

**Statute C****UNIVERSITY OFFICES AND EMPLOYMENT IN THE UNIVERSITY**

## CHAPTER I

## UNIVERSITY OFFICES: GENERAL

**University Officers**

1. (a) The University officers shall be those persons only who hold any of the University offices of Chancellor, Vice-Chancellor, Pro-Vice-Chancellor, High Steward, Deputy High Steward, Commissary, Proctor, Orator, Registrar, Librarian, Director of the Fitzwilliam Museum, Esquire Bedell, University Advocate, and Deputy University Advocate, or any other University office established or specified by Statute or Ordinance. Provision shall be made by Special Ordinance made on the recommendation of the General Board for a scheme of leave of absence or dispensation from duty applying to holders of specified offices.

**The competent authorities**

(b) In any Statute or Ordinance the term ‘competent authority’ in relation to a University institution or a University officer shall mean either the Council or the General Board, according as the institution concerned is under the supervision of the Council or the General Board.

(c) The institutions under the supervision of the General Board shall be the Schools, Faculties, Departments, and any other institution placed under the supervision of the General Board by Statute, by Ordinance, or otherwise. All other institutions in the University, except the University Press, shall be under the supervision of the Council.

(d) In any Statute or Ordinance the term ‘authority comparable with a Faculty Board’ or the term ‘comparable authority’ shall mean the Board or Syndicate constituted by Statute or Ordinance for the management of a Department or other institution which is independent of any Faculty but under the supervision of the General Board.

(e) Offices established either by the University or by the competent authority may be established by these authorities on a part-time basis.

**Detailed provisions for University Officers**

2. Under this section, provision shall be made by Special Ordinance on the recommendation of the competent authorities for the following in respect of University officers (other than those whose offices are named specifically in Section 1(a) above):

- (a) procedures for grievance, discipline, accountability and assessment of capability, redundancy, and removal from office on medical grounds or grounds of incapacity;
- (b) appointment or election if not provided for by Statute or Special Ordinance;
- (c) remuneration;
- (d) superannuation;
- (e) tenure and retirement; admission to University office;
- (f) determination of duties and residence and accountability for residence;
- (g) dispensation from discharge of duties on account of illness or other sufficient cause;
- (h) other conditions of service.

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

- (a) to ensure that members of the academic staff 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 University to provide education, promote learning, and engage in research efficiently and economically;
- (c) to apply the principles of justice and fairness.

**Duties of University Teaching Officers**

4. It shall be the duty of all holders of University offices entitled to leave under a Special Ordinance made under Statute C I 1(a) to devote themselves to the advancement of knowledge in their subject, to give instruction therein to students, to undertake from time to time such examining of students as may be required by the Board, Syndicate, or other body which is chiefly concerned with their duties, and to promote the interests of the University as a place of education, religion, learning, and research. The duty to examine students shall be restricted by Ordinance to the examining of candidates for such examinations for degrees and other qualifications of the University as the University may from time to time determine.

**Deputies and substitutes**

5. The competent authority may appoint a deputy to act for a University officer, upon such terms of remuneration as it thinks fit,

- (a) during any period of the officer's absence from duty in accordance with any Special Ordinance made under Statute C I 1(a), or during any term when in accordance with Ordinances the officer is not required to reside;
- (b) during any vacancy in the office;
- (c) in any emergency.

A deputy appointed under this section shall exercise the powers and shall perform the duties of the officer for whom he or she deputizes and shall have the right to attend and vote in that officer's absence at meetings of any body of which the officer is a member *ex officio*.

**Limitation**

6. The University shall have power, or may delegate the power, to preclude a University officer from undertaking any work outside the scope of his or her office or to limit the amount of such work.

**Concurrent appointments**

7. No University office shall be tenable concurrently with any other University office except in cases in which it may be determined otherwise

- (a) by the University, if it is proposed that a University officer should hold more than one of the offices specified in any Special Ordinance made under Statute C I 1(a) regarding special leave or dispensation from duties; or
- (b) by the competent authority or authorities, if none or only one of the offices to be held is so specified.

**Temporary and transitional provision for the Schedule**

8. (a) The Schedule to this Statute has effect.

(b) The whole or any part of the Schedule may be rescinded by Grace, following a Report to the Regent House. Any cross-references to the Schedule in Statute or Special Ordinance which require amendment as a result of such rescission may be amended by Grace.

(c) Provision may be made by Special Ordinance for transitional provisions, which may make necessary modification to any unrescinded portions of the Schedule and cross-references in Statutes and Special Ordinances so that they may continue to operate.

(d) When the Schedule is completely rescinded under (b) above this section may be repealed by Grace.

**CHAPTER II****EMPLOYMENT IN THE UNIVERSITY**

1. Subject to the provisions of the Statutes and Ordinances regarding University officers, the University may engage persons for employment in the service of the University, may determine their salaries and pensions (if any), and may prescribe the conditions of their service. The University may delegate the exercise of any of these powers.

2. The competent authorities shall establish committees and processes for the management of employment by the University. Regulations for the establishment of such committees may be made by Ordinance.

## CHAPTER III

## THE VICE-CHANCELLOR AND THE PRO-VICE-CHANCELLORS

1. The Vice-Chancellor shall be appointed by the Regent House on the nomination of the Council, who may nominate any person of their choice. The person appointed shall enter upon office on a day determined by the University. As soon as conveniently may be thereafter, he or she shall be formally admitted to the office at a Congregation of the Regent House called by the Chancellor or, if the Chancellor is absent or the office of Chancellor is vacant, by the Proctors. The procedures for nomination and admission shall be prescribed by Ordinance.

2. The Vice-Chancellor shall be appointed in the first instance for five years or, in exceptional circumstances, for such other period as the University may determine. He or she may be reappointed for a further period or periods, provided that no one shall hold the office of Vice-Chancellor for a total period of more than seven years. The procedure for reappointment shall be prescribed by Ordinance.

3. The Vice-Chancellor shall enjoy the customary rights and perform the customary duties of the office. He or she shall have power to ensure that all University officers duly perform their duties, and shall have such other powers and duties as may be prescribed by Statute or Ordinance.

4. The Vice-Chancellor shall have power, after his or her formal admission, but not before, to call Congregations of the Regent House and to admit candidates to degrees or titles of degrees.

5. Except as provided in Section 6 below,

(a) the Vice-Chancellor shall be Chair of the Council and the General Board, and of any other body of which he or she is *ex officio* a member, provided that the Chancellor shall have the right to take the chair at any meeting of the Council at which he or she is present;

(b) the Vice-Chancellor may attend a meeting of any body constituted in the University by or under Statute or Ordinance, or of any body appointed by such a body, save that this provision shall not apply to meetings of any of the following bodies:

(i) the Board of Scrutiny;

(ii) a University court constituted by or under Statute D;

(iii) a Board of Examiners for a University examination;

(iv) a Degree Committee for a Faculty or other institution;

(v) any other body which the University may specify by Grace.

6. The Vice-Chancellor shall not be present at any meeting of the Council or of any other body when the body is considering his or her reappointment or the appointment of his or her successor as Vice-Chancellor.

7. Provided always that he or she shall in general take the chair in person at meetings of the Council and the General Board, the Vice-Chancellor shall have power to appoint persons to act on his or her behalf as follows:

(a) The Vice-Chancellor may appoint, from among the Heads of Colleges or other members of the Regent House, one or more persons to be designated Deputy Vice-Chancellors, to whom he or she may delegate any of the duties assigned by Statute or Ordinance to the Vice-Chancellor. The name of any person so appointed shall be published forthwith.

(b) The Vice-Chancellor may appoint a member of the Regent House to act as his or her deputy in any matter, including attendance at a meeting under Section 5(b) above, or to perform any duty assigned by Statute or Ordinance to the Vice-Chancellor.

8. During his or her tenure of office, the Vice-Chancellor shall not undertake the duties of any other University office or any College office, or any duties inconsistent with the performance of the duties of the Vice-Chancellorship.

9. In the event of incapacity or prolonged absence from Cambridge of the Vice-Chancellor, or of suspension of the Vice-Chancellor under the Schedule to Statute C, or in the event of a vacancy in the Vice-Chancellorship, the Council shall if necessary appoint a member of the Regent House to serve as Acting Vice-Chancellor and shall publish such person's name forthwith. A person so appointed shall perform the duties, and shall exercise all the powers, of the Vice-Chancellor during the period of his or her appointment.

10. If for any reason the Vice-Chancellorship falls vacant before the expiry of the holder's term of office, a new Vice-Chancellor shall be appointed as soon as conveniently may be, in accordance with the provisions of Sections 1 and 2 above.

**Removal of the Vice-Chancellor from office**

11. Any three members of the Council may make a complaint to the Chancellor seeking the removal of the Vice-Chancellor from the office of Vice-Chancellor for good cause.

12. If it appears to the Chancellor that the complaint is trivial or invalid or unjustified, he or she may determine that no further action shall be taken upon it.

13. If it appears to the Chancellor, on the evidence presented, that the case alleged could, if proved, constitute good cause for dismissal or removal of the Vice-Chancellor from office, he or she shall direct the University Advocate to prefer a charge or charges to be considered by the University Tribunal. Such a charge or charges shall be dealt with in accordance with the provisions made under Chapter III and Chapter V of the Schedule to Statute C, provided that the Chancellor shall perform any duty and exercise any power there assigned to the Vice-Chancellor.

14. For the purpose of the removal of the Vice-Chancellor for incapacity on medical grounds, the provisions made under Chapters IV and V of the Schedule to Statute C, shall have effect, provided that the Chancellor shall perform any duty or exercise any power there assigned to the Vice-Chancellor.

**Pro-Vice-Chancellors**

15. There shall be such number of offices of Pro-Vice-Chancellor as shall be determined by the Council subject to a maximum determined by Ordinance. The Pro-Vice-Chancellors shall report to the Council through the Vice-Chancellor.

16. Each appointment or reappointment to an office of Pro-Vice-Chancellor shall be made by the Council after consultation with the General Board, on the recommendation of a Nominating Committee constituted by Ordinance. A Pro-Vice-Chancellor shall hold office for not more than three years and shall be eligible for reappointment, provided that no person shall hold the office of Pro-Vice-Chancellor for a total period of more than six years.

17. A Pro-Vice-Chancellor shall perform such duties as may be prescribed by Statute or Ordinance, and such other duties as may be determined by the Council, or the Vice-Chancellor.

## CHAPTER IV

## THE PROCTORS

1. The Proctors and Pro-Proctors shall be elected by the Regent House. They shall be nominated for election by such of the Colleges as may be prescribed by Special Ordinance, in turn, two for every year, according to the Cycle prescribed in that Special Ordinance; provided that the University shall have power to amend the Cycle from time to time. The persons nominated for election shall be members of the Senate of at least three years' standing. Further provisions for nomination and appointment may be made by Ordinance.

2. If the College whose turn it is fails to make a nomination, or if the Regent House declines to elect the person nominated, the Council shall nominate a person for election by Grace of the Regent House.

3. Each Proctor and each deputy Proctor shall by public declaration give an undertaking that he or she will faithfully discharge the duties of the office.

4. If the office of Proctor becomes vacant after the election by death, resignation, deprivation, or any other cause, Trinity Hall shall nominate and present a person for election, in manner as nearly similar as possible to that described above, and the person elected shall hold office until the first weekday of the Michaelmas Term next ensuing.

## CHAPTER V

## THE ORATOR

1. The Orator is placed under the direction of the Council. It shall be the duty of the Orator
  - (a) to write addresses for presentation to other universities and institutions;
  - (b) to present to the University persons on whom titles of degrees are to be conferred *honoris causa*.
2. The Orator shall be appointed by Grace of the Regent House on the nomination of the Council.

## CHAPTER VI

## THE REGISTRARY

1. The Registrary is placed under the direction of the Council. It shall be the duty of the Registrary
  - (a) to act as the principal administrative officer of the University, and as the head of the University's administrative staff;
  - (b) to keep a record of the proceedings of the University, and to attend for that purpose all Congregations of the Regent House and such other public proceedings of the University as may be specified by Statute or Ordinance or by the Council;
  - (c) to act as Secretary to the Council;
  - (d) to receive reports of Boards, Syndicates, and other bodies, and to deal with them as required by Statute or Ordinance;
  - (e) to be responsible for maintaining a register of members of the University, and keeping records of matriculations and class-lists, and of degrees, diplomas, and other qualifications;
  - (f) to edit *Statutes and Ordinances* and the *Cambridge University Reporter*;
  - (g) to perform such other duties as may be prescribed by Statute or Ordinance or by the Council.
2. The Registrary shall be appointed by the Council.
3. The Registrary shall not be a member of the Council.
4. There shall be under the direction of the Council administrative officers in categories determined by Special Ordinance. So far as the Council may allow or direct, any duty of the Registrary may be performed by such an officer.
5. During a vacancy in the office of Registrary, the Council may appoint an Acting Registrary upon such terms of remuneration as it thinks fit.

## CHAPTER VII

## THE LIBRARIAN

Provision shall be made by Special Ordinance for the appointment of the Librarian and for the determination of the duties and responsibilities of the Librarian.

## CHAPTER VIII

## THE DIRECTOR OF THE FITZWILLIAM MUSEUM

The Director of the Fitzwilliam Museum has charge of all the objects in the Museum and in the Marlay Collection. Provision shall be made by Special Ordinance for the appointment of the Director, and for the further determination of the duties and responsibilities of the office.

## CHAPTER IX

## THE ESQUIRE BEDELLS

1. There shall be two Esquire Bedells who shall be members of the Senate appointed by the Council. They shall be equal in rank, shall attend the Chancellor and the Vice-Chancellor on public occasions, and shall perform such other duties as may be prescribed by Ordinance or Order.
2. The Esquire Bedells are placed under the direction of the Council.

## CHAPTER X

## THE UNIVERSITY ADVOCATE, THE DEPUTY UNIVERSITY ADVOCATES

1. The University Advocate shall be a member of the Regent House appointed by Grace on the nomination of the Council. The University Advocate shall not as such be under the direction of any Board, Syndicate, or other body. The duties of the office of University Advocate shall be as specified by Statute or Ordinance.
2. There shall be one or more Deputy University Advocates, each of whom shall be a member of the Regent House appointed by Grace on the nomination of the Council after consultation with the Advocate. A

Deputy University Advocate shall carry out any of the duties of the Advocate when requested to do so by the Advocate or when the Advocate is unable to act, and also during any vacancy in the office of Advocate.

3. Subject to the provisions of the Schedule to Statute C, the tenure of the office of University Advocate and the tenure of the office of Deputy University Advocate shall be prescribed by Ordinance.

## CHAPTER XI

### PROFESSORS

1. There shall be in the University the Regius Professorships of Divinity, Civil Law, Physic, Hebrew, Greek, History, Engineering and Botany; and such other Professorships as may be specified by or in accordance with Special Ordinance.

2. Professorships are to be established in institutions under the supervision of the General Board either by Statute, or by Grace of the Regent House after consideration of a Report of the General Board.

3. Detailed provision for the procedure for election or appointment to Professorships shall be made by Special Ordinance, made on the recommendation of the General Board.

## CHAPTER XII

### READERS

Readerships are to be established in institutions under the supervision of the General Board. Provision shall be made by Ordinance made on the recommendation of the General Board for the procedure for the appointment of Readers.

## CHAPTER XIII

### UNIVERSITY SENIOR LECTURERS AND LECTURERS

1. University Senior Lectureships and University Lectureships are to be held in institutions under the supervision of the General Board.

2. Provision shall be made by Special Ordinance for the method of appointment of University Senior Lecturers and related matters.

3. University Lecturers shall be appointed by Appointments Committees. Provision shall be made by Special Ordinance for Appointments Committees, which may be established individually, jointly, or for part of a School, a Faculty, a Department, or other institution under the supervision of the General Board.

4. Provision may be made by Special Ordinance for the appointment of Associate Lecturers.

## SCHEDULE

### ACADEMIC STAFF

#### CHAPTER I

##### CONSTRUCTION, APPLICATION AND INTERPRETATION

1. No provision of this schedule 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 the administrative resources of the University) reasonably be treated as a sufficient reason for dismissing the member concerned.

2. This schedule shall apply to every person who holds any of the University offices specified or referred to in Statute C I 1(a), except the offices of Vice-Chancellor, Chancellor, High Steward, Deputy High Steward, and Commissary.

In this schedule any reference to academic staff is a reference to the persons to whom this schedule applies.

3. In this schedule the terms 'dismiss' and 'dismissal' refer to the dismissal of a member of the academic staff, and include remove or, as the case may be, removal from office, and, in relation to employment under a contract, shall be construed in accordance with Section 55 of the Employment Protection (Consolidation) Act 1978.

4. For the purposes of this schedule the term ‘good cause’ in relation to the dismissal of a member of the academic staff, being in any case a reason which is related to conduct or capability or qualifications for performing work of the kind which the person concerned was appointed or employed to do, shall mean:

- (a) conviction for an offence which may be deemed by a Tribunal appointed under the provisions of Chapter III of this schedule to be such as to render the person convicted unfit for the performance of the duties of his or her office or for employment as a member of the academic staff; or
- (b) conduct of an immoral, scandalous, or disgraceful nature incompatible with the duties of the office or employment; or
- (c) conduct constituting failure or persistent refusal or neglect or inability to perform the duties or comply with the conditions of the office; or
- (d) physical or mental incapacity established under the provisions of Chapter IV of this schedule.

In relation to a member of the academic staff, the term ‘capability’ shall mean capability assessed by reference to skill, aptitude, health, or any other physical or mental quality, and the term ‘qualifications’ shall mean any degree, diploma, or other academic, technical, or professional qualification relevant to his or her office or position.

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

- (a) the fact that the University has ceased, or intends to cease, to carry on the activity for the purposes of which the member of the academic staff concerned was elected or appointed, or has ceased, or intends to cease, to carry on that activity in the place in which the member concerned works or worked; or
- (b) the fact that the requirements of that activity for members of the academic staff to carry out work of a particular kind, or 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.

6. (a) In any case of conflict, the provisions of this schedule shall prevail over those of any other Statute, Special Ordinance and over those of any Ordinance, and the provisions of any Ordinance made under this schedule shall prevail over those of any other Ordinance; provided that Chapter III and Chapter IV, of this schedule shall not apply in relation to anything done or omitted to be done before the date<sup>1</sup> on which the instrument making these modifications was approved under Subsection (9) of Section 204 of the Education Reform Act 1988.

(b) Nothing in any appointment made, or contract entered into, shall be construed as overriding or excluding any provision made by this schedule concerning the dismissal of a member of the academic staff by reason of redundancy or for good cause; provided that nothing in this subsection shall invalidate any waiver made under Section 142 of the Employment Protection (Consolidation) Act 1978.

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

(d) The provisions of Section 2 of Special Ordinance D (iii) shall apply to any notice required by this schedule, or by Ordinance made thereunder, and the provisions of Statute D II 6 and 22 and Sections 1, 3 and 4 of Special Ordinance D (iii) shall apply to any proceedings before the University Tribunal or the Septemviri.

(e) In this schedule references to numbered chapters, sections, and subsections are references to chapters, sections, and subsections so numbered in this schedule.

## CHAPTER II

### REDUNDANCY

1. This chapter enables the appropriate body to dismiss any member of the academic staff by reason of redundancy. For the purposes of this chapter the appropriate body shall be either the Council or the General Board, as the case may be, acting in its capacity as the competent authority.

2. Nothing in this chapter shall prejudice, alter, or affect any rights, powers, or duties of the University or apply in relation to a person unless

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

<sup>1</sup> This date was 15 July 1993; see the preface to the 1995 edition of *Statutes and Ordinances*.

3. For the purposes of Section 2 above in relation to a person, a reference to an appointment made or a contract entered into on or after 20 November 1987 or to promotion on or after that date shall be construed in accordance with subsections (3) to (6) of Section 204 of the Education Reform Act 1988.

4. The Regent House shall have power to decide:

*either* (a) on the recommendation of the Council, that there should be a reduction in the academic staff of the University as a whole;

*or* (b) on the recommendation of the competent authority concerned, that there should be a reduction in the academic staff of any School, Faculty, Department, or other institution,

by way of redundancy. Neither the Council nor the competent authority may delegate the power to make recommendations pursuant to this section.

5. Where the Regent House has reached a decision under Section 4 the competent authority concerned shall appoint a Redundancy Committee to be constituted in accordance with Section 6 below, whose duties shall be:

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

(b) to report its recommendations to the competent authority by such date as the latter may specify.

6. A Redundancy Committee shall comprise:

(a) a Chair;

(b) two members of the Council;

(c) two members of the General Board, not being members of the Council.

7. The competent authority shall either approve any selection recommended under Section 5 above or remit it to the Redundancy Committee for further consideration in accordance with any further directions that the competent authority may give. A selection shall not be approved under this section unless the member of the academic staff concerned has been afforded a reasonable opportunity to make representations to the competent authority.

8. If the competent authority has approved a selection recommended by the Redundancy Committee, it shall publish the recommendation in a Report to the University. No member of the academic staff shall be dismissed by reason of redundancy except after the approval by Grace of the recommendations of such a Report.

9. If, following a Report of the competent authority, a recommendation for the dismissal of a member of the academic staff has been approved by Grace, the competent authority may direct an appropriate officer as its delegate to dismiss the member concerned.

10. Each member of the academic staff selected for dismissal shall be given separate notice of such selection. The notice shall sufficiently identify the circumstances which have satisfied the competent authority that the intended dismissal is reasonable, and in particular shall include:

(a) a summary of the action taken by the competent authority under the provisions of this chapter;

(b) an account of the selection procedure used by the Redundancy Committee;

(c) a reference to the rights of the person notified to appeal against the notice and to the time within which any such appeal is to be instituted under Chapter V of this schedule;

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

### CHAPTER III

#### DISCIPLINE, DISMISSAL, AND REMOVAL FROM OFFICE

1. For the purpose of any disciplinary procedures under Sections 2–4 below the responsible person in relation to any particular member of the academic staff shall be the Head of the appropriate Department or other institution, or the Chair of the Board, Syndicate, or other body which is chiefly concerned with the member's duties.

2. If it appears to the responsible person that there are grounds for believing that the conduct or performance of a member of the academic staff is or has been unsatisfactory, he or she shall inquire into the matter. If the responsible person concludes after investigation that the member is at fault, he or she may issue an oral warning to the member. The responsible person shall specify the reason for the warning, shall indicate that it constitutes the first stage of the University's disciplinary procedure, and shall advise the member that he or she may appeal against the warning by following the procedure laid down in pursuant to Chapter VI for the redress of a grievance.

3. If the responsible person concludes after investigation that the fault is sufficiently serious to justify it, or if a further offence occurs, he or she 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 responsible person shall advise the member that he or she may appeal against the warning by following the procedure laid down in pursuant to Chapter VI for the redress of a grievance, and shall indicate that, if no satisfactory improvement takes place within the stated time, a complaint may be made to the Vice-Chancellor under Section 5 below.

4. The responsible person shall keep a written record of any warning issued under Section 2 or Section 3 above. No further account shall be taken of an oral warning when one year has elapsed after the date of its issue, and no further account shall be taken of a written warning when two years have elapsed after the date of its issue.

5. If a complaint is made to the Vice-Chancellor concerning the conduct or performance of a member of the academic staff, and if it appears to the Vice-Chancellor that there are grounds for believing that the conduct or performance to which the complaint relates could constitute good cause for dismissal, the Vice-Chancellor shall institute such investigations or inquiries (if any) as appear to him or her to be necessary.

6. If in a particular case it appears to the Vice-Chancellor that a complaint concerning a member of the academic staff is trivial or unjustified, or that it relates to an alleged infringement of Statutes or Ordinances, or of rules made under any Ordinance, for which a standard penalty is normally imposed in the University or within the School, Faculty, Department, or other institution, the Vice-Chancellor may dismiss the complaint summarily, or decide not to proceed further under this chapter.

7. In the case of a complaint not disposed of under Section 6 above, the Vice-Chancellor shall treat the complaint as disclosing a sufficient reason for proceeding further under this chapter and shall write to the member of the academic staff concerned inviting comment in writing. The Vice-Chancellor shall have discretion:

- (a) to suspend the member without loss of stipend, and
- (b) to exclude the member from all University premises or any part thereof, pending a final decision.

8. As soon as may be following the receipt of any comments, or after twenty-eight days if no comment is received within that period, the Vice-Chancellor shall consider the matter in the light of all the evidence then available. If no comment is received within twenty-eight days, the Vice-Chancellor may proceed as if the member of the academic staff had denied the complaint in its entirety. The Vice-Chancellor may:

- (a) dismiss the matter; or
- (b) refer the matter for consideration under Sections 2 and 3 of this chapter or under Statute D II 2; or
- (c) deal with it informally if it appears to the Vice-Chancellor appropriate to do so and if the member of the academic staff agrees in writing that the matter should be dealt with in that way; or
- (d) direct the University Advocate to prefer a charge or charges to be considered by the University Tribunal.

9. If the Vice-Chancellor has directed the University Advocate to prefer a charge or charges, the Clerk of the Tribunal shall notify the member concerned of the date, time, and place to attend the Tribunal, and of the charge or charges, and shall send the member any documents specified therein. The University Advocate shall present the charge or charges to the Tribunal, shall make any necessary administrative arrangements for the summoning of witnesses and the production of documents, and shall be generally responsible for the proper presentation of the case to the Tribunal.

10. The procedure to be followed in respect of the preparation, hearing, and determination of charges by the Tribunal shall be prescribed by Ordinances made under this section.

11. Without prejudice to the generality of the foregoing, such Ordinances shall ensure:

- (a) that the member of the academic staff 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 Tribunal;
- (b) that a charge shall not be determined without an oral hearing at which the member concerned and any person appointed by the member to represent him or her are entitled to be present;
- (c) that witnesses may be called, both on behalf of the member and by the University Advocate, and that such witnesses may be questioned concerning any relevant evidence;
- (d) that full and sufficient provision is made for postponements, adjournments, dismissal of the charge or charges for want of prosecution, remission of the charge or charges to the Vice-Chancellor for further consideration, and for the correction of accidental errors;
- (e) that appropriate time limits are set for each stage of the proceedings (including the hearing) to the intent that the charge shall be heard and determined by the Tribunal as expeditiously as is reasonably practicable.

**12.** If the charge or charges are upheld, the Tribunal shall determine the appropriate penalty (if any), which may be:

- (a) if the Tribunal finds that the conduct or performance of the member of the academic staff concerned constitutes good cause for dismissal, the removal of the member from office; or
- (b) such lesser penalty under the member's contract of employment or terms of appointment, including any penalty specified in Statute D II 3, as appears to the Tribunal fair and reasonable in all the circumstances of the case.

If the Tribunal determines that dismissal is the appropriate penalty, the Chair of the Tribunal shall have power to impose that penalty. If the Chair does not impose the penalty of dismissal, or if the Tribunal has determined that some lesser penalty is appropriate, the Tribunal may impose a sentence in accordance with the provisions of Statute D II 3.

**13.** The Clerk of the Tribunal shall notify the Vice-Chancellor, the University Advocate, and the member concerned of the Tribunal's decision on any charge referred to it. Such notification shall include the Tribunal's findings of fact regarding the charge, the reasons for its decision, the penalty (if any) determined by the Tribunal, and the penalty (if any) imposed by the Tribunal or the Chair. The Clerk of the Tribunal shall draw attention to the period of time within which any appeal should be instituted by ensuring that a copy of Chapter V of this schedule is sent to the member concerned.

## CHAPTER IV

### REMOVAL FOR INCAPACITY ON MEDICAL GROUNDS

**1.** This chapter makes separate provision for the dismissal or removal from office of a member of the academic staff by reason of incapacity on medical grounds.

**2.** In this chapter

- (a) references to medical grounds are references to capability assessed by reference to health or any other physical or mental quality;
- (b) references to the appropriate officer are references to the Vice-Chancellor or an officer acting as the Vice-Chancellor's delegate;
- (c) references to a member of the academic staff include, in cases where the nature of the alleged disability so requires, a responsible relative or friend or other person having authority to act on behalf of that member in addition to (or instead of) the member.

**3.** If it appears to the competent authority that the removal from office of a member of the academic staff on medical grounds should be considered, the secretary of the competent authority

- (a) shall inform the member accordingly, giving notice of the reasons;
- (b) shall notify the member in writing that it is proposed to make an application to the member's medical practitioner for a medical report and shall seek the member's consent in writing in accordance with the requirements of the Access to Medical Reports Act 1988;
- (c) may suspend the member from the performance of his or her duties without loss of stipend.

**4.** If in the light of any medical report obtained under Section 3 above the competent authority is satisfied that a member of the academic staff should be required to retire on medical grounds, and if the member accepts the opinion of the competent authority, the appropriate officer shall terminate the member's employment on those grounds.

**5.** If the member does not agree that his or her removal from office on medical grounds should be considered, or if after a medical report has been obtained the member declines to retire on medical grounds, the competent authority may refer the case in confidence, with all relevant medical and other evidence (including any such evidence submitted by the member), to a Medical Board comprising:

- (a) a medically qualified chair appointed by the Council with the agreement of the member concerned or, in default of such agreement, on the nomination of the President of the Royal College of Physicians of London;
- (b) one person appointed by the competent authority;
- (c) one person appointed by the member concerned or, in default of such appointment, a second person appointed by the competent authority.

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

- (a) that the member concerned is entitled to be represented by another person, whether such person is legally qualified or not, in connection with and at any hearing by the Board;

- (b) that a case shall not be determined without an oral hearing at which the member concerned is entitled to be represented;
- (c) that witnesses may be called and may be questioned concerning any relevant evidence;
- (d) that the case is heard and determined as expeditiously as is reasonably practicable.

The Board may require the member concerned to undergo medical examination.

7. The University shall meet the reasonable costs of any medical report or medical examination required under Section 3 or Section 6 above.

8. If a Medical Board determines that a member's removal from office would be justified on medical grounds, the appropriate officer may terminate the employment of the member on those grounds.

## CHAPTER V

### APPEALS

1. This chapter 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.

2. This chapter applies to appeals against, or arising from,

- (a) any decision of a competent authority (or of a delegate of such a body) to dismiss in the exercise of its powers under Chapter II of this schedule;
- (b) any proceedings, or any decision reached, under Chapter III;
- (c) any dismissal otherwise than in pursuance of Chapter II or Chapter III;
- (d) any disciplinary decision of a University authority otherwise than in pursuance of Chapter III;
- (e) any decision reached under Chapter IV;
- (f) any proceedings, or any decision reached, under Statute C III 11–14 including any decision reached in pursuance of Statute C III 14;

and 'appeal' and 'appellant' shall be construed accordingly; provided that the following shall not be subject to appeal:

- (i) a decision of the Regent House under Chapter II, Section 4;
- (ii) any finding of fact by the Tribunal under Chapter III or Statute C III, or any medical finding by a Medical Board under Chapter IV; save where, with the consent of the Septemviri, fresh evidence is called on behalf of the appellant at the hearing of the appeal.

3. A member of the academic staff may institute an appeal in accordance with Statute D II 4.

4. The Septemviri 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 Chapter II (or any issue arising in the course of such an appeal), to the competent authority for further consideration as they may direct;
- (b) remit an appeal from a decision under Chapter III to be heard again either by the same Tribunal or by a differently constituted Tribunal to be appointed under the provisions of that Chapter;
- (c) substitute any lesser alternative penalty that might have been imposed in respect of the original charge or charges under the provisions of Chapter III;
- (d) remit an appeal arising under Chapter IV to be heard again either by the same Medical Board or by a differently constituted Medical Board to be appointed under the provisions of that Chapter.

5. The Clerk of the Septemviri shall notify the decision of the Septemviri on any appeal, including any decision reached in the exercise of their powers under Section 4 above, together with any findings of fact different from those reached by the competent authority under Chapter II or by a Tribunal under Chapter III, as the case may be, to the Vice-Chancellor, to the University Advocate, and to the appellant.

## CHAPTER VI

### GRIEVANCE

1. Every University officer has a right to raise any concerns, problems, or complaints relating to his or her appointment or employment, not being matters for which express provision is made elsewhere in Statutes and Ordinances.

2. The University shall establish by Special Ordinance, and may vary from time to time, procedures for the redress of any grievance by a University officer concerning his or her appointment or employment.