to vary the term for which his or her office shall be tenable. They shall also have power to remove from his or her office any Officer of the College, except the Master, who is inefficient or negligent in the performance of his or her duties.

The Governing Body may at any Stated General Meeting abolish any office in the College either already existing or created under this clause, except the offices of the usual Officers hereinbefore specified.

4. Finance and General Purposes Committee

There shall be a Finance and General Purposes Committee appointed annually by the Governing Body. The Committee shall comprise the Master, the Bursar, at least one Fellow who is a member of the Governing Body, and any person who is not a Fellow if the Governing Body shall see fit.

5. General Power to make By-laws and Regulations

The Governing Body may from time to time make and vary By-laws for regulating matters not otherwise provided for by these Statutes. They may also from time to time make and vary such regulations respecting the discipline, studies, and domestic management of the College, and may enforce those regulations by such penalties, as they shall think fit.

Provided that the name of no Undergraduate member of the College shall be removed from the Books of the College except by resolution of the Governing Body.

6. Divine Service

In respect to the purposes of its foundation and symbolic of a spiritual responsibility to the community, the College will maintain a Chapel for the purposes of holding Anglican and other divine service. For this purpose the College will retain the services of an ordained Anglican minister and seek assistance of such other ministers of religion as the Governing Body approves.

VII. Pensions

1. Pension Fund

The Pension Fund in existence at the date when these Statutes shall come into force shall be kept in being, subject only to such reduction of capital as is authorized by this Statute or by Statute X.

The capital of the Pension Fund shall be invested in any securities in which the investment of trust funds may legally be made, and the investments may from time to time be changed in accordance with resolutions passed by the Governing Body.

The income of the Pension Fund may be augmented (a) by such a sum out of the corporate revenue of the College, and (b) by such a contribution from the Tuition Fund, as the Governing Body may from time to time determine.

The income of the Pension Fund shall be applied solely for the payment of pensions, allowances, premiums for Life Assurance, and other similar payments. Any part of the income which is not required for these purposes shall be invested from time to time and shall be added to the capital of the Fund.

If at any time the income of the Pension Fund shall be insufficient for the payments authorized by this Statute and by Statute X, such payments, in so far as they cannot be made from the income of the Pension Fund, shall be a charge upon the corporate revenue of the College.

2. Universities' Superannuation Scheme

Notwithstanding the foregoing provisions of this Statute the Governing Body may appoint a day of accession to the Universities Superannuation Scheme ('the new Scheme') in order that the Federated Superannuation Scheme for Universities may be replaced in whole or in part by the New Scheme and upon such terms whether transitional or otherwise as the Governing Body may decide. From the date of such accession the Master, each Official Fellow and each other person engaged by the Governing Body to whom the provisions of the New Scheme shall apply shall conform to the provisions and rules of the New Scheme to the extent that such provisions and rules may be applicable to his or her circumstances and the Governing Body shall have authority to exercise all such powers as may belong to an Institution participating in the New Scheme.

VIII. Accounts

1. The Governing Body shall cause proper accounts to be maintained. These accounts shall be sufficient to disclose at any time the financial position of the College and shall give a true and fair view of the state of affairs of the College.

2. The Governing Body shall cause proper accounting records to be kept, in which shall be entered:

(i) All receipts and payments on account of or authorized by the College, whether from and to persons being members of the College or from and to any other person whatsoever;

(ii) All debts and liabilities contracted by or to the College or by or to any person on account or by authority of the College;

(iii) A statement of all property and assets of every kind or description held by or in trust for the College.

3. Audit

The College accounts shall be audited at least once in every year. The Governing Body shall appoint for that purpose an Auditor or Auditors. The Auditor or Auditors to whom the accounts are submitted shall be a member or members, or a firm the majority of whose partners are members, of the Institute of Chartered Accountants in England and Wales. The Auditor or Auditors shall report in writing to the Governing Body whether the accounts of the College are duly kept in proper books of account in conformity with the provisions of this Statute, and whether the Abstracts and Balance Sheet prepared in pursuance of the provisions of this Statute contain a full and true account of the financial condition of the College. It shall be lawful for the Auditors or any Auditor to report

specially as to any payment which they or he or she may judge to have been made without sufficient authority. The expenses of the Audit (including payment to any clerk or clerks whose assistance the Auditor or Auditors may require) shall be paid out of the corporate revenues of the College.

4. Accounting information to the University

The Governing Body shall in every year cause to be prepared and delivered to the Registrar of the University for publication such information relating to the accounts of the College as may be prescribed from time to time by any Statute of the University made or to be made under the powers of the Universities of Oxford and Cambridge Act, 1923. The date on or before which such information shall be delivered to the Registrar, the forms of the statements in which it shall be shown, and the certificate accompanying such forms, shall be as prescribed from time to time in any Statute of the University made or to be made under the like authority: and the certificate shall be signed by the Auditor or Auditors aforesaid.

5. Other Information to University

The Governing Body shall, on or before a date prescribed as aforesaid, furnish to the Curators of the University Chest such information as may be required for determining the amount to be paid by the College to the Curators as a contribution for University purposes under any Statute of the University made or to be made under the powers of the Universities of Oxford and Cambridge Act, 1923.

6. Annual presentation of accounts

The audited accounts of the College, together with any statement by the auditors, shall be laid before the Governing Body for approval at least once each year.

7. Accounts Committee

Once at least in every year the accounts of the College shall be examined and the correctness of the statement last mentioned shall be ascertained by a Committee of the Governing Body.

IX. Disposal of Revenue

1. College Contribution to University

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

2. Income of endowments and trusts included in general revenue

(i) Income to which this Clause applies may be applied in or towards the payment of any charges for University purposes imposed on the College by any Statute or Statutes made for the University

from time to time under the powers of the Universities of Oxford and Cambridge Act, 1877, and the Universities of Oxford and Cambridge Act, 1923, to the extent to which any such charges are so imposed in respect of such income.

(ii) This Clause applies to income arising from any endowment, benefaction, or trust, and applicable to the maintenance of any Fellowship, Scholarship, or Exhibition within the College, or to any other purpose for the benefit of the College or of the Head or any other member of the College, including any kind for the purchase of advowsons, in every case where the endowment, benefaction, or trust

(a) was created by an instrument which came into operation not less than sixty years before the ninth day of March One thousand nine hundred and thirty-eight, or

(b) is included among the endowments, benefactions, or trusts specified in the Schedule appended to this clause, the Trustees or Governing Bodies whereof have consented to the provisions of this clause.

THE SCHEDULE

(Trusts of which the College is Trustee or Governing Body)

The Ashmore Scholarship
The Atkinson Scholarship
The Besse Scholarship
The Cleoburey Prize
The Cleoburey Scholarship
The Currie Prize
The Derbyshire Prize
The Gordon Warter Scholarship
The Hansell Benefaction
The Hardy Cross Scholarship
The Hull Scholarship
The Bishop Mitchinson Trust
The Nuffield Fund
The Nuffield Medical Scholarship
The Nuffield Research Fund
The John Patterson Scholarship
The Joseph Patterson Scholarship
The R.W. Sterling Prize
The Trotter Trust
The True Benefaction
The Richard Dunster Wakefield Prize
The Ward-Perkins Benefaction
The Ward-Perkins Memorial Trust
The Way Benefaction
The Dorothea Wightwick Scholarship
The Theodore Williams Scholarship

3. Scheme to be approved by Visitor

If at any time it shall appear to the Visitor that the revenues of the College have become more than sufficient to provide for its expenditure, the Visitor may, if he or she think fit, make an order directing that any part of the surplus revenue shall be set apart and applied to purposes relative either to the College or to the University, according to a scheme submitted (or to be submitted) to him by the Governing Body and approved by him. After an order so made by the Visitor, any sums thereby directed to be set apart shall be applied in conformity with a scheme submitted to and approved by the Visitor as aforesaid, and under an order of the Visitor confirming the same, and not otherwise.

4. Items included in College Expenditure

The expenditure of the College shall, in the foregoing clause, be deemed to include as well the payment of charges for University purposes imposed by Statutes made for the University as aforesaid, as the application of revenue to the purposes of these Statutes, reasonable and customary expenditure (not inconsistent with these Statutes) for College purposes, reasonable expenditure on estates, pecuniary assistance to poor students, and any reasonable donations for educational or charitable objects or connected with the duties of the College as a holder of property.

5. Communication of scheme to the appropriate university authority

Before any scheme is confirmed by the Visitor, the Governing Body shall communicate it to the Vice-Chancellor for the information of the appropriate university authority: and the Visitor shall consider any representations which the appropriate university authority may judge it expedient for the interests of the University to make with reference to such scheme.

6. Confirmation of scheme

An order made by the Visitor confirming a scheme submitted to him by the Governing Body shall continue in force until a new scheme varying it or in substitution for it shall have been submitted and confirmed in like manner.

7. Representation to Visitor

The Governing Body or any three members thereof may at any time make a representation to the Visitor requesting him or her to exercise, if he or she thinks fit, the powers of this Statute. But this provision shall not be deemed to affect the Visitor's right to exercise such powers proprio motu.

8. Subject to the right of the Visitor to exercise the powers hereby given to him or her, any surplus of the revenues of the College shall from time to time be applied by the Governing Body at their discretion to any purposes relative to the College and not inconsistent with these Statutes, or (subject to the Statutes of the University in force for the time being) to any purposes relative to the University and conducive to the advancement of learning, science, or education.

9. Surplus Revenue

No addition shall under the powers of this Statute be made to the emoluments of the Mastership or to any Fellowship or Scholarship in the College, or to payments from corporative revenue which may be made under these Statutes to any College fund in respect of which the payments from corporate revenue are limited, by these Statutes, or to the number of Scholarships. But this clause shall not be deemed to prohibit or restrain the College from making payments under the preceding

clause out of its surplus revenue for research or other work in any department of learning or science.

10. Further provision as to expenditure

This clause shall apply to the following funds, namely

- (i) all funds and endowments of the College which are not held on any specific trust;
- (ii) any endowment, benefaction or trust for purposes connected with the College
 - (a) which was created by an instrument which came into operation not less than 60 years before 1 January 2002, or
 - (b) of which the Master and Fellows are the trustees or governing body and have consented to those provisions of this clause, or
 - (c) which does not fall within sub-paragraph (i) but of which the Master and Fellows are not trustees or governing body and such trustees or governing body have consented to the provisions of this clause.

In this clause:

- (a) “fair value” means the amount at which an asset could be exchanged in an arm’s length transaction between informed and willing parties, other than in a forced sale or in any insolvency proceedings;
- (b) “total return” means return in terms of both income, whether received or accrued, and capital appreciation, whether realised or unrealised.

The Master and Fellows may appropriate for expenditure for the purposes of a fund to which this section applies and for the purposes of Stat. Tit. X so much of the fair value of the particular fund as is prudent in all the circumstances having regard to the total return achieved and reasonably to be expected in the long term of the funds of the College to which this clause applies.

Any reference in these Statutes to the revenue or revenues of the College or to income shall include the total sums appropriated in accordance with this clause.

X. Power to invest and create charges

1. Subject in the case of specific trusts to the provisions of the relevant trust instrument, the Governing Body is empowered to invest all funds and endowments of the College in such securities, stocks, shares, funds, land or any other investments and whether involving liability or not as the said Governing Body shall think fit so that the Governing Body shall be empowered to invest and transpose the investments of such funds in the same unrestricted manner as if it were the beneficial owner thereof.

[Amendment of 14 February 1983]

2. The College has the power to borrow and to create a charge or charges over any of its property.

3. The Governing Body may appoint

A. an Investment Committee (whose members may include persons who are not members of the Governing Body); and

B. a suitably qualified and experienced person, firm or company as Investment Managers which may carry out the powers prescribed in this statute on such terms as the Governing Body shall think fit; provided that

(i) a person, firm or company shall be suitably qualified if it is shown that he, she or it (or, in the case of a subsidiary company whose obligations under the relevant terms of appointment will be guaranteed by the parent company, that parent company) is entitled to carry out investment business under relevant legislation;

(ii) the College may pay reasonable and proper remuneration to an Investment Manager appointed and acting in accordance with this statute;

(iii) the College may delegate to an Investment Manager appointed and acting in accordance with this statute power at his, her or its discretion (but always in accordance with this statute and the terms of his, her or its appointment) to buy and sell investments held on behalf of the College; and such delegation may permit those investments to be held by a nominee;

(iv) the terms of appointment of any Investment Manager shall be in writing and shall

(a) specify the relevant investment policy of the College and the scope of the Investment Manager's discretion;

(b) require the Investment Manager to comply with the terms of his or her appointment and with these statutes, the relevant University statutes and the general law (including any provision relating to the keeping and supply of records and accounts);

(c) prohibit the Investment Manager from sub-delegating or assigning his, her or its appointment without the express consent of the College;

(d) specify the amount and/or method of calculation of the Investment Manager's remuneration;

(e) entitle the College to terminate the appointment at any time on reasonable notice;

(f) specify other circumstances in which the appointment may be terminated by either party and (subject to earlier termination) its maximum duration which shall not exceed 24 months on any one occasion (but subject if so specified to renewal from time to time by mutual agreement);

(g) specify the relevant advisory, reporting and accounting procedures; and

(h) state whether or not investments may be held on behalf of the College in the name of a nominee and (if so) on what basis and by whom.

(v) The College shall take reasonable steps (and if necessary take appropriate advice) to satisfy itself when making any such appointment that its terms are in accordance with best practice at the

relevant time. In particular (to ensure that the College always has adequate information as to and appropriate control over the investments, funds or other assets of whatever nature to which the appointment relates) the Investment Manager shall be required

(a) to review and report in writing to the Investment Committee at least three times each calendar year on the College's investment policy and the performance of and the future prospects for the College's investments, and to give any relevant advice;

(b) to report to the Investment Committee at once on any significant change since the last such review and report which may in his or her view require early attention by the College; and

(c) to account to the College regularly on a basis agreed with the College.

(vi) the College seal shall not be affixed to any document by the Investment Manager.

XI. The Visitor

1. Visitor

The Chancellor of the University for the time being shall be Visitor of the College.

2. General powers of Visitor

It shall be lawful for the Visitor in person, or by his or her Commissary duly appointed, to visit the College.

3. Power to interpret Statutes

If the Governing Body shall be unable to agree upon a question which depends wholly or in part on the construction of any of the Statutes of the College, the Governing Body, or the Master, or any three of the Fellows, may submit the same to the Visitor, and the Visitor may thereupon declare the true construction of the Statutes with reference to the case submitted to him or her.

4. Power to disallow By-laws

The Visitor may either proprio motu or on the complaint of the Master or any of the Fellows, disallow and annul any By-law or Resolution of the Governing Body which is, in the Visitor's judgement, repugnant to any of the Statutes of the College in force for the time being.

5. Appeal to Visitor

The Master, or any Fellow of the College, if aggrieved by any act of the Governing Body, and any Scholar of the College, if deprived of his or her Scholarship by a decision of the Governing Body, may appeal to the Visitor: and the Visitor may adjudicate on the appeal, and confirm, reverse, or vary the act or decision, as he or she deems just.

6. Representations as to provisions affecting the University

If at any time it appear to the appropriate university authority that any provisions of these Statutes, or of any other Statutes of the College in force for the time being, respecting the accounts of the College, or the audit or publication thereof, or the exercise of the borrowing powers of the College, or any other provision of such Statutes, by the non-observance of which any interest of the University is liable to be prejudicially affected, is not duly observed, the appropriate university authority may submit a representation to the Visitor. The appropriate university authority may in like manner make a representation to the Visitor if it shall appear that regard is not had by the College in electing its Research Fellows to the requirements of the different branches of study pursued in the University. The Visitor shall, upon receiving such representation, inquire into the matter, and after considering any representation made by the College make such order therein as he or she shall deem just for enforcing the due observance of the said Statutes in the matter to which the representation shall relate.

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

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

(ii) to disallow or annul any By-law made under or having effect for the purpose of Statute XII.
[clause added on 26 July 1995]

XII. Academic Staff (Title added on 26 July 1995)

Part I: Construction Application and Interpretation

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

(i) 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;

(ii) to enable the College to provide education, to promote learning, and to engage in research efficiently and economically; and

(iii) to apply the principles of justice and fairness.

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

3. (a) This Statute shall apply:

(i) to any person holding a College Office designated by the Governing Body as one to which this statute applies;

(ii) 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

(iii) to the Master, to the extent and in the manner set out in Part VII.

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

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

(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.

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

(i) conviction for an offence which may be deemed by an Academic Disciplinary Committee appointed under Part III to be such as to render the person convicted unfit for the performance of the duties of the office or employment as a member of the academic staff; or

(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 office or employment; or

(iv) physical or mental incapacity established under Part IV.

(b) In this clause:

(i) “capability”, in relation to such a member, means capability assessed by reference to skill, aptitude, health or any other physical or mental quality; and

(ii) “qualification”, in relation to such a member, means any degree, diploma or other academic, technical or professional qualification relevant to the office or position held by that member.

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

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

(ii) the fact that the requirements of that activity for members of the academic staff to carry out work of a particular kind in that place have ceased or diminished or are expected to cease or diminish.

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

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

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

(b) 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.

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

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

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

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

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

PART II: REDUNDANCY

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

9. (a) 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

(i) his or her appointment is made, or his or her contract of employment is entered into, on or after 20th November 1987; or

(ii) he or she is promoted on or after that date.

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

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

(b) This clause applies where the Governing Body has decided that there should be a reduction in the academic staff

(i) of the College as a whole; or

(ii) of any area of academic work within the College

by way of redundancy.

11. (a) Where the Governing Body has reached a decision under clause 10(b)-

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

(ii) it shall appoint a Redundancy Committee to be constituted in accordance with sub-clause (c) of this clause to give effect to its decision by such date as it may specify and for that purpose

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

(B) to report their recommendations to the Governing Body

(b) The Governing Body shall either approve any selection recommendation made under sub-clause (1)(ii)(A), or shall remit it to the Redundancy Committee for further consideration in accordance with its further directions.

(c) A Redundancy Committee appointed by the Governing Body shall comprise -

(i) a Chairman; and

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

(iii) two members chosen from amongst members of the academic staff.

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

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

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

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

(i) a summary of the action taken by the Governing Body under this Part;

(ii) an account of the selection processes it has used;

(iv) a reference to the rights of the person notified to appeal against the notice and to the time within which any such appeal is to be lodged under Part V; and

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

PART III: DISCIPLINE, DISMISSAL AND REMOVAL FROM OFFICE

13. (a) If the conduct or performance of a member of the academic staff does not meet acceptable standards, but does not constitute sufficient cause for dismissal, an oral warning may be given by the Master who shall keep a note of the matter. The member of the academic staff concerned shall be informed of the reason for the warning; that it constitutes the first stage of the disciplinary procedure; and that a right of appeal exists under this clause. An oral warning shall be disregarded for disciplinary purposes after 12 months.

(b) If the offence is a serious one, or if a further offence occurs, a written warning may be given by the Master, who shall keep a copy of the warning. The member of the academic staff concerned shall be informed of the reason for the warning; the improvement required and the time within which that must be achieved; that charges may be instituted under clause 14 of this Statute if there is no satisfactory improvement; and that a right of appeal exists under this clause. A written warning shall be disregarded for disciplinary purposes after 2 years.

(c) A member of the academic staff who wishes to appeal against a disciplinary warning given under this clause shall inform the Master within two weeks. A Grievance Committee appointed under Part VI shall hear the appeal and the Committee's decision shall be final.

14. (a) If there has been no satisfactory improvement following a written warning given under clause 13(b), or in any case where it is alleged that conduct or performance may constitute good cause for dismissal or removal from office, a complaint seeking the institution of charges to

be heard by an Academic Disciplinary Committee appointed under clause 15 may be made to the Master.

(b) To enable the Master to deal fairly with any complaint brought to his or her attention under sub-clause (a) he or she shall institute such enquiries (if any) as appear to him or her to be necessary.

(c) If it appears to the Master (whether on receipt of a complaint or otherwise) that there are grounds for believing that the conduct or performance of a member of the academic staff could constitute good cause for dismissal, he or she shall write to the person concerned inviting comment in writing and, if he or she considers that the College might otherwise suffer significant harm may, at this stage or at any stage prior to the conclusion of any hearing by an Academic Disciplinary Committee, suspend the person concerned from the performance of his or her duties without loss of pay or emoluments.

(d) As soon as may be following the comments (if any) or in any event not later than 28 days after they were invited the Master shall consider the matter in the light of all the available material and may dismiss the matter summarily, or issue an oral or written warning to the person concerned, or determine that the matter be considered by an Academic Disciplinary Committee appointed under clause 15.

15. If the Master has determined that the matter is to be considered by an Academic Disciplinary Committee, he or she shall request the Governing Body to appoint such a Committee to hear the charge or charges and to determine whether the conduct or performance of the person charged constitutes good cause for dismissal or otherwise constitutes a serious complaint relating to his or her appointment or employment, and to make recommendations concerning the action (if any) to be taken as a result of the Committee's findings. Pending the consideration of such recommendations, the Master, after consulting the Governing Body, may suspend the person charged from the performance of his or her duties without loss of pay or emoluments.

16. (a) An Academic Disciplinary Committee shall consist of three persons selected by the Governing Body from a panel of seven persons appointed annually by the Governing Body. The members of the panel shall be members of the Governing Body, Honorary Fellows or Emeritus Fellows of the College.

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

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

(b) It shall be the duty of the person formulating the charge or charges -

(i) to forward the charge or charges to the Academic Disciplinary Committee and to the member of the academic staff concerned, together with the other documents therein

specified and a list of all witnesses the College proposes to call, with statements containing the evidence they are expected to give; and

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

18. The procedure to be followed in respect of the preparation, hearing, and determination of any charge by an Academic Disciplinary Committee shall be prescribed by By-laws made under this Statute. Such By-laws shall ensure:

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

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

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

20. (a) Where any charge is upheld and the Academic Disciplinary Committee finds good cause and recommends dismissal or removal from office, but in no other case, the Master, after consulting the Governing Body, shall decide whether or not to dismiss the person concerned. If he or she decides to accept the Academic Disciplinary Committee's recommendation he or she may forthwith dismiss that person.

(b) Where any charge is upheld, other than where the Master has decided under sub-clause (a) to dismiss the person concerned, the action available to the Master after consulting the Governing Body (not comprising a greater penalty than that recommended by the Academic Disciplinary Committee) shall be

- (i) to discuss the issues raised with the person concerned; or
- (ii) to advise the person concerned about his or her future conduct; or
- (iii) to warn the person concerned; or
- (iv) 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 Academic Disciplinary Committee's decision, provided that no suspension without pay may be ordered unless the terms of the contract of employment of the person concerned contains provisions expressly entitling the Master to impose such a penalty; or
- (v) 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
- (vi) any combination of the above.

21. (a) The Master shall be the appropriate officer to exercise the powers conferred by clause 20 but he or she may appoint a delegate to exercise those powers.

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

PART IV: REMOVAL FOR INCAPACITY ON MEDICAL GROUNDS

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

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

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

(d) In this Part references to the member of the academic staff for the purposes of notification, giving consent, agreement, nomination or providing evidence include, in cases where the nature of the alleged disability so requires, a responsible relative or friend or other person with authority to act on behalf of that member in addition to (or instead of) that member.

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

- (i) shall inform the member accordingly;

- (ii) may, if the member agrees or if the Master considers that the College might otherwise suffer significant harm, suspend the member from duty without loss of pay; and
 - (iii) shall notify the member in writing that it is proposed to make an application to the member's medical practitioner for a medical report and shall seek the member's consent in writing in accordance with the requirements of the Access to Medical Reports Act 1988.
- (b) If the member elects to apply for early retirement on medical grounds he or she shall be allowed to do so and the College shall meet the reasonable costs of any medical opinion required.
- (c) If the member does not elect to apply for early retirement on medical grounds the Master may refer the case in confidence, in accordance with procedures prescribed by By-laws made under sub-clause (d) of this clause, with any medical and other evidence (including any such evidence submitted by the member), to a Medical Board comprising one person nominated by the Governing Body; one person nominated by the member concerned or, in default of the latter nomination, by the Master; and a medically qualified chairman jointly agreed by the Governing Body and the member or, in default of agreement, to be nominated by the President of the Royal College of Physicians.
- (d) The procedure to be followed in respect of the preparation, hearing, and determination of a case by a Medical Board under this Part shall be prescribed by By-laws made under this sub-clause. Such By-laws shall ensure:
- (i) 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;
 - (ii) that a case shall not be determined without an oral hearing at which the person charged and any person appointed to represent him or her are entitled to be present;
 - (iii) that witnesses may be called and may be questioned concerning any relevant evidence; and
 - (iv) that the case is heard and determined as expeditiously as is reasonably practicable.
- (e) The Board may require the member concerned to undergo medical examination at the College's expense.
24. (a) If the Board determines that the member should be required to retire on medical grounds, the Master shall consult the Governing Body, and may terminate the employment of the member concerned on those medical grounds.
- (b) Any action taken by the Master shall be confirmed in writing and notified to the Governing Body.

PART V: APPEALS

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

26. (a) This Part applies:

- (i) to appeals against any decisions of the Governing Body to dismiss in the exercise of its powers under Part II of this Statute;
- (ii) to appeals arising in any proceedings, or out of any decision reached, under Part III other than appeals against disciplinary warnings under clause 13 of this Statute;
- (iii) to appeals against any dismissal otherwise than in pursuance of Part II, Part III, Part IV or Part VII of this Statute;
- (iv) to appeals against any disciplinary decision otherwise than in pursuance of Part III of this Statute;
- (v) to appeals against any decisions reached under Part IV of this Statute; and
- (vi) to appeals against any decision reached under Part VII of this Statute

and “appeal” and “appellant” shall be construed accordingly.

(b) No appeal shall however lie against:

- (i) a decision of the Governing Body under clause 10(b) of this Statute;
- (ii) any finding of fact of an Academic Disciplinary Committee under Part III of this Statute, or of a Tribunal under Part VII of this Statute save where, with the consent of the person or persons hearing the appeal, fresh evidence is called on behalf of the appellant at that hearing;
- (iii) any medical finding by a Board set up under clause 23(c) of this Statute save where, with the consent of the person or persons appointed, fresh evidence is called on behalf of the appellant at that hearing.

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

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

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

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

(b) 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 or she has done so.

(c) Where the notice of appeal was served on the Master outside the 28 day period the person appointed under clause 29 shall not permit the appeal to proceed unless he or she considers that justice and fairness so require in the circumstances of the case.

29. (a) Where an appeal is instituted under this Part the Governing Body shall appoint a person described in sub-clause (b) of this clause to hear and determine that appeal subject to clause (c) of this clause.

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

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

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

(i) one member chosen from amongst Professorial Fellows, Honorary Fellows, Emeritus Fellows; and

(ii) one member chosen from amongst members of the academic staff.

30. (a) The procedure to be followed in respect of the preparation, consolidation, hearing and determination of appeals shall be that set out in By-laws made under this clause.

(b) Without prejudice to the generality of the foregoing such By-laws shall ensure:

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

(ii) 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;

(iii) 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

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

(c) 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

- (i) remit an appeal from a decision under Part II to the Governing Body (or any issue arising in the course of such an appeal) for further consideration as the person or persons hearing the appeal may direct; or
- (ii) remit an appeal arising under Part III for re-hearing or re-consideration by the same or by a differently constituted Academic Disciplinary Committee to be appointed under that Part; or
- (iii) remit an appeal from a decision under Part IV for further consideration as the person or persons hearing the appeal may direct; or
- (iv) remit an appeal by the Master arising under Part VII for re-hearing or re-consideration by the same or by a differently constituted Tribunal to be appointed under that Part; or
- (v) substitute any lesser alternative penalty that would have been open to the Master following the finding by the Academic Disciplinary Committee which heard and pronounced upon the original charge or charges.

31. The person appointed shall send a reasoned decision, including any decision reached in exercise of his or her powers under clause 30(c)(i), (ii) or (iii) or (iv), on any appeal and a statement of any findings of fact different from those of the Governing Body under Part II or of the Academic Disciplinary Committee under Part III or of the Board under Part IV or of the Tribunal appointed under Part VII, 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 -

- (i) to matters affecting themselves as individuals; or
- (ii) 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. (a) If other remedies within the relevant area have been exhausted the member of the academic staff may raise the matter with the Master.

(b) 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 or she may dismiss it summarily, or take no action upon it. If it so appears to the Master he or she shall inform the member and may inform the Governing Body accordingly.

(c) 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)

- (i) a complaint under Part III; or
- (ii) a determination under Part IV; or
- (iii) an appeal under Part V

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

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

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

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

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

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

PART VII: REMOVAL OF THE MASTER FROM OFFICE

39. Any seven members of the Governing Body may make complaint to the Vicegerent seeking the removal of the Master from office for good cause.

40. The Vicegerent shall refer such a complaint to the Governing Body, exclusive of the Master and the members making the complaint. If it appears to the Governing Body that the complaint does not raise a *prima facie* case of good cause for the removal of the Master from office, it may determine that no further action shall be taken upon it.

41. If it appears to the Governing Body that the complaint raises a *prima facie* case of good cause for the removal of the Master from office, it shall appoint a Tribunal to hear and determine the matter.

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

- (a) an independent Chairman; and
- (b) one member chosen from amongst Professorial Fellows, Honorary Fellows and Emeritus Fellows; and
- (c) one member chosen from amongst members of the academic staff.

43. A charge referred to the Tribunal shall be dealt with in accordance with the procedure prescribed in clauses 17 to 19, provided

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

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

45. Where a complaint is to be referred to a Tribunal under clause 41, the Vicegerent may, if he or she considers that the College might otherwise suffer significant harm, suspend the Master from his or her duties in all matters relating to the government and discipline of the College without loss of salary.

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

XIII. Special and Temporary Provisions

1. Interpretation

In these Statutes (and in all By-laws made under them) words importing the masculine gender shall include the feminine and vice versa where the construction so permits.

2. Repeal of existing Statutes and Ordinances

The existing Statutes of Pembroke College and all the Ordinances framed under the authority of the Universities of Oxford and Cambridge Act, 1877, or under any Act or Acts amending the same with reference to the said College, and all trusts and provisions of any deed, will, or other instrument of foundation, made more than sixty years before the date of the making of this Statute in any way inconsistent with these Statutes, are hereby repealed, without prejudice to any right acquired, liability incurred, or things done thereunder, or any repeal effected thereby.

3. In these statutes, references to “members in statu pupillari” means “undergraduate, graduate and visiting or any other students”.

These Statutes are made wholly for Pembroke College within the meaning of the Universities of Oxford and Cambridge Act, 1877, Section 30, as set out in the Schedule to the Universities of Oxford and Cambridge Act, 1923.