

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]