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TECHNICAL REVIEW OF THE STATUTES, AND ORDINANCES: CONSULTATION PAPERS 3–8

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UNIVERSITY OF
CAMBRIDGE

TECHNICAL REVIEW OF THE STATUTES, AND ORDINANCES: CONSULTATION PAPERS 3–8

This issue of the *Reporter* completes the first stage of the review process, which was established and approved by the Regent House on the recommendation of the Council in 2010. Consultation papers 1 (General) and 2 (Colleges and Collegiate Foundations) were published by the Technical Advisory Group in January 2011 (*Reporter*, 2010–11, pp. 391 and 393).

This issue contains the remaining consultation papers issued by the Advisory Group, 3 to 8 as follows:

3. The Chancellor and the government of the University (p. 1075)
4. Education and Research, Degrees (p. 1086)
5. Finance, Audit, Planning and Resource Allocation, Property and Buildings (p. 1089)
6. Discipline and the University courts (p. 1092)
7. Trusts (p. 1096)
8. University offices and employment (p. 1099)

The papers are those of the review process, and have not been considered by the Council.

Comments are welcome and should be sent to the Administrative Secretary at the University Offices, The Old Schools, Cambridge CB2 1TN (email: Alan.Clark@admin.cam.ac.uk) if possible by 14 November 2011. Comments made on papers 3 to 8 will be published on the web. In making comments, please make it clear if you do not wish your comments to be so available.

The consultation papers are also available on the University's Discussion Forum (<https://forum.cam.ac.uk/viewforum.php?f=27>).

When the comments have been considered, the Technical Advisory Group chaired by Professor David Yates will put forward to the Council draft Reports to the University, for consideration, and if thought fit, signature and submission by the Council. These Reports will seek approval in principle of the proposed new Statutes.

A Report to the University (Report 1) proposing approval in principle of the new Statutes about Colleges and Collegiate Foundations, is being prepared following consideration and comments made on consultation paper 2, and is expected to be published early in the Michaelmas Term 2011.

When the process of approval in principle is complete, a corpus of new Statutes approved in principle would exist. This corpus will be edited and collated, brought up to date as necessary, and will then be submitted to the Regent House in the form of a final Report to the University, submitted by the Council. This Report will recommend that the new Statutes are made and should be submitted to Her Majesty in Council for approval. It is expected that this final Report will be submitted by Easter 2012, and that, if approved by Her Majesty in Council, the new Statutes will come into force from a date or dates in 2013.

TECHNICAL REVIEW OF THE STATUTES, AND ORDINANCES: CONSULTATION PAPER 3: THE CHANCELLOR AND THE GOVERNMENT OF THE UNIVERSITY (STATUTE A)

30 June 2011

THE CHANCELLOR AND THE GOVERNMENT OF THE UNIVERSITY

This paper is issued as part of the process of technical review of the Statutes, and Ordinances, authorised by Grace 10 of 21 July 2010, following the Report of the University Council dated 14 June 2010 (*Reporter*, 2009–10 p. 992). The paper has been considered and approved by the Technical Advisory Group chaired by Professor David Yates.

Summary

This paper makes suggestions about the present Statutes A and C, and related matters. An exposure draft of suggested amendments is set out later in the paper. Elements of the present Statutes C, D, and K are also included. It was suggested in consultation paper 1 that the present Statute J (about the Press) should be incorporated as a schedule but it has been represented by the Press Syndicate that a separate Statute for the Press is still necessary. Therefore no change in this regard is now proposed, and the present Statute J will continue until separately amended or repealed on the eventual recommendation of the Council.

Comments

Comments are welcome and should be sent to the Administrative Secretary at the University Offices, The Old Schools, Cambridge CB2 1TN (email: Alan.Clark@admin.cam.ac.uk) if possible by 14 November 2011. All comments will be considered and a draft Report of the Council to the University will then be prepared for Discussion and eventual submission for approval in principle, through the ordinary University processes.

Explanation of the changes suggested

The suggested Statute makes provision for:

Chapter I. The Senate and the high officers

Provision is made for the election of the Chancellor and the High Steward not necessarily to be in person; and eligibility for membership of the Senate, which is the historic governing body of the University, is re-stated to give primacy to degrees (this does not affect the actual membership).

Chapter II. Powers of the University

This chapter states Powers which the University can exercise.

Chapter III. The Regent House

This chapter makes provision for the functions and composition of the Regent House, and provides for a new category of Special Ordinances (section 3) to be made after Report, and for other Ordinances. Section 6 will include provision for age limits, but the necessary continuing policy has not yet been determined.

Chapter IV. The Council and its committees

This chapter re-states existing provision about the Council. It also declares that the members of the Council are the charity trustees for the University and requires individual acknowledgement of this role. In view of the potentially onerous obligations which flow from this, section 2(d) permits, but does not require, the election of student members.

Chapter V. The General Board, the Schools, Faculties and Departments

This chapter makes simplified provision for the General Board and for these other institutions (and some others), in accordance with current practice within the University. Much present statutory provision (in the present Statute C) is not included in the suggested Statute. This will be updated and presented as draft Ordinances in due course.

Chapter VI. Boards and Syndicates

This chapter makes provision for Boards and Syndicates.

Chapter VII. The Board of Scrutiny

This chapter re-states the present powers and responsibilities of the Board of Scrutiny, and transfers some detailed provisions for the eligibility and election of members to Ordinances.

Chapter VIII. Conduct of business

This chapter provides for the conduct of Regent House and similar business to be regulated by Special Ordinance.

Chapter IX. Review

This chapter re-states existing provision for the review of alleged breaches of the Statutes and Ordinances (present Statute K, 5), declaration of the meaning of a Statute (present Statute K, 2) and quasi-visitorial review by the Commissary (present Statute D, V). The opportunity has been taken to exclude from the Commissary's jurisdiction student applications which are subject to review by the national Independent Adjudicator.

Chapter X. Miscellaneous provisions

This chapter deals with interpretation, commencement and transitional provision etc. of general application. Some other matters not currently included elsewhere are included here.

Suggested explanatory notes to appear with the revised Statute if approved

(These notes do not form part of the Statute.)

Chapter I states the statutory provision for the Chancellor, the High Steward, the Deputy High Steward and the Commissary, including for their election or appointment. It states the composition of the Senate, the historic governing body of the University, and makes provision for resignation from membership of the Senate.

Chapter II states powers of the University.

Chapter III is about the Regent House, and identifies its electoral, deliberative and legislative functions. Section 3 provides for Ordinances and Orders, including Special Ordinances to be approved by Grace following a Report of the Council, which is to state the main purposes of a proposed Special Ordinance.

Chapter IV states the responsibilities and composition of the Council, and the requirement for Finance and Audit Committees. The responsibilities of the Council mean that its members are the [principal] charity trustees for the University for the purposes of the Charities Acts. The Statute requires members of the Council individually to acknowledge this role.

Chapter V states the responsibilities of the General Board, and its composition, and provides for the Schools, their Councils and Heads, Faculties, Faculty Boards, Departments and Degree Committees. Detailed provisions are to be made by Ordinance, or by regulations made by the General Board.

Chapter VI makes provision for Boards and Syndicates.

Chapter VII deals with the constitution and responsibilities of the Board of Scrutiny.

Chapter VIII makes provision for the conduct of business, especially in the Regent House. Detailed provision is to be made by Special Ordinance or by ordinary Ordinance.

Chapter IX sets out or makes provision for review of various matters.

Chapter X makes miscellaneous provisions.

Suggested draft revised Statute**STATUTE A****THE CHANCELLOR AND THE GOVERNMENT OF THE UNIVERSITY****Chapter I****The Chancellor, the Senate, the High Steward, the Deputy High Steward and the Commissary****The Chancellor**

1. The Chancellor is to be elected by the Senate and holds office, in accordance with the laws and customs of the University, until he or she voluntarily resigns or until the Senate otherwise determines.

2. The manner of nominating candidates, of taking votes in an election, and of determining the result of the election can be prescribed by Ordinance and unless so prescribed is as has been customary heretofore. When an election has taken place, an instrument of election must be sealed as soon as conveniently may be, and must be delivered to the person elected without delay.

3. The Chancellor can call Congregations of the Regent House, and can admit candidates to degrees and titles of degrees. The Chancellor can see that officers of the University duly perform their duties.
4. The Chancellor must perform the duties prescribed by Statute or Ordinance.
5. If the office of Chancellor is vacant, the duties and powers of the Chancellor which are not discharged by the Vice-Chancellor are to be discharged by the High Steward (or the Deputy High Steward).

The Senate

6. The Senate consists of:

(a) the Chancellor and the Vice-Chancellor;

(b) all persons who hold any of these complete degrees of the University: any Doctor's degree; any Master's degree; the degree of Bachelor of Divinity;

(c) all other persons whose names were inscribed on the Roll of the Regent House at the time of the last promulgation.

7. If any member of the Senate informs the Registry that he or she wishes to resign his or her membership of the Senate and if the Council deems the reasons given sufficient and permits the resignation, that person ceases forthwith to be a member of the Senate, and cannot be reinstated except by a subsequent decision of the Council which cannot be taken until a period of five years has elapsed from the date of removal. Any person who suffers suspension or deprivation of any degree is not be a member of the Senate during such suspension or deprivation.

8. The Senate must make Ordinances regulating its own procedure.

The High Steward, the Deputy High Steward and the Commissary

9. The High Steward is to be elected by the Senate. The arrangements prescribed by Statute and Ordinance for the election of the Chancellor apply to the election of the High Steward. The Deputy High Steward is appointed by the High Steward, by Letters Patent. The High Steward and the Deputy High Steward must perform the duties as have heretofore been customary and the duties prescribed by Statute or Ordinance. When the office of High Steward is vacant the duties of that office are undertaken by the Deputy High Steward.

10. The Commissary is to be appointed by Letters Patent by the Chancellor. The Commissary must have judicial or quasi-judicial experience or be legally qualified, and cannot hold any other office in the University or a College. In the event of a vacancy in the office of Commissary the Chancellor must appoint an Acting Commissary who has the full powers of the Commissary to act under the provisions of the Statutes until a newly appointed Commissary takes office. The Commissary must perform the duties as have heretofore been customary and duties prescribed by Statute or Ordinance. In the discharge of his or her duties under Statute A, IX the Commissary is not under the direction of the Council, nor of any other authority in the University.

11. The Chancellor, the High Steward, the Deputy High Steward and the Commissary can resign and the Senate can terminate tenure of the office.

Chapter II

Powers of the University

1. For the encouragement of learning, the maintenance of good order and discipline, and the management of its affairs, the University must make Ordinances, and Orders (whether by way of exception to an Ordinance or otherwise). No Ordinance or Order can contravene any provision of the Statutes.
2. The University can levy fees and other charges for any purpose or purposes connected with the University. [Other financial powers may be transferred here from Statute F, III]
3. Subject to the provisions of the Statutes about University officers, the University can engage persons for employment in the service of the University, must determine their salaries and pensions (if any), and must prescribe the conditions of their service. [This may be transferred to Statute C]
4. The University can accept benefactions, and can accept a benefaction even if the conditions are at variance with the Statutes.
5. Subject to the provisions of the Statutes, the University can make Ordinances for the exercise of any of the powers specified in sections 2–4 above.
6. The University can make Ordinances under which fines may be imposed by a University authority.

7. (a) The University is to have a Great Common Seal and a Common Seal, and can give authority for either of the seals to be affixed to a document or to a class of documents. Neither seal can be affixed without such authority, except when authority has been given in some other manner for which provision is made by Statute.

(b) The Great Common Seal must be kept in some secure place, in a chest fastened with three locks, the keys of which shall be severally kept by the Vice-Chancellor and the Proctors; it cannot be affixed to any document except in the presence of the Vice-Chancellor or a duly appointed deputy and the Proctors or their deputies.

(c) The Common Seal must be kept in some secure place, and must be fastened with two keys, which must be severally kept by the Vice-Chancellor (or by a Pro-Vice-Chancellor designated from time to time by the Vice-Chancellor, such designation to be published), and by the Registrar; it cannot be affixed to any document except in the presence of those officers or deputies duly appointed by them.

8. Titles of degrees can be granted *honoris causa* to members of the Royal Family, to British subjects who are of conspicuous merit or have done good service to the State or to the University, and to foreigners of distinction.

Chapter III

The Regent House

1. The Regent House is the governing body of the University. It has electoral, deliberative and legislative functions.

2. Any power of making, altering, or repealing Statutes assigned to the University by the Universities of Oxford and Cambridge Act 1923, or by any other Act of Parliament, is exercised by the Regent House.

3. The Regent House must make Ordinances and Orders. An ordinary Ordinance must be made by Grace. A Special Ordinance must be made (or amended) by Grace, after issue of a Report to the University by the Council, which must state the main purpose of the proposed Special Ordinance. An Order is made by Grace.

4. Whenever it is provided that an act or thing must or can be done or determined by the University, that must be done or determined by Grace of the Regent House unless it is expressly stated that it is to be done or determined otherwise, but it can be provided by Ordinance for the Council or another University authority to act in such matters.

Membership of the Regent House

5. The members of the Regent House at any time are to be those living persons whose names are on the Roll of the Regent House at the time of the last annual promulgation by the Registrar in accordance with arrangements approved by Ordinance. The following must be included in the Roll:

(a) The Chancellor, the High Steward, the Deputy High Steward, the Commissary, and the members of the Council in class (e);

(b) other University officers and persons treated as such under Statute J, 7;

(c) Heads of Colleges;

(d) Fellows of Colleges, conforming to conditions of residence set by Ordinance;

(e) other persons holding appointments in the University or a College in such categories and subject to such qualifying periods of service as are set by Ordinance.

6. [Provision for age limits to be added when current deliberations concluded]

Chapter IV

The Council and its Committees

1. (a) The Council is the principal executive and policy-making body of the University. The Council has general responsibility for the administration of the University, for the planning of its work, and for the management of its resource; it must take such action as is necessary for it to discharge these responsibilities and has power to do so. It must also perform such other executive and administrative duties assigned to it by Statute, Ordinance or Order, or by or under any Act of Parliament or other legislation binding the University.

(b) The members of the Council are the [principal] charity trustees for the University, for the purposes of the Charities Acts, and must individually acknowledge their responsibility.

(c) The Council has the right of reporting to the University. It must advise the Regent House on matters of general concern to the University.

(d) The Council must make an Annual Report to the University, and must submit a Grace to the Regent House for its approval.

(e) The Council can submit Graces to the Regent House and the Senate. The procedure for the submission of Graces must be prescribed by Special Ordinance. All Graces submitted require the sanction of the Council.

(f) The Council must oversee the work of institutions in the University which are placed under its supervision, and must ensure that the University officers assigned to those institutions are satisfactorily performing the duties and fulfilling the conditions of tenure of their offices.

The composition of the Council

2. The Council consists of the Chancellor, the Vice-Chancellor and other elected or appointed members in the following classes:

Members elected by the Regent House (to serve for four years)

(a) four Heads of Colleges;

(b) four Professors or Readers;

(c) eight members of the Regent House who are not Heads of Colleges, Professors or Readers;

Elected student members (to serve for one year)

(d) provision can be made by Special Ordinance for not more than three student members, of whom at least one must be a graduate student.

Appointed members (to serve for four years)

(e) four persons appointed by Grace of the Regent House who at the time of appointment are not qualified to be members of the Regent House except under Statute A, III, 5(a), nor are employees of the University or a College, one of whom must be designated by the Council to chair the Audit Committee of the Council.

3. Detailed provision for periods of service, nomination, election (or appointment), tenure and continuing eligibility must be made by Special Ordinance. Provision must be made by Special Ordinance for the filling of casual vacancies by resignation, death, disqualification or otherwise and for bye-elections.

4. No person can be elected or appointed a member of the Council after attaining the age of seventy years. [This section is under separate review.]

The Chairman and the Deputy Chairman

5. (a) The Chairman of the Council is the Vice-Chancellor, but the Chancellor has the right to take the chair at any meeting of the Council at which he or she is present. If neither the Chancellor nor the Vice-Chancellor is present, the Chairman is to be a member of the Council appointed by the Vice-Chancellor to act, failing which some other member of the Council chosen by the members present.

(b) The Council must designate a member of the Council in classes (a), (b), (c), or (e), as Deputy Chairman of the Council, who can take the chair at such proceedings of the Council, notwithstanding that the Chancellor or the Vice-Chancellor is present, or otherwise, as the Council determines from time to time.

Frequency of meetings and quorum

6. The Council must meet at least twice in each term. No business can be transacted at a meeting unless at least nine members are present.

Committees of the Council

7. There must be standing Finance and Audit Committees of the Council. The Council can appoint other committees, whether standing or occasional.

Finance Committee

8. The Finance Committee consists of the Vice-Chancellor, or a duly appointed deputy, as Chairman, and other persons elected or appointed as prescribed by Special Ordinance. The Committee must include three persons elected by representatives of the Colleges, and not less than three members of the Committee (including the Vice-Chancellor) must be members of the Council.

9. The Finance Committee must advise the Council on the management of the University's assets, including real property, moneys, and securities; investments, reserves and income and expenditure and must undertake other duties assigned to it by Statute or Ordinance or by the Council.

Audit Committee

10. Subject to the provisions of Statute A, IV, 2(e), the composition of the Audit Committee is to be determined by Special Ordinance. The Audit Committee must perform the duties assigned to it by Statute or Ordinance, or by the Council.

Chapter V**The General Board, the Schools, Faculties and Departments****The General Board of the Faculties**

1. (a) Subject to the powers of the Regent House, and subject to the responsibilities of the Council under Statute A, IV, 1, the General Board of the Faculties (“the General Board”) is responsible for the academic and educational policy of the University, and must advise the University on questions relating to such policy. It must promote excellence both in education and research. The General Board is accountable to the Council for its management of the University’s academic and educational affairs. It must make an Annual Report to the Council on the discharge of its duties. It must fulfil the duties placed on it by Statute or Ordinance.

(b) The General Board must ensure that the University officers assigned to the institutions under its supervision are satisfactorily performing the duties and fulfilling the conditions of tenure of their offices.

2. The General Board consists of the following:

(a) the Vice-Chancellor, as Chairman;

(b) eight members of the Regent House appointed by the Councils of the Schools to serve for four years in accordance with arrangements determined by or under Special Ordinance;

(c) four members of the Regent House appointed by the Council, to serve for four years; three or more members of the Board (including the Vice-Chancellor) must be members of the Council; if a member of the Board ceases to be a member of the Council he or she does not thereby cease to be a member of the Board;

(d) two members elected by and from the students of the University to serve for one year, of whom one must be from among those certified by the Registry to be undergraduate students, and one from among those certified by the Registry to be graduate students. The term ‘student in the University’ and ‘graduate student’ must be defined by or under Ordinance.

If any member of the General Board becomes Vice-Chancellor, that place becomes vacant.

3. The Registry or a University officer designated from time to time by the Council after consultation with the General Board is its Secretary. The General Board must meet at least twice in each term, but the Chairman can cancel any meeting if there is insufficient business. No business can be transacted at a meeting unless five members at least are present.

The Schools

4. On the recommendation of the General Board the University must by Special Ordinance establish Schools. All Faculties and Departments must be assigned to a School by Special Ordinance, and other institutions under the supervision of the Board can be so assigned by Ordinance.

5. There is a Council of each School. The composition of each Council must be determined by Ordinance. The duties of the Council of a School include:

(a) preparation of academic and financial plans, and reports, as the General Board determines;

(b) allocation of funds available to it between the institutions in the School;

(c) working with the institutions in the School to ensure that academic plans are consistent, realistic, and affordable;

(d) consideration of any matter referred to it by the General Board and discharge of any responsibilities assigned to it by the General Board.

6. There is to be the University office of Head of each School. The Head is Chairman of the Council of the School and is the principal academic officer of the School. The Head is responsible to the Council of the School, the General Board, and the Vice-Chancellor for the overall running of the School, including for the use of the funds specified under 5(b) and the implementation of the approved plans referred to in 5(a).

Faculties, Faculty Boards, Departments and Degree Committees

7. A Faculty is a body of persons in the University associated in accordance with the Statutes for the purpose of furthering the study of a subject or subjects. Faculties are established by Ordinance on the recommendation of the General Board. Each Faculty must be assigned to a School. Provision must be made by Ordinance for the membership of Faculties, and for the composition of Faculty Boards.

8. Each Faculty Board is responsible to the General Board (and the Council of the School concerned) for ensuring the provision of appropriate instruction and adequate facilities for research in the subjects of the Faculty, for preparing the teaching programme of the Faculty, and for ensuring that teaching given is of a high standard.

Departments

9. On the recommendation of the General Board, the University can constitute one or more Departments within any Faculty, can constitute Departments independent of any Faculty but within a School and under the supervision of the General Board, or can suppress any Department. There must be a Head of each Department, appointed in accordance with regulations made by the General Board. Subject to the powers of the Council of the School, the Faculty Board or comparable authority and subject to the Ordinances and to regulations made by the General Board, the Head of a Department:

(a) must organize the teaching and research of the Department;

(b) must prepare and submit to the Council of the School and to the General Board the annual estimates of the Department;

(c) is responsible for the proper application of the funds available to the Department, and must ensure that the approved estimate of expenditure is not exceeded and that the accounts are correctly maintained.

10. Provision can be made by Ordinance for the establishment of Degree Committees for Schools, Faculties or Departments, to be constituted by regulations made by the General Board. Degree Committees must exercise functions prescribed by regulations of the General Board in respect of the approval of students as Graduate Students and the supervision of their work, the award of degrees, diplomas, and certificates in respect of graduate study or contributions to learning, and other cognate matters.

Chapter VI**Boards and Syndicates**

1. There are

(a) Boards and Syndicates required by the Statute or Special Ordinance, the composition of which can be determined by Ordinance, subject to the provisions of the Statutes;

(b) any other Boards or Syndicates established by Ordinance.

Any Board or Syndicate has the right of reporting to the University.

2. No-one can be appointed or reappointed a member of any Board, or of any body of Electors or Managers even though it be not expressly called a Board, or of any Syndicate other than an occasional Syndicate, who at the commencement of his or her period of service or further period of service would have attained the age of seventy years.

[This section is under separate review]

Chapter VII**The Board of Scrutiny**

1. There is to be a Board of Scrutiny, which must each year scrutinize on behalf of the Regent House the Annual Report of the Council, the abstract of the accounts of the University, and any budget Report of the Council proposing allocations from the Chest. In addition the Board must perform such other duties, and has such powers, as are specified by Special Ordinance.

2. The Board of Scrutiny has the right of reporting to the University on any matters falling within the scope of section 1 above which in the Board's opinion should be drawn to the attention of the University.

3. The Board of Scrutiny consists of

(a) the two Proctors;

(b) the two Pro-Proctors nominated by the Colleges;

(c) eight members of the Regent House elected by the Regent House to serve for four years, as follows:

(i) two persons who have been members of the Regent House for not more than ten years on 1 October next following their election;

(ii) six persons who are members of the Regent House.

Arrangements for election must be made by Ordinance. Provision must be made by Ordinance to provide for the exclusion from membership of University officers who have primarily administrative duties. The Chairman and Secretary of the Board must be elected annually.

4. The Board can

(a) consult any official documents or accounts (other than those of the University Press) which may be relevant to any enquiry;

(b) consult such official documents or accounts of the University Press as may be specified by Ordinance;

(c) make enquiry, whether in person or in writing, of the officers of any University authority on matters pertaining to a subject of enquiry;

(d) request that a matter be put down for discussion by the Regent House, which request the Council cannot unreasonably refuse.

Documents or accounts requested by the Board under subsection (a) or subsection (b) can be withheld only on the ground of their irrelevance, with the written sanction of the Vice-Chancellor.

Chapter VIII

Conduct of Business

Provision must be made by Special Ordinance for

(a) calling Congregations;

(b) preparation and submission of Reports to the Regent House and the Senate; and their Discussion;

(c) submission of Graces to the Regent House and the Senate; arrangements for voting and amendments; all Graces must be sanctioned for submission by the Council;

(d) elections by the Regent House and the Senate, and other elections;

(e) any other matters concerning the conduct of University business.

Chapter IX

Review

Compliance with the Statutes and Ordinances

1. (a) If, within thirty days after the doing of any act by any person or body having power to act under the Statutes, or in the event of failure or omission to act as required by Statute, Ordinance, or Order within thirty days after the date specified for the performance of that act, it is represented in writing to the Vice-Chancellor by a member of the University that there has been a contravention of the Statutes, Ordinances, or any Order in the doing of such act, or in such failure or omission, the Vice-Chancellor must inquire into the matter and must declare either that there has been no such contravention, or that the said act or matter is of no effect, or, if the Vice-Chancellor is of the opinion that the contravention has not affected the result, that in his or her opinion the validity of the act or matter is not affected by the circumstances represented. Where the Vice-Chancellor finds that there has been a failure or omission to act he or she can give such directions in the matter as seem to him or her to be appropriate. The person making the representation shall state in writing at the outset the act or matter to which he or she refers, with full detail of the contravention of Statute, Ordinance, or Order which he or she

represents has taken place. The Vice-Chancellor must give his or her decision promptly but in any event within three months, unless the person making the representation has agreed in writing to an extension of time.

(b) If the person making the representation is dissatisfied with the Vice-Chancellor's decision, or if he or she believes that there has been unreasonable delay, he or she may make a representation to the Commissary in the manner prescribed in this chapter. The decision of the Commissary is final. If there is no representation to the Commissary, the decision of the Vice-Chancellor is final.

(c) No act is invalid by reason of the fact that there has been a contravention of the Statutes, Ordinances, or Order unless there has been a representation in writing under paragraph (a) of this Statute within thirty days after the doing thereof.

(d) No act is invalid by reason of the fact that any person taking part in the act, and chosen in the manner prescribed or authorized by the Statutes, Ordinances, or Order to be the person or a member of the body authorized to act, was not qualified to be so chosen.

Declaration of the meaning of a Statute

2. If any doubt arises as to the true meaning of a Statute, or of any Statute for the University and any one or more of the Colleges in common, the Council can apply to the Chancellor, who must then declare in writing the meaning of the Statute in question. Such declaration must be registered by the Registry. The meaning of the Statute as declared is deemed to be the true meaning thereof. The University must defray the cost of any legal advice obtained by the Chancellor for the performance of his or her duty under this section.

Review by the Commissary

3. In the discharge of his or her duties under this Chapter the Commissary is not under the direction of the Council nor of any other authority in the University.

4. The Commissary has full power to determine all questions referred to his or her decision by a member of the University under the provisions of this Chapter. The Commissary can review, amend, or quash the decision of any University authority on the ground that the decision, or some aspect of the decision, was *ultra vires*, or was unreasonable by being procedurally unsatisfactory, or incorrect in fact, or on similar grounds, and to make such order (including an order

to amend, quash, or refer back the decision) as seems to him or her to be justified. The Commissary's powers under the provisions of this Chapter do not extend to:

(a) any matter still subject to further review by or appeal to any University authority, or by any Independent Adjudicator for student complaints in higher education, as established by or under Act of Parliament;

(b) the merits or substance of a decision made by:

(i) a University Court;

(ii) a Board of Examiners, a Degree Committee, the Board of Graduate Studies, a Review Committee or similar authority, in relation to the result of a University examination;

(c) any decision by a University authority about the appointment of an individual to employment in the University, or about promotion in such employment;

(d) any matter under the responsibility of the Press Syndicate or the Local Examinations Syndicate.

5. In any case the Commissary can appoint a person to act as his or her deputy, and can delegate to such a deputy his or her powers under the provisions of this Chapter in respect of the case concerned.

6. The Commissary or a deputy so appointed can strike out a case which in his or her opinion is vexatious, frivolous, or out of time.

7. In relation to any case (not being a case struck out as vexatious, frivolous, or out of time) the Commissary must direct that the matter shall be dealt with by oral or written representations, or both. Representations must be made:

(a) on behalf of the University by a person or persons appointed by the Council; and

(b) by any other party or parties to the proceedings either in person, or through a representative approved by the Commissary.

8. The Commissary must make rules of procedure. These bind the parties in any particular case.¹ The rules of procedure must make provision for a time limit or time limits within which a matter can be raised with the Commissary. In any particular case the decision of the Commissary (or a duly appointed deputy) on any procedural matter is final.

9. The Council must consult the Commissary before proposing any Ordinance concerning matters regulated by sections 3–11 of this Chapter. The Commissary has the right to publish a statement for the guidance of the University about any such proposed Ordinance.

10. The University must defray the cost of any legal advice obtained by the Commissary or a duly appointed deputy for the performance of their respective duties under this Chapter.

11. Nothing in this Chapter enables or requires the Commissary to hear any appeal or to determine any dispute regulated under the provisions of the Education Reform Act 1988 about a member of the academic staff of the University as defined in the Statutes, which, being a matter regulated under the said Act, concerns the member's appointment or employment, or the termination of that appointment or employment. The Commissary has no power to disallow or annul any Ordinance made under or having effect for the purposes of the Statutes in relation to matters regulated under the said Act. [This section is subject to separate review]

Chapter X

Miscellaneous provisions

Commencement and transitional provisions

1. Amendments to Statutes come into force on the date specified in the Grace making them, or on another date determined by Grace. Repeals of Statutes take effect from a date similarly determined. Repeal does not invalidate any order, election or appointment made or thing done under a Statute repealed, nor revive nor restore any Statute, order, or trust, or any power or provision repealed or abrogated by a repealed Statute.

2. Transitional provisions can be contained in Statutes, which can also provide for necessary transitional provisions to be made by Ordinance. If a Statute does not contain necessary transitional provision, such provision can be made by Ordinance.

¹ See the annex to Statute A (p. xxx).

Interpretation

3. In any Statute, Ordinance, Order, regulation or comparable provision references to University bodies or authorities, and to University officers and other individuals, have the meaning necessarily implied by the provisions of the Statutes. Additionally:

[(a) the term Ordinance means a Special Ordinance made under Statute A, III, 3, and any other Ordinance;]

(b) the term person *in statu pupillari* means a member of the University (including a member of a College or an Approved Society resident in the University with a view to matriculation) who has not been admitted to an office in the University (or to a post in the University Press specially designated under Statute J, 7 or to an appointment approved by the University for the purpose of Statute A, III, 5(e)), or to a Fellowship or office of a College, or to a degree which qualifies the holder for membership of the Senate, and is of less than three and a half years' standing from admission to his or her first degree (if any);

(c) in any Statute or Ordinance words of the masculine gender import the feminine unless this interpretation is excluded expressly or by necessary implication;

(d) the term degree means degree of the University unless in any Statute or Ordinance that meaning is expressly or by necessary implication excluded; a complete degree is a degree other than a title of degree;

(e) publication means publication in the *Cambridge University Reporter* unless necessarily stated or implied otherwise.

Additional provisions

4. A Report of the Council, or of any other body with the right of reporting to the University, must be signed by those members of the reporting body who agree with the Report; but no person *in statu pupillari* can sign a Report if he or she has been excluded, under the provisions of any Ordinance about reserved business, from any part of the discussion of the Report.

5. If in an election for which votes have been taken by poll or ballot there is an equality of votes between two or more candidates, the Vice-Chancellor or other returning officer, whether or not he or she has previously voted or been entitled to vote, can, unless it is otherwise expressly provided by Ordinance, give a casting vote.

6. Sermons must be preached in the University Church during full term on such days as may be appointed by the Chancellor or by the University. No one shall be allowed in any sermon before the University to impugn the doctrine or discipline of the Church of England as established by law. A Commemoration of Benefactors must be held every year in the University Church, at such time and in such manner as the University prescribes.

7. When in any Statute, Ordinance, contract, document, instrument of any description or any statement reference is made to the Treasurer or to the Secretary General of the Faculties after 14 December 2005 such reference shall be construed as a reference to the Registry, or a duly appointed deputy, unless different provision is made by Statute or Ordinance.

8. Provision shall be made by Special Ordinance for

(a) filling casual vacancies on University bodies;

(b) termination of membership of University bodies on account of failure to attend meetings;

(c) the majority necessary for a decision of a University body, and, if necessary, for the quorum necessary for business to be transacted; and for comparable matters;

(d) for the appointment of committees by University bodies, and delegation of decision to such committees or to a University officer; but delegation does not relieve the delegating body of responsibility for the matter delegated;

(e) exclusion of members *in statu pupillari* from the proceedings of a University body or bodies about particular classes of business.

9. Provision shall be made by Ordinance for:

(a) the academical year, terms and residence, and the precincts of the University;

(b) [OTHER MATTERS TO BE IDENTIFIED]

TECHNICAL REVIEW OF THE STATUTES, AND ORDINANCES: CONSULTATION PAPER 4: EDUCATION AND RESEARCH, DEGREES (NEW STATUTE B)

30 June 2011

EDUCATION AND RESEARCH, DEGREES

This paper is issued as part of the process of technical review of the Statutes, and Ordinances, authorised by Grace 10 of 21 July 2010, following the Report of the University Council dated 14 June 2010 (*Reporter*, 2009–10, p. 992). The paper has been considered and approved by the Technical Advisory Group chaired by Professor David Yates.

Summary

This paper makes suggestions about the new Statute B. An exposure draft of suggested amendments to Statutes is set out later in the paper.

Comments

Comments are welcome and should be sent to the Administrative Secretary at the University Offices, The Old Schools, Cambridge (email: Alan.Clark@admin.cam.ac.uk) if possible by 14 November 2011. All comments will be considered and a draft Report of the Council to the University will then be prepared for Discussion and eventual submission for approval in principle, through the ordinary University processes.

Explanation of the changes suggested

The draft Statute significantly simplifies the present statutory provision for education. It assigns responsibility to the General Board for education and research in institutions which it supervises and confirms its accountability to the Council for this. Provision is made for the Board to assign particular responsibilities to other University authorities. The Statute simplifies the present statutory status for degrees, by identifying a limited number of historic or higher degrees, the other present or future degrees to be established by Special Ordinance. It makes outline provision for the present B, III, 6 M.A., and for degrees by incorporation.

The Statute makes general provision for the structure of courses and examinations, more detailed provision to be made by Ordinance (or by regulations made by the General Board or by other University authority, by delegation).

Provision is made for allowances and the review of decisions about allowances, for representations about examinations, and for complaints by students.

Further provision is made for membership of the University, and for the admission of students. The requirement for Tripos students to be admitted by Colleges is stated in a Statute for the first time. Provision is made for resignation of membership of the University and renunciation of degrees.

Suggested explanatory note to appear with the revised Statute if approved

(These notes do not form part of the Statute.)

Chapter I is general. Section 1 assigns the principal responsibility for educational and research in the University to the General Board, requires it to promote excellence in both, and states that it is accountable to the Council for the discharge of these responsibilities. Section 2 empowers the Board, by regulation, to delegate. Section 3 provides for the dates of term and full term.

Chapter II makes provision for degrees; and for the admission of University officers and others to the M.A. degree and to degrees by incorporation (including holders of some offices elect or designate).

Chapter III requires Ordinances to be made for courses and examinations, including normal residence requirements, if any, the length of courses and arrangements for examinations. Section 3 allows the General Board to make additional regulations, and to delegate. Section 4 provides for allowances (and review of decisions about allowances), and, in section 4 (a), for arrangements for representations or review.

Chapter IV makes outline provision for membership of the University by students and others. Provision is made for resignation of membership or renunciation of degrees, and the possibility of reinstatement. Section 3 sets out the framework for admission by a College, by a College and a University authority, or by a University authority, for different categories of students.

Suggested draft revised Statute**STATUTE B****EDUCATION AND RESEARCH, DEGREES****Chapter I****Education and Research: General**

1. Subject to the powers and responsibilities of the Regent House and the Council, the General Board is the authority responsible for the University's educational and research activities conducted in those University institutions assigned by Statute or Ordinance to its supervision. The Board is accountable to the Council for the discharge of these responsibilities.
2. Subject to section 1, the Board may by regulation assign detailed responsibility for the management and conduct of any educational or research activity to the Council of a School, a Faculty Board, a Head of Department or to some other institution or authority established by or under Statute or ordinance.
3. Provision must be made by Ordinance for the dates of Michaelmas, Lent and Easter Terms in each academical year, and for the dates of Full Term.

Chapter II**Degrees**

1. Degrees in the University are:

Bachelor of Arts, and any other Bachelors' degrees established by Special Ordinance;

Master of Arts, and any other Masters' degrees established by Special Ordinance;

Doctor of Philosophy, and any other Doctors' degrees established by Special Ordinance;

Bachelor of Divinity;

Master of Surgery;

Doctor of Divinity, Doctor of Law, Doctor of Medicine, Doctor of Science, Doctor of Letters, and Doctor of Music.

2. Provision can be made by Ordinance on the recommendation of the Council for the admission of University Officers, Heads and Fellows of Colleges (*a*) to the degree of Master of Arts or (*b*) for admission to degrees by incorporation if graduates of the Universities of Oxford or Dublin. Eligibility under (*a*) or (*b*) above can be made by Ordinance to include holders of office elect or designate. Provision can be made by Ordinance for the admission under (*a*) and (*b*) above of persons holding other posts designated by the Council in University institutions.

Chapter III**Courses and examinations, allowances**

1. The University must, by Ordinance made on the recommendation of the General Board, make provision for courses, and examinations, in these categories:

Courses for matriculated students

(*a*) each Tripos;

(*b*) courses of study and training for research, and research, intended for candidature for a degree of Doctor of Philosophy (or such other degrees as may be determined by Ordinance);

(*c*) other courses or qualifications;

(*d*) other postgraduate courses or qualifications;

Courses not limited to matriculated students

(e) other courses and qualifications (including certificates and diplomas);

Higher degrees

(f) candidature and examination for the degree of Bachelor of Divinity, Master of Surgery, and Doctors degrees listed in the final category of section 1.

2. Such Ordinances must specify (1) the University authority primarily responsible for the course or examination, (2) for courses and qualifications in (a)–(d) above, normal residence requirements, the length of courses and arrangements for examination, and (3) for courses and qualifications in (e) above, attendance requirements (if any), the length of courses and arrangements for examinations.

3. The General Board can make additional detailed provision for the above matters by making additional regulations, and can delegate this power to a University authority.

4. The University must make Ordinances:

(a) for the grant of allowances to individual students in respect of courses and examinations in section 1 (a) to (e) above; and for arrangements for the review of such decisions about allowances;

(b) for arrangements for appeal or review about matters within the responsibility of the University about a course or examination in section (a)–(e) above, raised by an individual student.

Chapter IV**Membership of the University, Admission and matriculation**

1. The University must, by Ordinance, state the conditions on which persons may matriculate as a member of the University, as

(a) an undergraduate student;

(b) a student pursuing a course specified in Chapter III, 1, (c) and (d) ;

(c) a University officer;

(d) a person in any other category determined by or under Statute or Ordinance.

2. Membership of the University is for life, or until resignation, or deprivation by decision of a University court. Resignation entails cancellation of any degree. Renunciation of a degree entails resignation of membership of the University. Detailed provision for resignation of membership and renunciation of degrees must be made by Ordinance. Provision for reinstatement after resignation or renunciation can be made by Ordinance.

3. Admission to courses and candidature for a qualification shall be

(a) by College, in the case of a Tripos, and other courses or qualifications determined by Ordinance;

(b) by a University authority, and by a College, in the case of other courses or qualifications so identified by Ordinance;

(c) by a University authority, in the case of courses or qualifications so identified by Ordinance;

Admission by Colleges and candidature for a qualification is subject to the requirements of the Statutes and Ordinances of the University.

TECHNICAL REVIEW OF THE STATUTES, AND ORDINANCES: CONSULTATION PAPER 5: FINANCE, AUDIT, PLANNING AND RESOURCE ALLOCATION, PROPERTY AND BUILDINGS (REVISED STATUTE F)

30 June 2011

FINANCE, AUDIT, PLANNING AND RESOURCE ALLOCATION, PROPERTY AND BUILDINGS

This paper is issued as part of the process of technical review of the Statutes, and Ordinances, authorised by Grace 10 of 21 July 2010, following the Report of the University Council dated 14 June 2010 (*Reporter*, 2009–10, p. 992). The paper has been considered and approved by the Technical Advisory Group chaired by Professor David Yates.

Summary

This paper makes suggestions about Statute F and related matters. An exposure draft of the suggested new Statute is set out.

Comments

Comments are welcome and should be sent to the Administrative Secretary at the University Offices, The Old Schools, Cambridge (email: Alan.Clark@admin.cam.ac.uk) if possible by 14 November 2011. All comments will be considered and a draft Report of the Council to the University will then be prepared for Discussion and eventual submission for approval in principle, through the ordinary University processes.

Explanation of the changes suggested

No substantive changes are suggested for the statutory arrangements for financial management, though the proposed Statute presents the present basic provisions in up to date direct language. A duty to make financial regulations is introduced.

New provision is introduced requiring the Council to establish machinery for planning and resource allocation, and for buildings, and for the composition of any principal committees established for these purposes to be approved by Grace. (The present Planning and Resources and Buildings Committees are examples of such principal committees.)

The requirement for approval by Grace for the erection, demolition or substantial alteration of a University building is maintained, clarifies to indicate that this applies to “operational” buildings.

Suggested explanatory note to appear with the revised Statute if approved

(This note does not form part of the Statute)

Section 1 of Chapter 1 defines the Council’s principal responsibilities for financial matters, requiring it among other things to make an annual budget report, and to arrange for the preparation of ‘true and fair’ accounts to be externally audited. Sections 2 to 4 make detailed provision for the Chest and other accounts. Section 5 provides for the appointment by Grace of the principal external auditors, and section 6 for the audit of the Local Examinations Syndicate.

Chapter II requires the Council to establish machinery (which may be joint with the General Board) for planning and resource allocation and for buildings. The constitution of any principal committees established for either of these purposes is to be submitted for approval by Grace. Section 2 includes the provision that the erection or demolition of or substantial alteration to a University operational building requires approval by Grace.

[If retained in Statute F]. Chapter III sets out the University’s powers about property, and provision for Ordinances, including for ‘collective investment’ (such as Cambridge University Endowment Fund).

Suggested draft revised Statute**STATUTE F****FINANCE, AUDIT, PLANNING AND RESOURCE ALLOCATION, PROPERTY AND BUILDINGS****Chapter I****Finance, The Chest and Audit****Financial matters**

1. The Council, supported by the Finance Committee, must:

(a) exercise general supervision over the financial situation of the University including reserves and investments and the income and expenditure of the Chest, and over the finances of all institutions in the University other than the University Press (which is subject to the provisions of Statute J);

(b) keep under review the University's financial position and make a budget Report to the University at least once each year, recommending allocations from the Chest;

(c) arrange for the preparation and publication of the annual accounts of the University (as audited by a duly appointed external auditor) in accordance with UK applicable accounting standards such that the accounts give a true and fair view of the state of the financial affairs of the University.

(d) recommend Bankers to the University, for appointment by Grace;

(e) make financial regulations.

The Chest and accounts

2. Unless otherwise provided by or under the Statutes or Ordinances, all income accruing to the University must be credited to the Chest, which is the principal treasury account of the University.

3. Separate accounts must be kept in such form as the Finance Committee directs for special funds established by the Council or by Ordinance, and for funds arising from grants from external sources or from grants or gifts from other bodies or persons for special work carried out in the University.

4. Any money received by any University body or officer for the purpose of any School, Faculty, Department or other institution, or for any other University purpose, must be included in the appropriate account.

Audit

5. Except as provided by Statute J in respect of the Press and by section 6 below, the accounts of the University must be audited annually by external auditors appointed by Grace on the recommendation of the Council.

6. The accounts of the Local Examinations Syndicate must be audited annually by external auditors appointed by the Council. The requirements of section 1(c) of this chapter apply to these accounts. The Council must every year appoint one or more members of the Finance Committee to examine the accounts, confer with the external auditors, and report to the Committee and to the Council.

Chapter II**Planning and Resource Allocation, Buildings****Planning and Resource Allocation**

1. The Council must establish machinery for planning and resource allocation within the University, and can do so jointly with the General Board. The constitution of any principal Committee established for this purpose must be submitted for approval by Grace.

Buildings

2. The Council must establish machinery for the management and development of operational University buildings, and maintenance of operational buildings, and can do so jointly with the General Board. The constitution of any principal Committee established for this purpose must be submitted for approval by Grace.

3. Approval by Grace is required for the erection of a new University operational building or for the demolition or substantial alteration of such a building.

Chapter III

[This Chapter may be amalgamated with the provisions in Statute A about the powers of the University]

Property, financial powers and investment

1. The University shall have all the powers of a natural person to acquire, manage, charge, deal with, and dispose of property, both real and personal, and to enter into and carry out any transaction relating to its property or otherwise in connection with the management of its affairs, so that it may exercise any power and may enter into and carry out any kind of transaction without limitation. These powers may be exercised at the absolute discretion of the University and apply to investment as well as to any other activity or function of the University. They apply to property, both real and personal, of which the University is trustee, save that, in the case of a trust of which the University is not sole trustee, where the trust instrument creating the trust expressly provides to the contrary and less than sixty years have elapsed since that instrument came into operation, the powers must not be exercised without the consent of the other trustees.

2. The University can make Ordinances providing for:

(a) exercise and delegation of the above powers; and/or

(b) the collective investment of any property, real or personal, held by or for the University, with or without any other property. Such Ordinances shall be read with, and shall have the same force as, the Statutes to the extent that they are consistent with the Statutes, Ordinances, and any Act of Parliament or other legislation binding on the University.

3. In favour of any person having dealings with the University, a certificate signed by the Registry that any Ordinance made under section 2 above has been complied with is conclusive.

**TECHNICAL REVIEW OF THE STATUTES, AND ORDINANCES:
CONSULTATION PAPER 6: DISCIPLINE AND THE UNIVERSITY
COURTS (STATUTE B, VI AND STATUTE U (PART): NEW STATUTE D)**

30 June 2011

DISCIPLINE AND THE UNIVERSITY COURTS

This paper is issued as part of the process of technical review of the Statutes, and Ordinances, authorised by Grace 10 of 21 July 2010, following the Report of the University Council dated 14 June 2010 (*Reporter*, 2009–10, p. 992). The paper has been considered and approved by the Technical Advisory Group chaired by Professor David Yates.

Summary

This paper makes suggestions about the new Statute D and related matters. An exposure draft of suggested amendments to Statutes and some Ordinances is set out later in the paper. The new Statute incorporates some provision for the University Tribunal and the Septemviri at present contained in Statute U.

Comments

Comments are welcome and should be sent to the Administrative Secretary at the University Offices, The Old Schools, Cambridge (email: Alan.Clark@admin.cam.ac.uk) if possible by 14 November 2011. All comments will be considered and a draft Report of the Council to the University will then be prepared for Discussion and eventual submission for approval in principle, through the ordinary University processes.

Explanation of the changes suggested

This paper brings together the statutory provisions for the University courts, at present principally divided between Statute B and Statute U (“academic staff”). No change of principle is suggested, but the opportunity has been taken to simplify some provisions, to conflate provisions applying to some or all courts, and to transfer some provisions (mainly about prosecution) to Special Ordinances. New provision has also been made for supplementary practice directions (section 7), and for the standard of proof (section 22), which is still the criminal standard (proof beyond reasonable doubt) rather than the civil standard (balance of probabilities). Provision is also made for the Summary Court, which is at present established under Statute B by Ordinance.

Suggested explanatory note to appear with the revised Statute if approved

(This note does not form part of the Statute)

Chapter I states the traditional obligation of the University to make disciplinary regulations (section 1) and states that these regulations apply to all members of the University and to some other persons who should be included.

Chapter II makes detailed provision for the structure and constitution of and proceedings before four University courts. Section 1 identifies the courts and establishes their jurisdiction. Section 3 make additional provisions, including provision for the University Tribunal to deal with charges of gross misconduct. Section 4 states the powers of the Tribunal and the Court of Discipline to impose penalties, and related provisions. Sections 5 and 6 make provision for appeal to the Septemviri from these two Courts.

Sections 10–13 deal with the composition of the Courts. Sections 7–9, 14–15 and 17–22 deal with various aspects of the functioning of the Courts.

Section 16 states the limited jurisdiction available to the Summary Court.

Section 22 provides that the standard of proof in the Courts is that of beyond reasonable doubt.

Suggested draft revised Statute, and Ordinances

STATUTE D

DISCIPLINE AND THE UNIVERSITY COURTS

Chapter I

Discipline

1. For the due maintenance of good order and discipline within the University, the University must prescribe such regulations as may be thought expedient about the wearing of academical dress, rendering of assistance and obedience to all persons in authority in the University, and the definition and determination of offences and penalties.

2. These regulations apply to all matriculated members of the University, to persons resident in the University with a view to matriculation, to all University officers, and to holders of titles of degrees.

Chapter II

The University Courts

1. There shall be the following University Courts, with jurisdiction as stated:

(a) **Septemviri**: an appeal court in respect of first instance decisions of the University Tribunal and the Court of Discipline;

(b) **University Tribunal**: a court of first instance in respect of proceedings brought against University officers, other members of the University not *in statu pupillari*, and holders of titles of degrees;

(c) **Court of Discipline**: a court of first instance in respect of proceedings brought against members of the University *in statu pupillari*, and persons resident in the University with a view to matriculation; and an appeal court in respect of first instance decisions of the Summary Court;

(d) **Summary Court**: a court of first instance in respect of persons under the jurisdiction of the Court of Discipline in categories of cases determined by Ordinance.

2. The University courts have no jurisdiction over the Chancellor, the High Steward, the Deputy High Steward, or the Commissary.

3. The University Tribunal must adjudicate when a person under its jurisdiction is charged with an offence against the discipline of the University, or with grave misconduct. The Court of Discipline must adjudicate when a person under its jurisdiction is charged with an offence against the discipline of the University.

4. The University Tribunal and the Court of Discipline can impose any of the following sentences either singly or in combination:

(a) deprivation or suspension of membership of the University;

(b) deprivation or suspension of degree or title of degree, or postponement of, or disqualification from, admission to degree; and (in the case of the Court of Discipline only) exclusion from matriculation;

(c) deprivation or suspension of the status of Master or Bachelor of Arts;

(d) rustication, which is sending out of residence in the Precincts of the University (in the case of the Court of Discipline only);

(e) a fine;

(f) an order to pay compensation;

(g) deprivation or suspension of the right to use University premises or facilities;

(h) any sentence considered by the court to be lighter;

or can, notwithstanding that a person charged has been found to have committed an offence, resolve not to impose any sentence. Any person who is deprived of membership of the University or whose membership of the University is suspended is also deprived of or suspended from degrees and titles of degrees during the continuance of such deprivation or suspension. If a charge of misconduct in an examination has been brought against any person before a University court and if such person's qualification for the award of a degree, diploma, or certificate is or includes success in that examination, he or she cannot be admitted to the degree, or receive the diploma or certificate, until the charge has been finally disposed, notwithstanding that he or she may have done all that is required by Statute or Ordinance for the award of the degree, diploma, or certificate. If the Court finds that a person so charged has committed an offence, it can advise the Vice-Chancellor to issue a notice amending the class-list for the examination or other list of approved candidates, or to issue an amended list superseding the original list; and, if no appeal is made to the Septemviri, the Vice-Chancellor must act in accordance with that advice or, if an appeal is made to the Septemviri, in accordance with its decision.

5. Any person sentenced by the University Tribunal or the Court of Discipline can appeal to the Septemviri within twenty-eight days after notice of the court's decision, subject to such conditions as are determined by Special Ordinance.

6. The Septemviri must hear and determine appeals in accordance with the provisions of this Statute. It can quash a finding or vary a sentence within the limits of the power of the original court.

7. The University courts can make rules of procedure for the conduct of proceedings, subject to the provisions of the Statutes and Ordinances. If any question of law or of interpretation or application of any of the rules of procedure arises during the course of a hearing, or if a question of procedure arises which cannot be resolved by reference to those rules, the matter must be decided by the Chairman, whose decision, for the case which is being heard, is final. The Chairman of the Septemviri can issue supplementary practice directions in respect of the Septemviri or any other University court, and the chairman of each other court may issue supplementary practice directions in respect of that court.

8. Every finding or sentence of a University court and every determination of an appeal by the Septemviri requires the concurrence of a majority of the members present.

9. The procedure for the initiation of proceedings before the University courts must be prescribed by Ordinance.

10. The Septemviri is to consist of a legally qualified member of the University appointed by Grace as chairman and six members of the Regent House, each appointed by Grace. Detailed provision for these appointments must be made by Special Ordinance.

11. The University Tribunal is to consist of a legally qualified member of the University as chairman and four members of the Regent House, each appointed by Grace. Provision for the appointment of the Chairman and members must be made by Special Ordinance.

12. The Court of Discipline is to consist of a chairman who is legally qualified or has had experience of acting in a judicial capacity, and four members of the University, not more than two of whom can be *in statu pupillari*. Provision for the appointment of the Chairman and members must be made by Special Ordinance.

13. The Summary Court is to consist of a legally qualified member of the University as chairman, one member of the Regent House and one member *in statu pupillari*. Provision for the appointment of the Chairman and members must be made by Special Ordinance.

14. The Registrary or a deputy appointed by the Registrary must be Clerk of each Court.

15. Notice of a meeting of a University court shall be given to the Head of the College, if any, of which the person charged or making an appeal is a member.

16. The Summary Court can award the following sentences either singly or in combination:

- (a) a fine not exceeding a sum determined by Ordinance;
- (b) an order to pay compensation not exceeding a sum determined by Ordinance;
- (c) deprivation or suspension of the right to use University premises or facilities;
- (d) any sentence considered by the Court to be lighter;

or can, notwithstanding that a person has been found to have committed an offence or such an act, resolve not to impose any sentence.

17. Any person whose case is being heard or adjudicated upon by a University court

- (a) must be given a reasonable opportunity of being heard by such court; and
- (b) has the right to call witnesses and to question witnesses upon whose evidence the case against him or her is based; but in the case of an appeal neither party to the case can recall witnesses examined at first instance or introduce additional evidence except with the leave of the Chairman of the court, which shall be given only if the Chairman is satisfied that to do so is necessary or expedient in the interests of justice.

18. A University court, notwithstanding the provisions of section 17, can conduct the whole or part of its proceedings on the basis of written statements submitted by the parties if it appears to the Chairman to be impracticable or inexpedient to conduct an oral hearing.

19. If any person intentionally or recklessly disrupts or impedes the proceedings of a court, the Chairman can, either singly or in combination:

- (a) impose a fine not exceeding a sum as determined from time to time by Ordinance,

(b) exclude such person from the court.

20. Subject to any limitations that may be imposed by Ordinance, the fact that any person has been or is liable to be prosecuted in a court of law in respect of an act or conduct which is the subject of the proceedings before them does not affect the jurisdiction and powers of the aforesaid courts under this Statute.

21. The University courts may treat as evidence of any matter to which it may be relevant the previous decision, ruling or finding or any other court or tribunal, giving it such weight (if any) as it thinks appropriate

22. The standard of proof in the University courts is that of proof beyond reasonable doubt.

TECHNICAL REVIEW OF THE STATUTES, AND ORDINANCES: CONSULTATION PAPER 7: TRUSTS (STATUTE E)

30 June 2011

TRUSTS

This paper is issued as part of the process of technical review of the Statutes, and Ordinances, authorised by Grace 10 of 21 July 2010, following the Report of the University Council dated 14 June 2010 (*Reporter*, 2009–10, p. 992). The paper has been considered and approved by the Technical Advisory Group chaired by Professor David Yates.

Summary

This paper makes suggestions about Statute E and related matters. An exposure draft of suggested amendments to Statutes is set out later in the paper.

Comments

Comments are welcome and should be sent to the Administrative Secretary at the University Offices, The Old Schools, Cambridge (email: Alan.Clark@admin.cam.ac.uk) if possible by 14 November 2011. All comments will be considered and a draft Report of the Council to the University will then be prepared for Discussion and eventual submission for approval in principle, through the ordinary University processes.

Explanation of the changes suggested

The present Statute makes general provisions about Trusts (Chapter I) and detailed provisions about individual Trusts (Chapters II – XLVII) for which the University has exercised its powers under Act of Parliament to amend Trusts by making or amending Statutes.

Some obsolete material has been deleted from Statute E, I, 3.

Otherwise Statute E requires relatively little revision, although consideration may be given later in the process as to whether some of the 46 individual chapters could be re-presented in tabular form (without changing their substance) or in separate schedules. A higher priority, in the limited time available, may, however, be to simplify the corresponding Ordinances, which will be intercalated with the 46 chapters.

Views would be welcome on the question whether it would be helpful to transfer all the detailed provisions for individual funds to a schedule, or the Ordinances (provided general provision can be made to preserve the amendments to trusts made by the present Statutes).

Minor stylistic changes are proposed to Chapter I of the Statute to conform to the style adopted elsewhere in the new Statutes.

Suggested explanatory note to appear with the revised Statute if approved

(These notes do not form part of the Statute.)

Chapter I makes general provisions about Trust emoluments. Sections 2–5 make provisions applying to Trusts in existence at the time the Statute was originally made (14 January 1927). Section 7 applies to all trust funds whether in existence then or later (unless there is special provision otherwise). It makes provision that awards are not to be made if there is no candidate of sufficient merit, that the University can direct whether awards are to take the financial circumstances of candidates into account (or not), to suspend an award if there are not sufficient funds, to accumulate unexpended income by investment or otherwise (and may be added to the capital).

Section 8 states the University's power by Ordinance to apply income in ways "consonant with the original purpose of the endowment" (with the consent of the founder if alive, or if the trust is less than sixty years old with the consent of any trustees or governing body other than the University, if any).

Chapters II – XLVII make individual provision for trusts. [The corresponding Ordinances about these trusts are intercalated.]

Suggested draft revised Statute**STATUTE E****TRUST EMOLUMENTS****Chapter I****General provisions**

1. The University must maintain those lectureships, scholarships, prizes, and other emoluments for which provision is made by any trust for the time being binding on the University, in addition to those mentioned in this Statute.
2. When in any regulations governing a trust, which is more than sixty years old at the date of the original making of this Statute [14 July 1927], it is directed that any act must or can be done by the Senate, the direction is hereby altered so that the act must or can be done by the Regent House.
3. When in any regulations governing a trust, which is less than sixty years old at the date of the original making of this Statute [14 January 1927], it is directed that any act must or can be done by the Senate, the direction is hereby altered so that the act must or can be done by the Regent House: provided that if the trust has a trustee or governing body other than the University such alteration can take effect only if the consent of such trustee or governing body is obtained.
4. When in any regulations governing a trust it is directed that any act must or can be done by the General Board of Studies or a Special Board of Studies or a Board of Studies, the direction is hereby altered so that the said act must or can be done by the General Board of the Faculties or the Faculty Board, other Board, or Syndicate.
5. The regulations concerning any endowment mentioned by name in Chapters II to XXXII (inclusive) of this Statute, which are contained in any instrument of foundation, Act of Parliament, Order in Council, decree, order, statute or other instrument operative before the original commencement of this Statute, are rescinded, save in so far as any of the said regulations may be embodied in this Statute.
6. The name of the founder (or of the person commemorated by the fund) must be attached to any emolument charged upon any of the said endowments and must appear in any announcement of the award.
7. These provisions govern existing and future trust funds, except as may be provided otherwise in any instrument of foundation or Statute for the time being governing a particular trust fund.
 - (i) The awarders of a scholarship, prize, or other emolument charged upon a trust must not award the whole or any part of the income at their disposal on any occasion when there is no candidate of sufficient merit.
 - (ii) The University can from time to time direct whether the awarders of a scholarship, prize, or other emolument charged upon a trust fund must take into consideration the financial circumstances of candidates; in the absence of any directions such circumstances must not be taken into consideration.
 - (iii) When the income of a trust fund is insufficient for the effective maintenance of a lectureship, scholarship, prize, or other emolument charged upon the fund, the University can suspend the emolument.
 - (iv) Any part of the income of a trust fund not expended in any year must be accumulated by investment or otherwise, and any accumulation must at the discretion of the Council either be applied as income in any one or more subsequent years or be added to the capital of the fund.
 - (v) When two or more candidates for a scholarship, prize, or other emolument are of equal merit, the awarders can divide between them the income at their disposal.
 - (vi) When it is provided that the income of a trust fund must be used for the award of scholarships, prizes, or other emoluments, the expenses connected with the making of the award, including the remuneration of the awarders, can be charged to the income of the fund.
 - (vii) Candidature for scholarships, prizes, and other emoluments is invited on such occasions (not necessarily annual) as the University determines.
 - (viii) The University can make Ordinances about the nature, amounts, conditions of tenure, duration, and payment of any emoluments charged upon a fund, the eligibility of candidates, the persons by whom, the subjects for which, and the manner in which awards must be made, and any other matters relating to the administration of the fund.

(ix) When a prize is to be awarded for an essay, dissertation, poem, or the like, the University can make payment of the prize money conditional on the prize-winner's work being printed (or printed and published) in an approved manner.

8. Notwithstanding the provisions of any instrument of foundation governing a particular trust, the University can make Ordinances to apply part of the income of the fund for the purpose of increasing the value of an emolument or the remuneration of the awardees, or maintaining additional emoluments of the same character, or for another purpose or other purposes: provided that such application is consonant with the original purpose of the endowment and that no such application can be made during the life of the founder of the trust without his or her consent, and that if the trust is less than sixty years old, and has a trustee or governing body other than the University, no such application can be made without the consent of such trustee or governing body.

Chapters II – XLVII

As these chapters are not, at any rate at present, proposed for amendment they are not re-printed in this consultation paper.

TECHNICAL REVIEW OF THE STATUTES, AND ORDINANCES: CONSULTATION PAPER 8 (STATUTES D AND U; NEW STATUTE C)

30 June 2011

UNIVERSITY OFFICES AND EMPLOYMENT IN THE UNIVERSITY

This paper is issued as part of the process of technical review of the Statutes, and Ordinances, authorised by Grace 10 of 21 July 2010, following the Report of the University Council dated 14 June 2010 (*Reporter*, 2009–10, p. 992). The paper has been considered and approved by the Technical Advisory Group chaired by Professor David Yates.

Summary

This paper makes suggestions about various Statutes about University offices [and employment matters]. An exposure draft of suggested amendments to Statutes is set out later in the paper.

Comments

Comments are welcome and should be sent to the Administrative Secretary at the University Offices, The Old Schools, Cambridge (email: Alan.Clark@admin.cam.ac.uk) if possible by 14 November 2011. All comments will be considered and a draft Report of the Council to the University will then be prepared for Discussion and eventual submission for approval in principle, through the ordinary University processes.

Explanation of the changes suggested

The proposed Statute makes provision for University offices, and for employment generally by the University. In particular it replaces the present Statute D (about University officers) and Statute U (about “academic staff”). The “guiding principles” set out in the present Statute U are applied by the proposed Statute to the provisions which would replace Statute U. For some particular offices much present detailed provision in the Statutes is transferred to Ordinances, to give greater flexibility. No changes of principle are proposed. A mechanism which provides for, but does not require, repeal of the provisions of the present Statute U (which becomes Schedule U to the Statutes) is set out in proposed Statute C, I, 9.

Suggested explanatory note to appear with the revised Statute if approved

(This note does not form part of the Statute.)

Chapter I makes general provisions for University offices in section 1 listing the high offices (further provision for which is made in Statute A, I), officers not entitled to sabbatical leave, and officers (‘University Teaching Officers’) placed in Schedule 1 to the Chapter which entitles them to sabbatical leave, Section 2 requires a scheme for sabbatical leave. Section 3 identifies the Council or the General Board as ‘competent authorities’ for employment purposes (except the Press, employment in which is regulated by Statute J). Section 4 requires Special Ordinances to be made for University offices, and applies the “guiding principles” (of academic freedom, efficient and economical provision and the principles of justice and fairness) set out in the present Statute U to those Special Ordinances eventually replacing the provisions of that Statute. Section 5 provides for the appointment of deputies and substitution in the case of absence or vacancy. Section 7 deals with work outside the scope of a University office and section 8 with holding offices concurrently.

Section 9 makes provision for the progressive repeal of Statute U as it is replaced by Special Ordinances made under section 1(c), and for consequential transitional provisions to be made. It also transfers the provisions of the present Statute U to become Schedule U to the Statutes to facilitate this process.

Chapter II is about employment generally. Section states the University’s power to employ. Section 2 provides for machinery to be established by the competent authorities, and for the constitution of any principal committees etc. to be approved by Grace (present examples of such bodies are the Human Resources Committee, and the University and Assistants Joint Board).

Chapter III provides for particular offices.

Suggested draft revised Statute**STATUTE C****UNIVERSITY OFFICES AND EMPLOYMENT IN THE UNIVERSITY****Chapter I****University Offices: General**

1. The University officers are

(a) The Chancellor, the High Steward, the Deputy High Steward and the Commissary;

(b) The Vice-Chancellor, Pro-Vice-Chancellors, the Proctors, the Orator, the Registrar, the Librarian, the Director of the Fitzwilliam Museum and Marlay Curator, the Esquire Bedells, the University Advocate, and the Deputy University Advocate; holders of such other University offices, not included in Schedule 1 to this Chapter, as are established by or under Statute or Ordinance;

(c) Schedule 1 officers ('University Teaching Officers'); Professors, Readers, Senior Lecturers, and Lecturers and holders of such other University offices also, by Grace, included in Schedule 1 to this Chapter and established by or under Statute or Ordinance.

2. Provision must 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 offices specified in Schedule 1.

The competent authorities

3. The term competent authority in relation to a University institution, a University officer or other employee assigned to an institution means

(a) the Council, except for the Press, and for institutions under the supervision of the General Board;

(b) the General Board in respect of University institutions under its supervision (which are Schools, Faculties, Departments and any other institutions placed under its supervision by or under Statute or Ordinance or by Grace).

4. Provision shall be made by or under Special Ordinance or ordinary Ordinance on the recommendation of the competent authorities for the following in respect of University officers

(a) by or under Special Ordinance, procedures for the appointment, probation, grievance, discipline, accountability and assessment of capability; redundancy; and removal from office on medical grounds or grounds of incapacity;

(b) remuneration; and deduction from stipend on account of College emoluments;

(c) superannuation;

(d) tenure and date of retirement; admission to University office;

(e) determination of duties;

(f) residence and accountability;

(g) dispensation from discharge of duties on account of illness or other sufficient cause;

(h) other conditions of service;

The University must apply the following guiding principles in making Special Ordinances under paragraph (a) of this section:

(i) 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;

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

(iii) apply the principles of justice and fairness.

Duties

5. It is the duty of all holders of University offices specified in Schedule 1 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 is required by the Head of Department or equivalent officer, or the Board, Syndicate, or other body identified by Ordinance 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 must be restricted by Ordinance to the examining of candidates for such examinations for degrees and other qualifications of the University as the University determines.

Deputies and substitutes

6. The competent authority can appoint a deputy or substitute to act for a University officer, upon such terms of remuneration as it thinks fit, during an officer's absence from duty under dispensation, a vacancy, or in any emergency. A deputy or substitute so appointed under this section can exercise the powers and must perform the duties of the office for which he or she deputizes or substitutes and has the right to attend and vote in respect of that office at meetings of any body of which the officer is or would be a member *ex officio*.

Limitation

7. The University can preclude a University officer from undertaking any work outside the scope of his or her office or limit the amount of such work, and can delegate this power.

Concurrent appointments

8. No University office can be held concurrently with any other University office except in cases determined otherwise by the University or by the competent authority or authorities.

Temporary and transitional provision for Schedule U

9. (a) Schedule U to this Statute has effect.

(b) In Schedule U references to 'Statute U', 'this Statute' and the like must be deemed to be references to that schedule, as necessary.

(c) The whole or any part of Schedule U can be rescinded by Special Ordinance.

(d) Provision can be made by Special Ordinance for transitional provisions, which can make necessary modification to any unrescinded portions of Schedule U so that they can continue to operate.

(e) When Schedule U is completely rescinded under (c) above this section can be repealed by Grace.

Schedule 1**Offices to which provision for leave of absence or dispensation from duties (section 2) applies ('University Teaching Officers')****Placed in the schedule by section 1(c)**

Professors
Readers
Senior Lecturers
Lecturers

Placed in the schedule by Grace

[Remaining officers specified in the present Schedule J of the Statutes]

Chapter II**Employment in the University**

1. Subject to the provisions of the Statutes and Ordinances about University officers, the University can engage persons for employment in the service of the University, can determine their salaries and pensions (if any), and can prescribe the other, under conditions of their service under the provisions of this Chapter.

2. The competent authorities must establish machinery for the management of employment matters, and must submit the constitution of any principal committee or other body established for this purpose for approval by Grace.

Chapter III

The Vice-Chancellor

1. The Vice-Chancellor is to be appointed by the Regent House on the nomination of the Council, which may nominate any person of its choice. The Vice-Chancellor enters upon office on a day determined by the University. As soon as conveniently may be thereafter, he or she must formally be 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 must be prescribed by Ordinance.

2. The Vice-Chancellor is to 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 can be reappointed for a further period or periods, provided that no one can hold the office for a total period of more than seven years. The procedure for reappointment must be prescribed by Ordinance.

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

4. The Vice-Chancellor has power, after his or her formal admission, 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 and in Statute A;

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

(b) the Vice-Chancellor can 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, but not meetings of any of these bodies:

(i) Board of Scrutiny;

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

(iii) a Board of Examiners; or a Degree Committee;

(iv) any other body which the University specifies by Grace.

6. The Vice-Chancellor must 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 must in general take the chair in person at meetings of the Council and the General Board (subject to the provisions of Statute A and this chapter), the Vice-Chancellor can appoint persons to act on his or her behalf as follows:

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

(b) one or more members 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. The Vice-Chancellor must not undertake the duties of any other University or 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 this chapter, or in the event of a vacancy in the Vice-Chancellorship, the Council can if necessary appoint a member of the Regent House to serve as Acting Vice-Chancellor and must publish such person's name forthwith. A person so appointed must perform the duties, and can exercise all the powers, of the Vice-Chancellor during the period of his or her appointment.

10. If the Vice-Chancellorship falls vacant before the expiry of the holder's term of office, a new Vice-Chancellor must be appointed as soon as possible, in accordance with the provisions of sections 1 and 2.

Removal of the Vice-Chancellor from office

11. Any three or more members of the Council can make a complaint to the Chancellor seeking the removal of the Vice-Chancellor from the office of Vice-Chancellor for good cause. If it appears to the Chancellor that the complaint is trivial or invalid or unjustified, he or she can determine that no further action shall be taken upon it.

12. 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 must direct the University Advocate to prefer a charge or charges to be considered by the University Tribunal. Such a charge or charges must be dealt with in accordance with the provisions of Chapter I of this Statute, provided that the Chancellor must perform any duty and exercise any power assigned to the Vice-Chancellor in the Special Ordinances.

13. For the purpose of the removal of the Vice-Chancellor for incapacity on medical grounds, the provisions made under Chapter I of this Statute have effect, provided that the Chancellor must perform any duty or exercise any power there assigned to the Vice-Chancellor.

Chapter IV**Pro-Vice-Chancellors**

1. The number of Pro-Vice-Chancellors is to be determined by the Council subject to a maximum determined by Ordinance. Pro-Vice-Chancellors report to the Council through the Vice-Chancellor. A Pro-Vice-Chancellor must perform such duties as are prescribed by Statute or Ordinance, and such other duties as are determined by the Council, or the Vice-Chancellor.

2. Each appointment or reappointment to an office of Pro-Vice-Chancellor is to 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 is to hold office for not more than three years and is to be eligible for reappointment, but the total period of tenure cannot be more than six years.

Chapter V**The Proctors**

1. The Proctors and Pro-Proctors are to be appointed by the Regent House, after nomination by the Colleges prescribed in Schedule 1 to this chapter, in turn, two for every year, according to the Cycle prescribed in that Schedule. The University can amend the Schedule from time to time. The persons nominated must be members of the Senate of at least three years' standing. Further provisions for the nomination and appointment can be made by Ordinance.

2. If the College whose turn it is fails to make a nomination, or if the Regent House declines to appoint the person nominated, the Council must nominate a person for appointment by Grace.

3. Each Proctor and each deputy Proctor must 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 must 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.

[schedule (Schedule A of the existing Statutes) will follow]

Chapter VI**The Orator**

The Orator is to be appointed by Grace on the nomination of the Council and is under the direction of the Council, and must write addresses for presentation to other universities and institutions, and present to the University persons on whom titles of degrees are to be conferred *honoris causa*.

Chapter VI**The Registry**

1. The Registry is to be appointed by the Council, is under its direction and may not be a member of the Council. The Registry

(a) is the principal administrative officer of the University, and the head of the University's administrative staff;

(b) must keep a record of the proceedings of the University, and 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) is Secretary of the Council;

(d) must receive reports of Boards, Syndicates, and other bodies, and deal with them as required by Statute or Ordinance;

(e) must maintain the register of members of the University, and keeps records of matriculations and class-lists, and of degrees, diplomas, and other qualifications;

(f) must edit *Statutes and Ordinances* and the *Cambridge University Reporter*;

(g) must perform such other duties as are prescribed by Statute or Ordinance or by the Council.

2. There are under the direction of the Council administrative officers in categories stated in Schedule 1 to this Chapter (which may be amended by Grace). So far as the Council allows or directs, any duty of the Registry may be performed by such an officer.

3. During a vacancy in the office of Registry, the Council can appoint an Acting Registry upon such terms of remuneration as it thinks fit.

Schedule 1**Administrative Officers designated under section 2**

This Schedule can be amended by Grace.

Director of a Division of the University Offices, including the Academic Secretary and the Administrative Secretary, Deputy Director, Assistant Director
Principal Assistant Registry, Principal Assistant Treasurer
Senior Assistant Registry, Senior Assistant Treasurer
Assistant Registry, Assistant Treasurer
Administrative Officer

Chapter VII**The Librarian**

Provision must 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 must 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

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

Chapter X

The University Advocate, the Deputy University Advocates

1. The University Advocate must a member of the Regent House appointed by Grace on the nomination of the Council. The University Advocate is not under the direction of the Council nor of any other University authority. The duties of the office of University Advocate must be prescribed by Special Ordinance.

2. There must be one or more Deputy University Advocates, each of whom must 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 must 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. The tenure of the offices of University Advocate and Deputy University Advocate must be prescribed by Ordinance.

Chapter XI

Professors

1. There must be in the University the Regius Professorships of Divinity, Civil Law, Physic, Hebrew, Greek, Modern History, and Botany; and such other Professorships listed in Schedule 1 to this Statute established by Ordinance or Grace.

2. Professorships are to be established in the University 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 must be made by Special Ordinance, made on the recommendation of the General Board.

Schedule 1 to Chapter XI

Professorships

Amendment of this schedule is to be made: section A by Statute, section B by Grace

Section A

Professorships established by Statute: Regius Professorships specified in Statute C, XI, 1

Section B

Professorships established to this schedule by Ordinance or Grace.

[List from existing Schedule B of the Statutes to be included]

Chapter XII

Readers

Readerships are to be established in institutions under the supervision of the General Board. Provision must be made by Special 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 must be made by Special Ordinance for the method of appointment of University Senior Lecturers and related matters.
3. University Lecturers must be appointed by Appointments Committees. Provision must be made by Special Ordinance for the constitution and functioning of such Appointments Committees, which can be established individually, jointly, or for part of a School, a Faculty, a Department, or other institution under the supervision of the General Board.

Schedule U**Continuing Provisions formerly contained in old Statute U****Explanatory note**

(This note does not form part of the Schedule)

The continuing provisions of former Statute U are transferred to this schedule by new Statute C, I, 9. New Statute C, I, 4 also includes the “guiding principles” stated in Statute U. Statute C, I contains provisions for Special Ordinances to be made (subject to the “guiding principles”) about domains previously covered in Statute U. As and when these are made, the relevant parts of the schedule, which would no longer be necessary, could be rescinded. Provision has also been made for transitional provisions and necessary modifications to the continuing schedule.

Statute C, I, 9 provides that in the Schedule reference to “Statute U”, and “this Statute” and the like are deemed, as necessary, to be references to the Schedule.

The Schedule**Academic Staff**

[Here will be inserted the whole text of Statute U, except the heading “Statute U”, subject to minor amendments]

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Editorial

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