

## 21st Issue of the Statutes of Wadham College

### INDEX

- I. **The Constitution of the College** p.8
  
- II. **The Warden.** p.9
  - 1. Qualifications
  - 2. Election and Pre-Election
  - 7. Admission
  - 8. Authority and Duties
  - 9. Residence
  - 10. Emoluments
  - 11. Warden's tenure of other offices or appointments
  - 12. Retirement and Pension
  - 15. Deprivation
  
- III. **I.The Fellows.** p. 13
  - 1. Classes of Fellowships
    - (1) Professorial
    - (2) Official
    - (3) Senior Research
    - (4) Junior Research
    - (5) By Special Election
  
  - 2. Honorary, Foundation, Emeritus and Visiting Fellows
  
  - 3. Number of Fellowships
  
  - 4. Election to Fellowships
    - (5) Professorial Fellowships
    - (7) Official Fellowships
    - (8) Senior Research Fellowships
    - (9) Junior Research Fellowships
    - (11) Fellowships by Special Election
  
  - 5. Emoluments
  
  - 6. Rights of Fellows
  
  - 7. Conditions of Tenure and Deprivation

- III. **II.Scholars.** p.19
1. (1)Election to and Tenure of Scholarships  
(2)Deprivation and Suspension  
(3)Vacation  
(4)Resignation of Stipend
  2. Emoluments
  3. Honorary Scholars
  4. Further application of the provisions of this Title
- IV. **Pensions.** p. 20
- V. **Divine Service.** p. 21
- VI. **Officers of the College.** p. 22
1. Sub-Warden
  2. Dean
  3. Bursar
  4. Senior Tutor
  5. Officers
  6. Tutors
  7. Secretary to the Governing Body
  8. Stipends of Officers
  - 9 Conditions of tenure of Officers
  10. Vacation before end of year
  11. Removal of Officers
  12. Interpretation
- VII. **Education.** p. 24
1. Courses of Instruction
  2. Tutors
  3. Advice & Guidance to Graduate Students
  4. Stipendiary Lecturers
  5. Titular Lecturers
- VIII. **The Government of the College.** p. 25
1. Meetings
  2. Delegation of Powers
  3. Bylaws
  - 4 Seal
  5. Deeds and Muniments
  6. Contracts

- IX. **I. Trust Funds anterior to the Year 1866.** p. 27
2. Dr. Wills' Exhibitions
- IX. **II. Trust Funds posterior to the Year 1865.** p.28
- X. **Funds for Special Purposes.** p. 29
1. Exhibition Fund
  2. Richards Memorial Fund
- XI. **Management of Estates and Disposal of Revenue.** p.30
1. Finance Committee
  2. Investment Committee
  3. Investment Managers
  4. Repairs to College Buildings
  5. Disposal of Revenue subject to University Statute as to College Contribution
  6. Income of Endowments and Trusts to be included in General Revenue
  - 7 Scheme to be approved by Visitor
  8. Increase of stipends
  9. What is included in Expenditure of College
  10. Communication of Scheme to *Council* of the University
  11. Confirmation of Scheme
  12. Representation to Visitor
  13. Surplus Revenues
  14. Powers of Investment
  15. Total Return
  16. Borrowing Power
- XII. **College Accounts.** p. 37
- XIII. **The Visitor.** p. 39
1. Visitor
  2. Visitation
  3. Suspension of Fellowships and Scholarships
  4. Construction of Statutes
  5. Appeals
  6. Annulling Bylaws
  7. Appeals under 1988 Education Reform Act
- XIV. **Provisions relative to the University** p. 41
1. Representations as to provisions relative to the University
  2. Representations as to the allocation of Fellowships
  3. Notice to Warden
- XV. **Special and Temporary Provisions.** p. 42
1. Emoluments of vacant and suspended Wardenship or Fellowship
  2. Date of coming into operation of these Statutes
  3. Vested Interests
  4. Repeal of existing Statutes
  5. Alteration of Statutes.

XVI. **Academic Staff.** p. 44

- I. Construction, Application and Interpretation.
- II. Redundancy.
- III. Discipline, dismissal and removal from office.
- IV. Removal for incapacity on medical grounds.
- V. Appeals.
- VI. Grievance Procedures.
- VII. Removal of the Warden from office.

XVII. **Interpretation.** p.57

**STATUTES**

made for

**WADHAM COLLEGE. OXFORD,**

**by the**

**UNIVERSITY OF OXFORD COMMISSIONERS**

acting in pursuance of the

**UNIVERSITIES OF OXFORD AND CAMBRIDGE ACT, 1923.**

**Approved by the King in Council on the**

**30th Day of April, 1926.**

**WADHAM COLLEGE. OXFORD**

We, the University of Oxford Commissioners, under and by virtue of all and every the powers in this behalf enabling us contained in the Universities of Oxford and Cambridge Act, 1923, do by this present Instrument under our Seal make the Statutes hereunto annexed for the Warden, Fellows and Scholars of Wadham College in the University of Oxford of the Foundation of Nicholas Wadham, Esquire, and Dorothy his wife, being Statutes wholly for the College.

Given under our Common Seal this Nineteenth day of December, in the year of Our Lord One Thousand Nine Hundred and Twenty-Five.

L.S.

**STATUTES MADE FOR WADHAM COLLEGE, OXFORD,  
BY THE UNIVERSITY OF OXFORD COMMISSIONERS ACTING IN  
PURSUANCE OF  
THE UNIVERSITIES OF OXFORD AND CAMBRIDGE ACT, 1923**

(Statutes referred to in the foregoing Order.)

**PREAMBLE**

The Society of Wadham College was founded on the sixteenth day of August, in the year of our Lord, 1612, by Dorothy Wadham, widow of Nicholas Wadham, of Merifield in the county of Somerset, Esquire, to be a College of Students, "ad laudem, gloriam, et honorem Ornnipotentis Dei, bonarum literarum incrementum, ac communem hujus regni utilitatem," by virtue of Letters Patent granted to her by

King James the First on the twentieth day of December, in the eighth year of his reign. By these Letters Patent the Society was incorporated under the name of "Gardianus Socii et Scholares Collegii Wadhami in Universitate Oxoniensi ex fundatione Nicolai Wadham et Dorotheae uxoris ejus."

## **STATUTE I.**

### **The Constitution of the College.**

1. The Governing Body of the College shall be the Warden and Fellows. Fellows in these Statutes shall be deemed not to include Honorary, Foundation, Emeritus or Visiting Fellows except where expressly stated.

## STATUTE II.

### The Warden.

#### Qualifications

1. The Election or pre-election of the Warden shall be vested in all Fellows of the College present at the meeting held for the purpose. They shall choose the person who in their judgement shall be most fit to be Warden of the College as a place of learning and education.

#### Election and Pre-Election

2. A Meeting for the election of a Warden shall be held in the Hall of the College within sixty days after a vacancy shall have occurred unless the vacancy shall occur on some day between the fifteenth day of June and the sixteenth day of September, in which case the Sub-Warden, or, in the absence of the Sub-Warden, the Senior Fellow present in College (subject to any by-law in force for the time being), shall have power to defer the Meeting to any day not later than the sixteenth day of November next following. Without prejudice to the other provisions of this Statute a meeting for the pre-election of a Warden may be held in the Hall of the College not more than two years before the known date of the retirement of the Warden, provided that no pre-election shall take place unless at such meeting it be first determined upon a vote of an absolute majority of all the Fellows on the Governing Body that a pre-election shall be permitted. The Sub-Warden, or in the absence of the Sub-Warden, the Senior Fellow present in College, shall appoint a day and hour for the meeting for the election or pre-election, and shall send notice thereof to every Fellow at the usual place of address at least twenty days before the day of such meeting.

3. The Sub-Warden, or in the absence of the Sub-Warden, the Senior Fellow present, shall preside at the meeting. The Warden shall be elected by an absolute majority of the Fellows present and voting, or pre-elected by an absolute majority of all the Fellows on the Governing Body.

4. Any vote for the election or pre-election of a Warden shall be by secret ballot.

5. At a meeting for election or pre-election if at the first voting no person obtains an absolute majority, the votes shall be taken again. If at the second voting no person obtains an absolute majority, votes having been given for more than two persons, the person with the least number of votes shall be withdrawn. This process shall be repeated, if necessary, until the number of persons to be voted shall be reduced to two. The votes shall then be taken again. In case of the votes being equally divided between two persons for the purpose of withdrawal, ties shall be resolved by the drawing of lots. In the case of the votes being equally divided between two persons for the purpose of election or pre-election, the Sub-Warden or the Senior Fellow present, as the case may be, shall declare that no election or pre-election has been made. This eventuality shall not in itself render invalid any subsequent election or pre-election provided the requirements of the Statutes are complied with de novo. The Meeting may be adjourned for a period or periods each not exceeding thirty days.

6. The result of an election or pre-election shall be declared by the Sub-Warden or the

Senior Fellow present, as the case may be.

#### Admission

7. As soon as conveniently may be after the election of a Warden, or in the case of a pre-election after the Wardenship shall have become vacant, the person elected or pre-elected shall be admitted by the Sub-Warden, or the Senior Fellow present in College, after having made a declaration to the effect that the declarant will faithfully perform the duties of the office of Warden, and obey the Statutes and Bylaws of the College in force for the time being. A memorandum of such declaration, and of the place and time of the making thereof, signed by the Warden, Sub-Warden, and Fellows present, shall be kept among the records of the College.

#### Authority, and Duties

8. The Warden shall superintend the management of the property and the internal arrangements of the College. The Warden shall exercise general authority in matters of discipline and education. The exercise of this authority shall be subject to any directives of the Governing Body, which shall, but without prejudice to the provisions of Statute XIII.5., be the ultimate authority in matters of discipline and education. The Warden shall see that the duties of the several offices and positions in the College are properly performed by the holders thereof. All members of the College and persons belonging to it shall obey the directions of the Warden, being lawful and consistent with the Statutes and Bylaws of the College, in all matters relating to the duties of their respective offices or positions and to the observance of the said Statutes and Bylaws.

#### Residence

9. The Warden shall reside in the College thirty-six weeks at least in each academic year, whereof eighteen weeks at least shall be in the usual College Terms; Provided that, in the case of illness, tenure of the office of Vice-Chancellor, or for any other reasonable cause, the Governing Body with the consent of the Visitor may dispense with the residence for such a period as may seem proper according to the circumstances of the case.

#### Emoluments

10. The Warden shall be entitled to receive a yearly stipend payable out of the corporate revenue of the College. The amount of such stipend shall be determined by the Governing Body, In addition to the allowance prescribed in Statute III 1.5 (3), the Warden shall have the use, rent free, of Lodgings, outbuildings and gardens situated within the curtilage of the College, all as defined by the Governing Body before election or pre-election of the Warden, as the case may be (or as redefined by the Governing Body, subject to the written consent of the Warden, during tenure of office), all rates, taxes and necessary repairs thereto being defrayed by the College. The Warden shall also be entitled to receive, as an allowance to meet the expenses of entertainment and all other expenses of whatever nature incurred by reason of tenure of the office of Warden, *such* a yearly sum as the Governing Body may from time to time determine, provided always that the Warden shall certify in writing that the sum paid has been expended on these purposes.

#### Warden's tenure of other offices or appointments

11. The Warden shall be allowed, subject to the consent of the Governing Body, to hold a Professorship or other University or College office, or other appointment the tenure of which in the judgement of the Governing Body is not incompatible with the due discharge of the duties of the office of Warden. During the tenure by the Warden of any office or appointment to which the Clause applies the Governing Body shall have power, (1) notwithstanding the provisions of Clause 11 of this Statute, to reduce the money emoluments to which the Warden would otherwise be entitled, Provided that the reduced money emoluments, together with any income receivable by the Warden by virtue of tenure of the aforementioned office or appointment, shall in aggregate amount to not less than the money emoluments to which the Warden would be entitled if no office or appointment were held to which the present Clause applies; and (2) if the office is that of Vice-Chancellor, to suspend the use of the Lodgings, out buildings and gardens to which the Warden would otherwise be entitled by virtue of the aforementioned Clause of this Statute, and to withhold either totally or in part the expenses allowance to which entitlement would otherwise exist pursuant to the aforementioned Clause.

#### Retirement and Pension

12. Subject to Statute XVI if the Warden shall become substantially incapable of performing the duties of that office, the Visitor may, on the petition of the Warden, presented with the consent of a majority of the Fellows present at a College meeting specially summoned, direct that the Warden shall be permitted to retire from office. The Visitor shall further direct that such addition shall be made to the amount due to the Warden under the Federated Superannuation Scheme for Universities or the Universities Superannuation Scheme (as the case may be) as may bring the pension of the office to such amount, as the Visitor may, with the consent of the Governing Body declare suitable to the circumstances of the case.

Subject as aforesaid should the Warden express the wish to retire before the age fixed for retirement from office, the Fellows shall have the power to vote the Warden such pension as they think fit in accordance with the provision hereinafter stated.

13. The Governing Body shall effect a policy of Assurance on behalf of the Warden under the provisions of the Federated Superannuation System for Universities within three months of election, unless such a policy is already in existence at the time of election. The Governing Body shall comply with the regulations in force for the time being of the Federated Superannuation System for Universities with regard to this policy of Assurance, and also with regard to the effecting from time to time of any additional policies on behalf of the Warden.

14. If it shall appear to the Governing Body that the provision made for the Warden under the Federated Superannuation System for Universities or the Universities Superannuation Scheme (as the case may be) is inadequate, owing to the age of the person elected at time of election or to any other special circumstance, it shall be lawful for the Governing Body, with the consent of the Visitor, to pay to the Warden on retirement such annual sum out of corporate revenues as it may deem appropriate in all circumstances

#### Deprivation

15. If the Warden shall be guilty of any grave immorality or misconduct in office, or shall become bankrupt, or shall make a statutory composition or arrangement with

creditors, such incumbent may be deprived of office by the Visitor, after due inquiry held upon the petition of a majority of the Fellows present at a Meeting specially called with notice of the business to be transacted thereat. The Sub-Warden, on the receipt of a requisition signed by not fewer than one quarter of all the Fellows, shall be bound to call such Meeting giving not less than a fortnight's notice thereof.

## STATUTE III.

### I. The Fellows

#### Classes of Fellowships

1. Fellowships that may be held in the College shall be of the following classes, namely:-

#### Professorial

(1) Professorial Fellowships tenable by:

(a) University Professors

(b) University Readers and holders of other University Offices which are declared by any University Statute or Decree to qualify the holder for a Professorial Fellowship.

#### Official

(2) Official Fellowships tenable by:

Persons holding any Office for the time being existing in the College whether teaching, administrative or disciplinary.

#### Senior Research

(3) Senior Research Fellowships, to which the Governing Body may elect any person who has done valuable work in letters or science, or has attained special distinction in some branch of knowledge, and who shall undertake to perform literary or scientific work in the College or the University or (with the permission of the College or the University) elsewhere.

#### Junior Research

(4) Junior Research Fellowships to which the Governing Body may elect any person who in its opinion is likely to do valuable research work in some branch of letters or science, and who shall undertake to pursue some course of research in the College or in the University or (with the approval of the College) elsewhere.

#### By Special Election

(5) Fellowships by Special Election tenable by :

(a) persons engaged in teaching or research in the College or in the University;

(b) persons holding the office of Chaplain in the College, or administrative offices in the College or in the University

#### Honorary, Foundation, Emeritus and Visiting Fellows

2.(1) It shall be lawful for the Governing Body at Stated General Meetings to elect distinguished persons to Honorary Fellowships within the College.

(2) It shall be lawful for the Governing Body at Stated General Meetings to elect to Foundation Fellowships within the College persons who have made a significant contribution to the furtherance of the College's aims.

(3) It shall be lawful for the Governing Body at Stated General Meetings to elect to Emeritus Fellowships within the College:

(a) Persons who have vacated the Wardenship, a Professorial Fellowship, and Official Fellowship, a Senior Research Fellowship or a Fellowship by Special Election by Retirement at a period fixed by any University Statute or Decree or Clause 7(6) of this Title (or, in the case of the Wardenship, Clause 13 of Statute II) or by special vote of the Governing Body allowing the Warden or a Fellow to retire earlier.

(b) Persons who have vacated the Wardenship, a Professorial Fellowship, an Official Fellowship, a Senior Research Fellowship or a Fellowship by Special Election, having held such office or offices for a total period of at least fifteen years or having retired in the service of the College, provided that the Governing Body shall not ordinarily elect to an Emeritus Fellowship a person who holds full-time academic or professional employment.

(4) It shall be lawful for the Governing Body to elect persons of academic distinction to Visiting Fellowships within the College, each such Fellowship being for a period of time of not less than one term and not more than three terms.

(5) Honorary, Foundation, Emeritus and Visiting Fellows shall not be members of the Governing Body and shall not be entitled to vote or (except as provided by Clause 5(1) of this Title) to receive any emolument as Fellows. They shall be entitled to enjoy such other privileges and advantages as the Governing Body may from time to time determine.

#### Number of Fellowships

3. (1) The number of Fellowships in the College shall not be restricted, provided that no new Stipendiary Fellowship shall be created in the College, nor shall a vacancy in a Stipendiary Fellowship be filled, unless in the opinion of the Governing Body the annual sum, which can reasonably be allocated pursuant to Clause 5(1) of this Title as an emolument of the Fellowship, will be properly available for this purpose having regard to the general financial circumstances of the College.

(2) There shall be at least one Professorial Fellowship in the College.

#### Election to Fellowships

4. (1) Except where this Statute otherwise expressly provides, Fellowships (including Honorary, Foundation, Emeritus and Visiting Fellowships) in the College shall be filled by the election of the Governing Body.

(2) Notice of every intended election to any Fellowship (including an Honorary, Foundation, Emeritus or Visiting Fellowship) and of the number of vacancies to be filled up shall be given by the Warden fourteen days at least before the day of election. Such notice shall be given at a College meeting or in writing. In the case of an intended election to an Honorary, Foundation, Emeritus or Visiting Fellowship, the notice prescribed shall include the name of the person to be proposed.

(3) In the case where an Official Fellow is elected in virtue of a qualification which is a teaching office, the Governing Body shall before proceeding to an election inform the Board or Boards of the appropriate Faculty or Faculties or the Board of Studies, and shall consider any representations which the Board or Boards may wish to make.

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

#### Professorial Fellowships

(5) There shall be annually paid to the Curators of the University Chest in respect of Dr. Lee's Professor of Experimental Philosophy the sum of £100. The holders of any Professorships which may from time to time be allocated to the College by the *Council* of the University shall, by virtue of their office, be Professorial Fellows of the College.

(6) Every Professorial Fellow, not being the holder of a Professorship allocated to the College by the *Council* of the University, shall be elected for a period not exceeding ten years and shall be eligible for re-election for a further period or periods each not exceeding ten years.

#### Official Fellowships

(7) Every Official Fellow shall be elected for a period not exceeding ten years and shall be eligible for re-election for a further period or periods each not exceeding ten years.

#### Senior Research Fellowships

(8) Every Senior Research Fellow shall be elected for a period not exceeding five years and shall be eligible for re-election for a further period or periods each not exceeding five years.

#### Junior Research Fellowships

(9) Every Junior Research Fellow shall be elected for a period not exceeding three years and shall be eligible for re-election for a further period or periods each not exceeding three years, provided that a Junior Research Fellowship shall not be tenable for a total period exceeding five years except with the approval of the Governing Body by the votes of at least two-thirds of those present and voting, and provided further that a Junior Research Fellowship shall in no circumstances be tenable for a total period exceeding nine years.

(10) Every Junior Research Fellow shall be elected upon the condition of the Fellow undertaking to engage during the whole term of this Fellowship in a course of research to be approved from time to time by the Governing Body.

#### Fellowships by Special Election

(11) Every Fellow by Special Election shall be elected for a period not exceeding five years and shall be eligible for re-election for a further period or periods each not exceeding five years. Election and re-election shall be by the votes of at least two-thirds of those present and voting.

#### Emoluments

5. (1) The emoluments attached to the Fellowships and Emeritus Fellowships of the College shall be the following namely:-

(a) To each Professorial Fellowships the allowance prescribed under Sub-Clause (3) of this Clause, and, if the Governing Body should so decide, the use of rooms free of rent, rates and taxes.

(b) To each Official Fellowship such annual stipend and use of an office or teaching room as the Governing Body may allocate to the holder, and the allowance prescribed under Sub-Clause 5(3) of this Title.

(c) To each Senior Research Fellowship, Junior Research Fellowship and Fellowship by Special Election such annual stipend as the Governing Body may allocate to the holder, the allowance prescribed under Sub-Clause (3) of this Clause, and, if the Governing Body should so decide, the use of rooms free of rent, rates and taxes, provided that no annual stipend shall be allocated to a Fellow by Special Election, who does not hold a College office, who performs no teaching duties for the College, and who undertakes no research under the auspices of the College.

(d) To each Emeritus Fellowship the allowance prescribed under Sub-Clause (3) of this Clause if the Governing Body should so decide.

(e) To each Visiting Fellowship the allowance prescribed under Sub-Clause (3) of this Clause, and, if the Governing Body should so decide, the use of rooms free of rent, rates and taxes.

(2) To each Fellow who does not live in college, the Governing Body may:

(a) allocate accommodation in Oxford in College-owned property at a rent agreed by the governing Body from time to time; or

(b) permit participation in a joint equity scheme for accommodation in Oxford on terms agreed by the Governing Body from time to time; or

(c) allocate an allowance to assist in the meeting the costs of accommodation in Oxford, as agreed by the Governing Body from time to time.

For the purposes of this Sub-Clause, "accommodation in Oxford" shall be within 25 miles of Carfax. The Governing Body by a two thirds majority may dispense with this requirement in respect of particular accommodation occupied by a Fellow.

(3) The annual stipend attached to any Fellowship may be augmented by the Governing Body in any year by a special grant of money to meet expenses which may be involved by the special nature of the research work upon which the Fellow may be engaged.

(4) The Governing Body may if it thinks fit allocate such moderate sums of money from the corporate revenue of the College as it may from time to time determine, for the provision of a common College dinner and, if it so determines, a common College luncheon whether in Hall or in some public room of the College, of which the Warden and each of the Fellows of the College, each Visiting Fellow (as the Governing Body may determine) any Emeritus Fellow or Officer of the College, not being a Fellow, shall be entitled to partake free of charge.

(5) The financial emoluments attached to all Fellowships shall be provided for out of the Corporate Revenues of the College unless provided for out of Trust Funds.

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

(7) Any Fellow who has voluntarily surrendered the right to a stipend under the preceding sub-clause may at any time resume such right by giving notice to the Warden in writing not less than fourteen days before any Stated General Meeting of the College, and the notice so given shall be reported to the Stated General Meeting by the Warden.

#### Rights of Fellows

6. (1) Subject to the provisions of this Clause the Fellows of the College shall be entitled to all rights and privileges attaching to Fellowships in the College, including membership of the Governing Body and the right to vote at its meetings.

(2) The holder of a Chair newly allocated to the College, if the Chair is one the holder of which is appointed by an Electoral Board, shall not be a member of the Governing Body unless the Governing Body shall have had an opportunity to exercise a voice in the election of its holder, or unless it decides by a majority of votes at the time of the holder's becoming a Fellow that such person shall be a member of the Governing Body.

(3) The order of seniority of the Fellows shall be determined by the order of their becoming Fellows. The order of seniority of Fellows becoming Fellows on the same day shall be determined by the Governing Body. The seniority of a Fellow who is re-elected to the same or a different class of Fellowship shall be determined by reference to the date of such person's first becoming a Fellow. If an interval of time elapse between the expiry of any person's tenure of a Fellowship and the commencement of such person's second or subsequent tenure of a Fellowship, the seniority shall be determined by reference to the date of the commencement of such second or subsequent tenure, unless the Governing Body otherwise determines. The provision of this sub-clause notwithstanding, the Sub-Warden for the time being shall have precedence over the other Fellows.

#### Conditions of Tenure and Deprivation

7. (1) Every Fellow shall on becoming a Fellow or as soon as practicable thereafter make a declaration to the effect that the declarant will faithfully perform the duties of the Fellowship, and obey the Statutes and Byelaws of the College in force for the time being.

(2) Every Fellow not being already a Master of Arts, but who has received, or is entitled to supplicate for, the degree of Bachelor of Arts shall proceed to the degree of Master of Arts within one year after such person shall be of sufficient standing for that degree.

(3) No Fellowship shall be tenable together with a Headship or Fellowship (other than an Honorary Fellowship or, with the consent of the Governing Body an Emeritus Fellowship to which no emoluments or duties attach) of any other College in Oxford or Cambridge. The giving of consent by the Governing Body for the purposes of this sub-clause shall be by the affirmative votes of at least two-thirds of the Fellows present and voting.

(4) A person elected or re-elected to any Fellowship as the holder of a University or College office shall on ceasing to hold that office vacate that Fellowship.

(5) If any Fellow (other than a Fellow to whom Statute XVI applies) shall be guilty of grave misconduct unbefitting a Fellow of the College, or shall contumaciously persist in disobeying any of the Statutes or Bylaws of the College in force for the time being, such Fellow may be deprived of the Fellowship by the Visitor, after due inquiry held, upon the petition of a majority of the Governing Body present at a Meeting specially called with notice of the business to be transacted thereat.

The Warden, upon receipt of a Requisition signed by not fewer than half the Fellows, shall be bound to call such a Meeting, giving not less than a fortnight's written notice thereof.

(6) If any Honorary, Foundation, Emeritus or Visiting Fellow shall be guilty of grave misconduct or shall contumaciously persist in disobeying any of the Statutes and Byelaws of the College in force for the time being, such Fellow may be deprived of the Fellowship by the Governing Body.

## II. The Scholars.

### Election to and Tenure of Scholarships

1. (1) The Governing Body may elect to a Scholarship any such person as it shall think fit upon such conditions and for such period as it shall decide.

Nothing in this Clause shall prevent the exercise at any time of any of the powers conferred upon the Governing Body by Sub-Clause (2) of this Clause or of any other power to inflict any fine or penalty conferred under any Statute or Bye-Law of the College for the time being in force.

### Deprivation and Suspension

(2) The Governing Body may deprive any Scholar of tenure of the Scholarship, or may suspend any Scholar for the tenure of the Scholarship, or may mulct any Scholar of all or part of the emoluments, for unsatisfactory work or misconduct, or for any other sufficient reason.

### Vacation

(3) Every Scholar, who shall accept any office or undertake any duties which in the judgment of the Governing Body are inconsistent with the position of a Scholar, or who shall in the judgment of the Governing Body be prevented by continued ill-health from pursuing the duties of a Scholar, or who shall cease to be *in statu pupillari* from any cause, shall thereby vacate the Scholarship.

### Resignation of stipend

(4) A Scholar may relinquish the emolument in whole or in part without losing the Status of Scholar; such a Scholar does not thereby become an Honorary Scholar.

### Emoluments

2. (1) The emoluments of a Scholarship shall be such as may be determined from time to time by the Governing Body.

(2) Scholars shall be liable to the same charges as other members of the College *in statu pupillari*.

(3) The emoluments of any Scholar who is in debt to the College may be set off, in whole or in part, against such debt and not paid to the Scholar.

### Honorary Scholars

3. The College may elect any member of the College *in statu pupillari* an Honorary Scholar without emolument, on account of ability and promise shown in such person's studies or in a University Examination.

### Further application of the provisions of this Title

4. The provisions of this Title shall also apply to awards governed by the trust referred to below:

The Ready Scholarships founded by a deed of trust executed by Alfred James on the fifteenth day of July in the year nineteen hundred and twenty-seven.

## **STATUTE IV.**

### **Pensions.**

1. The College shall be a member of the Federated Superannuation System for Universities, and shall comply with the Regulations of the Central Council of the said system for the time being in force. Subject to the said Regulations the College shall make such By-Laws as are necessary to define the administration of the said System for the College.

2. Notwithstanding the provisions of Clause 1 of this Statute and of Clause 15 of Statute II the Governing Body may adopt the Universities Superannuation Scheme in substitution for the Federated Superannuation System for Universities and may make such By-Laws as it may from time to time think fit (a) to give effect to such substitution; (b) to regulate the transition from the said System to the said Scheme; and (c) for the administration of the said Scheme.

3. If an Official Fellow or any other member of the regular teaching or administrative staff is permanently disabled by sickness, the Governing Body shall have power to pay such person such a sum per year as the Governing Body considers appropriate. If the benefits accruing to an Official Fellow or any member of the regular teaching or administrative staff amount on retirement at the age of 60 or later to less than £1000 a year, the Governing Body shall have power to pay such person such a sum per year as the Governing Body considers appropriate.

4. All moneys payable by the College under the said Scheme, the said System and this Statute shall be provided for out of any money or revenues of the College including the income of Dr. Wills Pension Fund.

**STATUTE V.**

Divine Service.

The Warden and Fellows shall make provision, as required by the Universities Tests Act, 1871, for the performance of the Divine Service, according to the Liturgy of the Church of England in the College Chapel, and for this purpose shall be at liberty to pay out of corporate revenue a reasonable sum for the conduct and performance of such service.

## STATUTE VI.

### The Officers of the College.

#### Sub-Warden

1. There shall be a Sub-Warden of the College, one of the Fellows, who shall normally be appointed by the Governing Body on the sixth day of December in each year. In the absence or sickness of the Warden, or during the Warden's tenure of the office of Vice-Chancellor or whenever the office of Warden shall be vacant, the Sub-Warden shall, so far as may be necessary, discharge the duties and exercise the powers of the Warden. During the Warden's tenure of the office of Vice-Chancellor, or where the Warden's absence, sickness or vacancy is, in the opinion of the Governing Body, likely to be prolonged, and the Sub-Warden is unwilling or unable to act in place of the Warden, or where the Governing Body shall determine that it is expedient for the good management of the College's affairs, the Governing Body may elect by an absolute majority of the Fellows present and voting at a Special Meeting, for a specified period of no more than one year at a time, one of the Fellows as Acting Warden. The Acting Warden shall discharge the duties and exercise the powers of the Warden and all references in these Statutes to the Warden shall, unless the Governing Body otherwise decides, apply to the Acting Warden

#### Dean

2. There shall be a Dean of the College, who shall be a Fellow and shall be subject to the same conditions of appointment and residence as the Sub-Warden. The Dean shall, as the Warden's Vicegerent, administer the ordinary discipline of the College; but all matter of serious importance shall be referred to the Warden.

#### Bursar

3. There shall be a Bursar of the College, who shall be appointed by the Governing Body, normally on the sixth day of December in each year. It shall be the officer's duty to manage the corporate and trust property, and the internal financial business of the College, subject to the superintendence of the Warden, and to such Bylaws as may from time to time be made by the Governing Body; and to receive all moneys and make all payments on behalf of the College, and to keep accounts thereof. The Bursar shall submit the accounts annually to an auditor or auditors appointed by the Governing Body. The officer shall also prepare annually a clear statement of the income and expenditure of the College, of the disposable surplus, if any, and of the proposed appropriation thereof, together with a statement of the outstanding liabilities other than those relating to current expenditure, specifying the terms within which loans raised under the borrowing powers of the College are to be paid off. Such statement shall include trust accounts as well as the general accounts of the College. The Governing Body shall have power from time to time to divide between two or more persons the Office of Bursar.

#### Senior Tutor

4. There shall be a Senior Tutor who shall be appointed by the Governing Body, normally on the sixth day of December in each year. It shall be the officer's duty to supervise the admission of, and the provision of instruction for, graduate and undergraduate students of the College, subject to the superintendence of the Warden and to such Bylaws as may from time to time be made by the Governing Body. The

Governing Body shall have power from time to time to divide between two or more Fellows the office of Senior Tutor.

#### Officers

5. The Governing Body may appoint persons to hold offices in addition to those specified in this Statute with such duties and on such terms as the Governing Body may from time to time decide. Such officers shall normally be appointed by the Governing Body on the Sixth day of December each year.

#### Tutors

6. Tutors shall be appointed from amongst the Fellows by the Governing Body to carry out the functions described in Statute VII. Any such appointment may be made, in the first instance, for any term not exceeding ten years, as the Governing Body may think fit. At the end of any term for which a Tutor shall have been first appointed, such person may be reappointed by the Governing Body for a further term not exceeding ten years, and so from time to time. Every Tutor shall reside in a room or rooms in the College during the usual College Terms, unless the Governing Body at the time of the appointment of a Tutor or thereafter dispenses that Tutor from that obligation.

#### Secretary to the Governing Body

7. There shall be a Secretary to the Governing Body who shall be appointed by the Governing Body, normally on the sixth day of December in each year. It shall be the officer's duty, subject to such Bylaws as may from time to time be made by the Governing Body, to make a true record of the proceedings of Meetings of the Governing Body, promptly after each Meeting to make copies of such record available to members of the Governing Body and diligently to preserve the Convention Book in which such record is made.

#### Stipends of Officers

8. Subject to the provisions of the foregoing Clauses of this Statute College Officers shall receive such stipends as the Governing Body may from time to time determine.

#### Conditions of tenure of Officers

9. No College Officer shall accept or undertake any duties which in the judgement of the Governing Body would be incompatible with the due discharge of the duties of that Office.

#### Vacation before end of year

10. In case any Officer appointed for a year shall vacate such office before the completion of the year, a successor shall be appointed as soon as conveniently may be to hold the Office for the remainder of the year.

#### Removal of Officers

11. The Governing Body shall have power to remove any Officer (other than an Officer to whom Statute XVI applies) for misconduct, neglect of duty or incapacity.

#### Interpretation

12. The sixth day of December for the purposes of this Statute shall be deemed to mean in any given year, in which no Stated College Meeting is held on that date, the day nearest to that

date upon which a Stated College Meeting is held.

## **STATUTE VII.**

### Education.

#### Courses of Instruction

1. The Governing Body shall make provision for courses of instruction for Undergraduate members of the College during at least twenty-four weeks in the Academic year, exclusive of the time devoted to any College examinations.

#### Tutors

2. The number of tutors shall be determined from time to time by the Governing Body according to the educational requirements of the College. It shall be the duty of the Tutors appointed by the Governing Body pursuant to Statute VI to give instruction to the Undergraduate members of the College, to direct and assist their studies, and to advise and guide them.

#### Advice and Guidance to Graduate Students

3. It shall be the duty of every Fellow, if so directed by the Governing Body, to advise and guide Graduate student members of the College.

#### Stipendiary Lecturers

4. The Governing Body may, on the recommendation of the Warden and Fellows engaged in College teaching, appoint persons not being Fellows of the College to be Stipendiary Lecturers in the College with such duties concerned with the provision of education and on such terms as it may think fit.

#### Titular Lecturers

5. The Warden and Fellows engaged in College teaching may appoint persons not being Fellows of the College to assist with the provision of education. Such persons may have the title of Lecturer. Any such appointment and the terms upon which it is made shall be reported to the Governing Body at its meeting the next following

## STATUTE VIII.

### The Government of the College.

#### Meetings

1. There shall be six Stated General College Meetings in each year, on such days as the Governing Body shall from time to time appoint. The Warden may at any time call a Special College Meeting, but at least a week's notice of such meeting must be given to all members of the Governing Body. At the request of at least two Fellows, the Warden shall, at any time, call a Special Meeting, giving not less than a week's notice. Any meeting may be adjourned by resolution of the meeting to a day to be specified in the resolution. The Warden, if present, shall preside at all meetings. Except in cases in which the concurrence of any specified number is by these Statutes made requisite, every question arising at any meeting shall be determined by a majority of the votes of those present and voting. Whenever the votes shall be equal, the Warden shall have a casting vote.

#### Delegation of Powers

2.(i) The Governing Body may, subject to the express executive duties given to the Warden and Officers of the College by these Statutes, delegate any of its powers or functions to a committee of two or more of its members. A committee must act in accordance with any directions given by the Governing Body and unless expressly authorised by the Governing Body to do so, may not sub-delegate any delegated powers or functions.

(ii) The Governing Body must exercise its powers and functions at properly convened meetings except where it has delegated by by-law or otherwise the exercise of the powers or functions (either under this clause or under any statutory provision).

(iii) The Governing Body must consider at an interval not exceeding three years whether the powers or functions which it has delegated should continue to be delegated.”

#### Bylaws

3. Subject to the provisions of the Statutes in force for the time being, the Governing Body may from time to time make, rescind, and alter such Bylaws or Regulations as they may think fit relating to the property or to the administration of the College, or to academic and disciplinary matters. The Regulations made before the date of these Statutes respecting such matters shall have the force of Bylaws made under these Statutes and may be rescinded or altered in the same manner.

#### Seal

4. The Common Seal of the College shall be kept in the Muniment Room or in some other place of safety appointed by the Governing Body. It shall not be affixed to any document except by the authority of a meeting of the Governing Body, and in the presence of the Warden or Sub-Warden and at least two of the Fellows. Every document to which the Common Seal shall be affixed, together with the names of the Warden and at least one Fellow present at the reading thereof, shall be transcribed in a Register to be kept for that purpose; and such transcript shall be signed by the persons present at the affixing of the Seal.

### Deeds and Muniments

5. All deeds and muniments, books, papers, and documents whatsoever of importance relating to the affairs, rights, or property of the College, and likewise authentic copies of the Statutes and Bylaws of the College in force for the time being, shall be kept in the Muniment Room or in some other place of safety appointed by the Governing Body.

### Contracts

6. Contracts on behalf of the College may be made as follows:-

(a) a contract which if made between private persons ) would be by law required to be in writing, and if made according to English law to be under seal, may be made on behalf of the College in writing under the Common Seal of the College;

(b) a contract which if made between private persons would be by law required to be in writing, signed by the parties to be charged therewith, may be made on behalf of the College in writing signed by any person acting under its authority;

(c) a contract which if made between private persons would by law be valid although made by parol only, and not reduced into writing, may be made by parol on behalf of the College by any person acting under its authority;

(d) a contract made according to this Statute may be varied or discharged in the same manner in which it is authorised by this Statute to be made.

## STATUTE IX.

### I. Trust Funds anterior to the Year 1866.

1. Instead of the Exhibitions founded by Dr. Hody for the study of Hebrew and Greek, there shall be Scholarships of the College to be called the Hody Scholarships, to be given after examination in Hebrew, Greek, or such other subjects as the Governing Body may from time to time determine. The conditions of the Scholarships shall be generally subject to the same regulations as the Scholarships under Statute III.

If the income of Dr. Hody's Fund shall in any year be greater than is required to maintain such Scholarships such surplus income may be applied by the Governing Body for any purpose connected with the study of Hebrew or Greek.

#### Dr. Wills' Exhibitions

2. The Exhibitions founded by Dr. Wills for the benefit of Fellows and Scholars engaged in the study and practice of Law and Medicine shall cease, and out of the amount thereof the sum of £200 shall be paid yearly as a stipend to maintain a Fellowship within the College to be given for the encouragement of the study of Law, Medicine or Natural Science, to be called the Wills Fellowship: which Fellowship shall be held upon the same tenure, and subject to the same conditions, as an Ordinary Fellowship in the College.

3. The funds given for Exhibitions by Mr. Goodridge, Mr. Pigot, Sir Benjamin Maddox, Bishop Lisle as executor to Mr. Sommerscales, Mr. Warner and Dr. Gerard, and the benefaction of Dr. Wills for the careful reading of the Lessons in Chapel, shall be consolidated into a General Exhibition Fund, which shall be administered in the manner hereinafter by these Statutes directed. The cost of all repairs on Mr. Goodridge's estates shall be paid out of the corporate revenue of the College.

## II. Trust Funds posterior to the Year 1865.

1. (1) This clause shall apply to each of the trusts, endowments, foundations, gifts and schemes set out in Schedule A appended to this Statute (hereinafter in this clause referred to as 'a Trust').

(2) The Governing Body may from time to time use for the general educational purposes of the College any surplus income of a Trust.

(3) In the foregoing paragraph 'surplus income' means income unexpended in any year after the purpose of the Trust have been fully provided for in that year (whether wholly by income from the Trust or partly by income from the Trust and partly by other means).

(4) This clause shall have effect from the date on which it is approved by Her Majesty in Council and shall apply to all income in hand on that day as well as to income receivable thereafter.

### Schedule A

The Woodward Scholarship, 1899

Mr. Heap's Exhibition, 1901

The Rev. M. B. Cowell's Benefaction, 1920

Mr. Henry Symons' Prize Benefaction, 1923

Mr. G. H. Pope's Exhibition, 1926

The A. W. Ready Scholarship, 1926

The Rev. D. R. Kyd's Benefaction, 1926

The George Calder MacLeod Scholarship, 1927

The Michell Bequest, 1927

Sir William Maddocks Bayliss' Exhibition, 1930

The A. T. Pollard Bequest, 1934

Sir Alergnon Methuen's Bequest, 1935

Lady Theobald's Bequest, 1929

June 1975 The Litton Forbes Scholarships, 1941

The Rev. Walter Crick's Prize Benefaction, 1944

The Murray Benefaction, 1946

Dame Edith N. Acton's Bequest, 1953

The Edgar & Katherine Dowling Glanfield Benefaction, 1955

2. Barnett Scholarships. It shall be permissible for any scholarship awarded for proficiency in the study of political or social economy or kindred subjects under the Will of Dame Henrietta Barnett which was proved on 6th July 1936 to be awarded to a person who is at the date of the award or who subsequently becomes an Official or Research Fellow of the College on condition that during tenure of the scholarship the money emoluments payable to that Fellow by the College shall be reduced by an amount equal to the value of the scholarship.

## STATUTE X.

### Funds For Special Purposes.

#### Exhibition Fund

1. There shall be a General Exhibition Fund. Such Fund shall be formed out of the benefactions of Dr. Hody, Dr. Wills, Mr. Goodridge, Mr. Pigot, Sir Benjamin Maddox, Bishop Lisle, Mr. Warner, and Dr. Gerard, as hereinbefore directed, and shall be augmented by a yearly payment of such a sum from the corporate revenue of the College as the Governing Body shall from time to time determine, not being less, in anyone year, than will be sufficient to raise the income of the said Fund in that year to £400, nor more than will suffice to raise the same to £800. The income of this Fund may be applied to the following purposes or any of them. Assistance may be given therefrom to such Undergraduate members of the College, whether Scholars or Commoners, as shall show by their conduct and industry that they deserve it and by their economical mode of life that they need assistance but such assistance shall not be given to any Scholar until such person shall have resided for at least one full Term in the College. The College may grant to a Scholar or Exhibitioner benefits or advantages beyond the emoluments of the Scholarship or Exhibition, but no promise of such benefit or advantage shall be made before election. If in any year the income of the Fund shall not all be wanted for the purposes above specified, the surplus shall first be applied in reduction of the sum payable in that year out of the corporate revenue of the College, and any further surplus shall be invested for the purpose of the Fund.

#### Richards Memorial Fund

2. The income of the fund founded in memory of Mr. H. P. Richards shall be applied for the encouragement of Greek Studies in whatever way the Governing Body may think fit, always provided that it be used only for those who have passed all examinations for the degree of B.A.

3. (1) The Pension Fund shall continue to be constituted and augmented from the benefactions of Dr. Wills for the purchase and improvement of benefices in the patronage of the College, including the Exhibitions founded by Dr. Wills for the benefit of superannuated Fellows which now form part of that Fund. If at any time the advowson of any Benefice in the patronage of the College shall be sold, the proceeds of the sale shall be added to the Pension Fund.

(2) The Pension Fund shall be utilised for making the payments provided for in Statute IV, but not so as to exonerate any other moneys or revenues of the College from liability in the cases therein provided.

(3) Any surplus of the Pension Fund shall each year be invested in augmentation thereof, and the sums so invested shall be treated as capital. Provided that when the Pension Fund shall have reached such an amount as shall appear to the Governing Body sufficient for the purpose for which it is intended including any future or contingent liabilities which may fall to be provided thereout, the Governing Body may from time to time resolve that the surplus income of the Fund or any part thereof shall be devoted to such other purposes for the benefit of the College as it may determine.

## STATUTE XI.

### Management of Estates and Disposal of Revenue.

#### Finance Committee

1. There shall be a Finance Committee consisting of the Warden, the Bursar or, if the office be divided, the Bursars, and not less than two Fellows appointed at a Stated General College Meeting. The Committee shall meet at least twice a term to consider all business relating to general College Finance other than that reserved to the Investment Committee by Clause 2 of this Statute.

#### Investment Committee

2. There shall be an Investment Committee consisting of the Warden, a Bursar, not less than two Fellows, and not more than three non-voting advisors appointed at a Stated General College Meeting. Such advisors shall be persons with experience of investment matters, not employed or retained by the College as agents, brokers or Investment Managers, and shall be appointed at a Stated General College Meeting on the nomination of the Committee to serve for a period not exceeding three years. The Committee shall meet at least once a term to consider all business relating to the College's estates, endowment and investments (including those of trust funds). The Committee shall receive reports from any Investment Manger who may have been appointed under Clause 3 of this Statute.

#### Investment Managers

3. (1) The College may from time to time appoint one or more suitably qualified Investment Managers to carry out on behalf of the College the duties prescribed by this Statute on such terms as (subject to and in accordance with this Statute) the College shall think fit.

(2) A person (which expression in this Statute includes a person, persons, firm or company) shall be suitably qualified to be Investment Manager if it is shown to the satisfaction of the College that:

(a) such person (or in the case of a subsidiary company whose obligations under the relevant terms of appointment will be guaranteed by the parent company, that parent company) has at least ten years' experience in the City of London (or other appropriate financial centre in the United Kingdom) of investment business; and

(b) is entitled to carry on investment business in accordance with the Financial Services Act 1986 (or other relevant legislation replacing that Act);

(c) except that if all other conditions of (a) and (b) above are satisfied the College may appoint as an Investment Manager a company with less than ten years' experience provided that the College has done business with its principals for at least five years and that they shall have at least ten years' qualifying experience.

(3) The College may pay reasonable and proper remuneration to an Investment Manager appointed and acting in accordance with this Statute.

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

(5) The terms of appointment of any Investment Manager shall be in writing and shall:-

- (a) specify the relevant investment policy of the College and the scope of the Investment Manager's discretion; and
- (b) require the Investment Manager to comply with the terms of his or her appointment and with these Statutes, the relevant University Statutes and the general law (including any provision relating to the keeping and supply of records and accounts); and
- (c) prohibit the Investment Manager from sub-delegating or assigning his appointment; and
- (d) specify the amount or method of calculation of the Investment Manager's remuneration or both; and
- (e) entitle the College to terminate the appointment at any time on reasonable notice; and
- (f) specify the other circumstances in which the appointment may be terminated by either party and (subject to earlier termination) its maximum duration which shall not exceed twenty-four months on any one occasion (but subject if so specified to renewal from time to time by mutual agreement); and
- (g) specify the relevant advisory, reporting and accounting procedures; and
- (h) state whether or not the investments may be held on behalf of the College in the name of a nominee and (if so) on what basis and by whom.

(6) The College shall take reasonable steps (and if necessary shall take appropriate advice) to satisfy itself when making any such appointment that its terms are in accordance with best practice at the relevant time. In order to ensure that the College always has adequate information as to and appropriate control over the investment, funds or other assets of whatever nature to which the appointment relates the Investment Manager shall be required:-

- (a) to review and report in writing to the Investment Committee at least once each calendar year on the College's investment policy and the performance of and the future prospects for the College's investments, and to give any relevant advice; and
- (b) to report to the Investment Committee at once on any significant change since the last such review and report which may in his or her view require early attention by the College; and
- (c) to report to the Bursar on every transaction within 14 days of its execution; and
- (d) to account to the College quarterly.

(7) The College Seal shall not be affixed to any document by the Investment Manager and this Statute shall not affect Clause 3 of Statute VIII.

#### Repairs to College Buildings

4. The Chapel, the Hall, and the other buildings of the College shall at all times be kept in good repair; and the expense of such repair shall be a first charge on the revenue of the College.

Disposal of Revenue subject to University Statute as to College Contributions

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

Income of Endowments and Trusts to be included in General Revenue

6.-(1) Income to which this Clause applies may be applied in or towards the payment of any charges for University purposes imposed on the College by any Statute or Statutes, regulations or decrees made for or by the University from time to time under the powers of the Universities of Oxford and Cambridge Act, 1877, and the Universities of Oxford and Cambridge Act, 1923, to the extent to which any such charges are so imposed in respect of such income.

(2) This clause applies to income arising from any endowment, benefaction, or trust, and applicable to the maintenance of any fellowship, scholarship, or exhibition within the College, or to any other purpose for the benefit of the College or of the Head or any other member of the College, including any fund for the purchase of advowsons, in every case where the endowment, benefaction or trust

(a) was created by an instrument which came into operation not less than 60 years before the 6th day of December 1937, or

(b) is included among the endowments, benefactions or trusts specified in the schedule appended to this clause, the trustees or governing bodies whereof have consented to the provisions of this clause,

(c) is an endowment, benefaction or trust, the trustees or Governing Bodies whereof have consented to the provisions of this Clause since the Sixth day of May One thousand nine hundred and thirty-eight.

The Schedule

Dr. Benjamin Parsons Symons's Bequest for an Exhibition, 1877.

Sir Thomas Jackson's Benefaction for the repair of the Chapel, 1880.

Miss. Mary Woodward's Bequest for a Scholarship, 1899.

Mr. Ralph Heap's Bequest for an Exhibition, 1901.

The Herbert Paul Richards Memorial Fund, 1916.

Rev. Canon M.B. Cowell's Bequest for a Scholarship, 1920.

Mr. Henry Symons' Bequest for Prizes, 1923.

Sir Thomas Jackson's Bequest for the repair of the Chapel, 1925.

Mr. George Henry Pope's Benefaction for an Exhibition, 1926.

Mrs. Ready's Bequest and the Benefaction provided by her executor for the A. W. Ready Scholarship 1926.

Rev. D.R. Kyd's Bequest for a Prize, 1926.

Mrs. MacLeod's Benefaction for the George Calder Macleod Scholarship, 1927.

Mr. Edward Blair Michell's Devises for Scholarships, 1927.

Lady Bayliss' Benefaction for the Sir William Maddocks Bayliss Exhibition, 1930.

The Dr. Joseph Wells Memorial Fund for an Exhibition, 1930.

Mr. Arthur Tempest Pollard's Bequest, 1934.

Sir Algernon Methuen's Bequests for Scholarships, 1935.

Mrs. Cousin's Benefaction for an Exhibition, 1928.  
Mrs. Allison's Benefaction for an Exhibition, 1932.  
The Warden's Exhibition Fund and accretions thereto.

#### Scheme to be approved by Visitor

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

#### Increase of Stipends

8. No addition shall under the powers of this Statute be made to the emoluments of the Headship or of any Fellowship or Scholarship in the College, nor to payments from corporate revenue which may be made under these Statutes to any College Fund in respect of which the payments from corporate revenue are limited by these Statutes, nor to the number of Scholarships. But this clause shall not be deemed to prohibit or restrain the College from making payments under the preceding clause out of its surplus revenue for research or other work in any departments of Learning or Science. There shall be no payment or reimbursement by the College in respect of Income Tax on any stipend or salary payable under these Statutes.

#### What is included in Expenditure of College

9. The expenditure of the College shall, in Clause 6 of this Statute, be deemed to include as well the payment of charges for University purposes imposed by the Statutes made for the University as aforesaid, as the application of revenue to the purposes of these Statutes, reasonable and customary expenditure (not inconsistent with them) for College purposes, extraordinary expenditure (when required) on estates, and any reasonable donations for educational or charitable objects or connected with the duties of the College as a holder of property.

#### Communication of Scheme to *Council* of the University

10. Before any scheme under Clause 7 of this Statute is confirmed by the Visitor, the College shall communicate it to the Vice-Chancellor for the information of the *Council* of the University of the University.

#### Confirmation of Scheme

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

#### Representation to Visitor

12. Any three members of the Governing Body of the College may at any time make a representation to the Visitor requesting him to exercise, if he think fit, the powers of this Statute. But this provision shall not be deemed to affect the Visitor's right to exercise such powers proprio motu.

### Surplus Revenues

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

### Powers of Investment

14. Any moneys which are held for the general purposes of the College and not on specific trusts may be invested in or upon such securities, shares, stocks, funds or other investments (including land) in any part of the world and whether involving liability or not as the Governing Body shall in its absolute discretion think fit so that the Governing Body shall be empowered to invest and transpose the investment of such funds in the same restricted manner as if it were the beneficial owner thereof.

### Total Return

15. (1) This clause shall apply to all the following funds, namely

- (a) all funds and endowments of the College which are not held on any specific trust;
  - (b) any endowment, benefaction or trust for purposes connected with the College
    - (i) which was created by an instrument which came into operation not less than 60 years before 1<sup>st</sup> January 2002, or
    - (ii) in respect of which the Governing Body as defined in Statute 1.1, being the trustees or governing body, have consented to the application of this clause, or
    - (iii) of which the trustees or governing body, not being the Governing Body as defined in Statute 1.1., have consented to the application of this clause.
  - (c) The Governing Body as defined in Statute 1.1 shall from time to time appoint a suitably qualified person, not being a member of the Governing Body, to review the total return and investment criteria referred to in this clause.
- (2) In this clause:
- (a) “fair value” means the amount at which an asset could be exchanged in an arm’s length transaction between informed and willing parties, other than in a forced sale or in any insolvency proceedings.
  - (b) “total return” means return in terms of both income, whether received or accrued, and capital appreciation, whether realized or unrealized.
- (3) The Governing Body as defined in Statute 1.1 may appropriate for expenditure for the purposes of a fund to which this clause applies and for the purposes of this statute so much of the fair value of the particular fund as is prudent in all the circumstances having regard to the total return achieved and reasonably to be expected in the long term of the funds of the College to which this clause applies.”

Borrowing Power

16. By the same name they shall have full power and capacity to accept, acquire, and hold any personal property whatsoever including land houses and buildings; and they shall have full power to dispense of either by way of sale or lease, to exchange, mortgage, charge, improve, manage, develop, turn to account, or otherwise deal with all or any part of such property, real or personal, belonging to the College, upon such terms and such manner as they shall see fit; to borrow and raise money in any manner and to secure the repayment of any money borrowed, raised or owing by mortgage, charge, standard security, lien or other security upon the whole or any part of the College's property or assets (whether present or future); and also to do all other matters incidental or appertaining to a Body Corporate.

## **STATUTE XII.**

### **College Accounts.**

1. The Governing Body shall cause proper Books of Accounts to be kept in which shall be entered:-

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

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

2. The Books shall include

all such information as may be necessary or convenient for regularly recording all the property of the College, and all receipts and payments and for enabling the several accounts to be duly checked, balanced and the correctness of the Abstracts for the publication of which provisions is hereinafter made, to be ascertained and verified.

3. Separate accounts shall be kept of all property held in trust

for any purpose other than the general purposes of the College, and of receipts and payments in respect of such property.

4. The College Accounts shall be audited once at least in every year. The Governing Body shall appoint for that purpose an Auditor or Auditors. The Governing Body shall appoint for that purpose an Auditor or Auditors, at least one of whom shall be a professional member of a recognised body of accountants established in the United Kingdom. The Auditor or Auditors shall report in writing to the Governing Body whether the accounts of the College are duly kept in proper Books of Account in conformity with the provisions of this Statute, and whether the Abstracts and Balance Sheet prepared pursuant to the provisions of this Statute contain a full and true account of the financial condition of the College. It shall be lawful for the Auditors or any Auditor to report specially as to any payment which they or he may judge to have been made without sufficient authority. The expense of the audit (including any payment to any clerk or clerks whose assistance the Auditor or Auditors may require) shall be paid out of the revenues of the College.

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

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

7. The Governing Body shall cause to be kept such accounts as shall be adequate to show that the various activities in the College are properly controlled and authorised under its authority, and the auditors shall report to the Governing Body any irregularities therein which become apparent in their audit.

## STATUTE XIII.

### The Visitor.

#### Visitor

1. The Visitor of the College, appointed by the Foundress, is the Lord Bishop of Bath and Wells for the time being.

#### Visitation

2. It shall be lawful for the Visitor, whenever he shall deem it expedient for enforcing the due observance of the Statutes, to visit the College, and to exercise at such visitation all the powers which are by law incident to the office of General Visitor of the College. It shall be lawful for him at any visitation, or, if he shall think fit, at other times, require the Warden and Fellows or any of them to answer in writing touching any matter as to which he may deem it expedient to inquire, for the purpose of satisfying himself whether the Statutes in force for the time being are duly observed.

#### Suspension of Fellowships and Scholarships

3. If at any time it shall be made to appear, to the satisfaction of the Visitor, that, owing to any cause, the revenues of the College are, or without the exercise of the power hereby conferred would be likely to become, insufficient to meet the charges created by these Statutes and to defray the rest of its necessary or ordinary expenditure, it shall be lawful for the Visitor, on a petition in writing presented to him by order of the Governing Body at a General Meeting specially summoned for that purpose, to direct that any vacant Fellowship or Scholarship shall, either permanently or during any limited period, be kept vacant, or that the emoluments assigned under these Statutes to (a) the Warden, (b) the Fellows, (c) the Scholars, or to anyone or more of these classes, shall be diminished for a limited period; the diminution in the case of (b) and (c) to be shared rateably between the members of each class.

Provided that no such diminution shall be made in any charges specifically imposed by these Statutes for University purposes, unless thirty days' notice thereof shall have been previously given to the Vice-Chancellor of the University.

#### Construction of Statutes

4. As often as any question shall arise on which the Governing Body shall be unable to agree, depending wholly or in part on the construction of any of the Statutes of the College, it shall be lawful for the Governing Body, or for the Warden, or for any three of the Fellows, to submit the same to the Visitor, and it shall be lawful for the Visitor to declare what is the true construction of such Statute or Statutes with reference to the case submitted to him.

#### Appeals

5. It shall be lawful for the Warden or for any Fellow, if that person shall consider himself or herself aggrieved by any act or decision of the Governing Body, and for any Scholar who may have been deprived of any Scholarship, to appeal against such act or decision or sentence to the Visitor; and it shall be lawful for the Visitor to adjudicate on such appeal, and to disallow and annul such act or decision, and to reverse or vary such sentence, as he shall deem right.

Annuling Bylaws

6. It shall be lawful for the Visitor, either proprio motu or on the complaint of the Warden or any of the Fellows, to disallow and annul any Bylaw or Resolution of the Governing Body, which shall in the Visitor's judgment be repugnant to any of the Statutes of the College.

Appeals under the 1988 Education Reform Act

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

(a) to hear any appeal or determine any question relating to the contract of employment or conditions of appointment of a person to whom Statute XVI applies; or

(b) to disallow or annul any By-Law made under or having effect for the purposes of Statute XVI.

## STATUTE XIV.

### Provisions relative to the University.

#### Representations as to Provisions relative to the University

1. If at any time it appear to the *Council* of the University of the University that any provision of these Statutes, or of any other Statutes of the College in force for the time being, respecting the accounts of the College, or the audit or publication thereof, or the exercise of the borrowing powers of the College or any other provision of such Statutes, by the non-observance of which any interest of the University is liable to the prejudicially affected, is not duly observed, the *Council* of the University may submit a representation to the Visitor; and the Visitor shall, upon receiving such representation, inquire into the matter, and, after considering any representation made by the Governing body, make such order therein as he shall deem just for enforcing the due observance of the said Statutes in the matter to which the representation shall relate.

#### Representations as to the allocation of Fellowships

2. The *Council* of the University may in like manner make a representation to the Visitor if it shall appear that regard is not had by the College in electing its Research Fellows to the requirements of the different branches of study pursued in the University.

#### Notice to Warden

3. Before any representation is made under either of the foregoing provisions, the Vice-Chancellor shall communicate the matter of the proposed representations to the Warden for the information of the Governing Body, and when a representation is made shall forthwith send the Warden a copy of it.

## STATUTE XV.

### Special and Temporary Provisions.

#### Emoluments of vacant and suspended Wardenship or Fellowship

1. The emoluments of any vacant or suspended Wardenship or Fellowship shall be applied to the general purposes of the College for which provision is made by these Statutes, in such order and manner as the Governing Body may deem expedient.

#### Date of coming into operation of these Statutes

2. These Statutes shall come into operation on the day on which they receive the approval of the King in Council.

#### Vested Interests

3. The position of any existing Fellow or Officer of the College other than that of any person, who, on the date when these Statutes come into operation, holds an emolument within the College subject to the condition that the tenure of it shall from and after the said date be subject to the provisions of these Statutes, shall be subject to the following provisions:

(1) Any such Fellow may at any time within twelve months after the date when these Statutes come into operation exercise the option of remaining subject to the Statutes to which such Fellow was subject prior to the said date, or of submitting to these Statutes by a notice given in writing to the Warden, who shall submit such notice to a Stated General Meeting.

Provided that any such Fellow or Officer of the College may, irrespective of the manner in which such person has exercised the aforesaid option, retain any pensionary rights to which such Fellow or Officer of the College was entitled under the Statutes to which such person was subject prior to the said date, or may, if such Fellow or Officer of the College is eligible to do so, adopt the pensionary scheme prescribed in these Statutes, but in no case may such person be entitled to the advantages of more than one pensionary scheme.

(2) In the case of any such Fellow, the Governing Body by the votes of not less than two-thirds of the number of those present and voting at a Stated General Meeting may:

(a) If such Fellow submits to these Statutes allow such person to hold the Fellowship beyond the age of 65 years for a further period not exceeding five years.

(b) If such Fellow exercises such options so as to remain subject to the Statutes to which such person was subject prior to the said date, vary or commute with such person's consent the conditions of the emoluments, allowances and privileges in such manner as to assimilate them with those prescribed in these Statutes, but not so as to enlarge such emoluments, allowances *or* privileges beyond the

I emoluments, allowances *or* privileges to which such Fellow was entitled *or* to which such Fellow had reasonable anticipation under the Statutes to which such person was subject prior to that date.

#### Repeal of existing Statutes

4. The existing Statutes of Wadham College are hereby repealed without prejudice to any right acquired, liability incurred, or thing done thereunder, or to any repeal affected thereby.

### Alteration of Statutes

5. These Statutes shall be subject to alteration in manner provided by the Universities of Oxford and Cambridge Act, 1923. These Statutes are made wholly for Wadham College within the meaning of Universities of Oxford and Cambridge Act, 1877, section 30, as set out in the Schedule to the Universities of Oxford and Cambridge Act, 1923.

## **STATUTE XVI.**

### **Academic Staff.**

#### **PART I. Construction. Application and Interpretation.**

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

(a) to ensure that members of the academic staff of the College have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges;

(b) to enable the College to provide education, to promote learning, and to engage in research efficiently and economically; and ( c) to apply the principles of justice and fairness.

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

3. -( 1 ) This Statute shall apply -

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

(b) to any person employed by the College to carry out teaching or research save for those holding appointments which have been excluded by the Governing Body from the scope of this Statute on the ground that the duties in that regard are only of a limited nature; and

(c) to the Warden, to the extent and in the manner set out in Part VII of this Statute.

(2) In this Statute any reference to a "member of the academic staff" is a reference to a person to whom this Statute applies.

4. In this Statute "dismiss" and "dismissal" mean dismissal of a member of the academic staff and -

(a) include remove or, as the case may be, removal from office; and

(b) in relation to employment under a contract, shall be construed in accordance with section 55 of the Employment Protection (Consolidation) Act 1978.

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

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

- (b) conduct of an immoral, scandalous or disgraceful nature incompatible with the duties of the office or employment; or
- (c) conduct constituting failure or persistent refusal or neglect or inability to perform the duties or comply with the conditions of office or employment; or
- (d) physical or mental incapacity established under Part IV of this Statute; or
- (e) wilful disruption of the activities of the College; or
- (f) wilful disobedience of any of the Statutes or By-laws of the College in force for the time being.

(2) In this Clause -

- (a) "capability", in relation to such a member, means capability assessed by reference to skill, aptitude, health or any other physical or mental quality; and
- (b) "qualifications", in relation to such a member, means any degree, diploma or other academic, technical or professional qualification relevant to the office or position held by that member.

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

- (a) the fact that the College has ceased, or intends to cease, to carry on the activity for the purposes of which the person concerned was appointed or employed or has ceased, or intends to cease, to carry on that activity in the place in which the person concerned worked; or
- (b) the fact that the requirements of that activity for members of the academic staff of the College to carry out work of a particular kind in that place have ceased or diminished or are expected to cease or diminish.

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

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

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

(2) Nothing in any appointment made, or contract entered into, shall be construed as overriding or excluding any provision made by this Statute concerning the dismissal of a member of the academic staff of the College by reason of redundancy or for good cause:

Provided that this shall not invalidate any waiver made under section 142 of the Employment Protection (Consolidation) Act 1978.

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

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

(5) Nothing in any other Statute shall enable the Governing Body to delegate its power to reach a decision under Clause 10(2) of this Statute.

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

(7) In this Statute references to numbered Parts, Clauses, and Sub-Clauses are references to Parts, Clauses, and Sub-Clauses so numbered in this Statute.

## PART II. Redundancy.

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

9.(1) Nothing in this Part of this Statute shall prejudice, alter or affect any rights, powers or duties of the College or apply in relation to a person unless -

- (a) the appointment of that person is made, or the contract of employment of the person concerned is entered into, on or after 20th November 1987; or
- (b) the person concerned is promoted on or after that date.

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

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

(2) This Part applies only where the Governing Body has decided that there should be a reduction in the academic staff -

- (a) of the College as a whole; or
- (b) of any area of academic work within the College by way of redundancy.

11.-(1) Where the Governing Body has reached a decision under Clause

10(2) of this Statute-

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

(b) it shall appoint a Redundancy Committee to be constituted in accordance with Sub-Clause (3) of this Clause to give effect to its decision by such date as it may specify and for that purpose

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

(ii) to report its recommendations to the Governing Body.

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

(3) A Redundancy Committee appointed by the appropriate body shall comprise -

(a) a Chairman; and

(b) two members chosen from amongst the members of the Governing Body to whom this Statute does not apply, or Honorary Fellows, or Emeritus Fellows; and

(c) two members chosen from amongst the members of the Governing Body to whom this Statute applies.

(4) A member of the academic staff shall not be selected for dismissal under this Clause unless that person has been afforded a reasonable opportunity to make representations to the Governing Body.

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

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

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

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

(b) an account of the selection processes it has used~

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

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

PART III. Discipline, dismissal and removal from office.

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

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

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

14. (1) If there has been no satisfactory improvement following a written warning given under Clause 13 (2) of this Statute, or in any case where it is alleged that the conduct or performance of a member of the academic staff may constitute good cause for dismissal or removal from office, a complaint seeking the institution of charges to be heard by an Academic Disciplinary Committee appointed under Clause 15 of this Statute may be made to the Warden.

(2) To enable the Warden to deal fairly with any complaint brought to the Warden's attention under Sub-Clause (1) of this Clause, the Warden shall institute such enquiries (if any) as appear to be necessary.

(3) If it appears to the Warden (whether on receipt of a complaint or otherwise) that there are grounds for believing that the conduct or performance of a member of the academic staff could constitute good cause for dismissal, the Warden shall write to the person concerned inviting comment in writing and may, at this stage or at any stage prior to the conclusion of any hearing by an Academic Disciplinary Committee appointed under Clause 15 of this Statute, suspend the person concerned from the performance of duties without loss of emoluments.

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

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

16. (1) An Academic Disciplinary Committee appointed by the Governing Body shall comprise -

- (a) a Chairman; and
- (b) one member chosen from amongst the members of the Governing Body to whom this Statute does not apply or Honorary Fellows or Emeritus Fellows; and
- (c) one member chosen from amongst the members of the Governing Body to whom this Statute applies.

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

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

(2) It shall be the duty of the person formulating the charge or charges - (a) to forward the charge or charges to the Committee and to the member of the academic staff concerned, together with the other documents therein specified; and

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

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

(a) that the person charged is entitled to be represented by another person, whether such person is legally qualified or not, in connection with and at any hearing by an Academic Disciplinary Committee;

(b) that a charge shall not be determined without an oral hearing at which the person charged and any person appointed to represent that person are entitled to be present;

(c) that witnesses may be called, both on behalf of the person charged and by the person presenting the charge, and may be questioned concerning any relevant evidence;

(d) that no new witness or documentary evidence may be introduced by the person presenting the charge without the Committee's consent, which shall not be given save for good reason, and that if late introduction is allowed, the member of the academic staff shall be allowed an adjournment sufficient to allow that person to consider and respond to the new evidence; and

(e) that any charge is heard and determined as expeditiously as is reasonably practicable.

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

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

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

(2) Where any charge is upheld, other than where the Warden has decided under Sub-Clause (1) of this Clause to dismiss the person concerned, the action available to the Warden, after consulting the Governing Body, (not comprising a greater penalty than that recommended by the Academic Disciplinary Committee) shall be -

(a) to discuss the issues raised with the person concerned; or (b) to advise the person concerned about future conduct; or

(c) to warn the person concerned; or

(d) to suspend the person concerned for such period as the Warden shall think fair and reasonable, provided that the suspension shall not extend beyond three months after the date on which the Governing Body shall have considered the Academic Disciplinary Committee's decision, provided that no suspension without pay may be ordered unless the terms of the contract of employment of the person concerned contain provisions expressly entitling the Warden to impose such a penalty; or

(e) such further or other action under the contract of employment or terms of appointment of the person concerned as appears fair and reasonable in all the circumstances of the case; or

(f) any combination of any of the above.

21.-(1) The Warden shall be the appropriate officer to exercise the powers conferred by Clause 20 of this Statute but the Warden may appoint a delegate to exercise those powers.

(2) Any action taken by the Warden or the Warden's delegate shall be confirmed in writing and notified to the Governing Body.

PART IV. Removal for incapacity on medical grounds.

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

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

(3) In this Part the Warden shall be the appropriate officer to perform any duties or exercise any powers, but the Warden may appoint a delegate to act on the Warden's behalf.

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

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

(a) shall inform the member accordingly; ! (b) may suspend the member from duty without loss of pay; and

(c) shall notify the member in writing that it is proposed to make an application to the member's medical practitioner for a medical report and shall seek the member's consent in writing in accordance with the requirements of the Access to Medical Reports Act 1988.

(2) If the member elects to apply for early retirement on medical grounds the member shall be allowed to do so and the College shall meet the reasonable costs of any medical opinion required.

(3) If the member does not elect to apply for early retirement on medical grounds the Warden may refer the case in confidence, with any medical and other evidence (including any such evidence submitted by the member), to a Medical Board comprising one person nominated by the Governing Body; one person nominated by the member concerned or, in default of the latter nomination, by the Warden; and a medically qualified chairman jointly agreed by the Governing Body and the member or, in default of agreement, to be nominated by the President of the Royal College of Physicians.

(4) The procedure to be followed in respect of the preparation, hearing, and determination of a case by a Medical Board under this Part shall be prescribed by By-laws made under this Sub-Clause. Such By-laws shall ensure:

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

(b) that a case shall not be determined without an oral hearing at which the person charged and any person appointed to represent that person are entitled to be present;

- (c) that witnesses may be called and may be questioned concerning any relevant evidence; and
- (d) that the case is heard and determined as expeditiously as is reasonably practicable.

(5) The Board may require the member concerned to undergo medical examination at the College's expense.

24. (1) If the Board determines that the member should be required to retire on medical grounds, the Warden shall consult the Governing Body, and may terminate the employment of the member concerned on those medical grounds.

(2) Any action taken by the Warden shall be confirmed in writing and notified to the Governing Body.

#### PART V. Appeals.

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

26. (1) This Part applies-

- (a) to appeals against any decision of the Governing Body to dismiss in the exercise of its powers under Part II of this Statute;
- (b) to appeals arising in any proceedings, or out of any decision reached, under Part III of this Statute other than appeals against disciplinary warnings under Clause 13 of this Statute;
- (c) to appeals against any dismissal otherwise than in pursuance of Part II, Part III, Part IV or Part VII of this Statute;
- (d) to appeals against any disciplinary decision otherwise than in pursuance of Part III of this Statute;
- (e) to appeals against any decision reached under Part IV of this Statute; and
- (f) to appeals against any decision reached under Part VII of this Statute

and "appeal" and "appellant" shall be construed accordingly.

(2) No appeal shall however lie against -

- (a) a decision of the Governing Body under Clause 10(2) of this Statute; (b) any finding of fact of an Academic Disciplinary Committee under Part III of this Statute, or of a Tribunal under Part VII of this Statute save on legal grounds or save where, with the consent of the person or persons hearing the appeal, fresh evidence is called on behalf of the appellant at that hearing;
- (c) any medical finding by a Board set up under Clause 23(3) of this Statute save on legal grounds or save where, with the consent of the person or persons appointed, fresh evidence is called on behalf of the appellant at that hearing.

(3) In this Part references to "the person appointed" are references to the person appointed by the Governing Body under Clause 29 of this Statute to hear and determine the relevant appeal.

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

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

28.-(1) A notice of appeal shall be served within 28 days of the date on which the document recording the decision appealed from was sent to the appellant or such longer period, if any, as the person appointed may determine under Sub-Clause (3) of this Clause.

(2) The Warden shall bring any notice of appeal received (and the date when it was served) to the attention of the Governing Body and shall inform the appellant that this has been done.

(3) Where the notice of appeal is served on the Warden outside the 28 day period the person appointed under Clause 29 of this Statute shall not permit the appeal to proceed unless the person appointed considers that justice and fairness so require in the circumstances of the case.

29.-(1) Where an appeal is instituted under this Part the Governing Body shall appoint a person described in Sub-Clause (2) of this Clause to hear and determine that appeal subject to Sub-Clause (3) of this Clause.

(2) The persons described in this Sub-Clause are -

(a) the person who is the Visitor; or

(b) persons not employed by the College holding, or having held, judicial office or being barristers or solicitors of at least ten years' standing.

(3) The person appointed shall sit alone unless that person considers that justice and fairness will best be served by sitting as an Appeal Tribunal with two other persons.

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

(a) one member chosen from amongst the members of the Governing Body to which this Statute does not apply, or Honorary Fellows, or Emeritus Fellows~ and

(b) one member chosen from amongst the members of the Governing Body to whom this Statute applies.

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

- (2) Without prejudice to the generality of the foregoing such By-Laws shall ensure -
- (a) that an appellant is entitled to be represented by another person, whether such person is legally qualified or not, in connection with and at any hearing of the appellant's appeal;
  - (b) that an appeal shall not be determined without an oral hearing at which the appellant and any person appointed by the appellant to represent the appellant are entitled to be present and, with the consent of the person or persons hearing the appeal, to call witnesses~
  - (c) that full and sufficient provision is made for postponements, adjournments, dismissal of the appeal for want of prosecution and for the correction of accidental errors; and
  - (d) that the person appointed may set appropriate time limits for each stage (including the hearing itself) to the intent that any appeal shall be heard and determined as expeditiously as is reasonably practicable.
- (3) The person or persons hearing the appeal may allow or dismiss an appeal in whole or in part and, without prejudice to the foregoing, may -
- (a) remit an appeal from a decision under Part II of this Statute (or any issue arising in the course of such an appeal) to the Governing Body for further consideration as the person or persons hearing the appeal may direct; or
  - (b) remit an appeal arising under Part III of this Statute for re-hearing or re-consideration by the same or by a differently constituted Academic Disciplinary Committee to be appointed under that Part; or
  - (c) remit an appeal from a decision under Part IV of this Statute for further consideration as the person or persons hearing the appeal may direct; or
  - (d) remit an appeal by the Warden arising under Part VII of this Statute for re-hearing or re-consideration by the same or by a differently constituted Tribunal to be appointed under that Part; or
  - (e) substitute any lesser alternative penalty that would have been open to the Warden following the finding by the Academic Disciplinary Committee which heard and determined the original charge or charges.

31. The person appointed shall send a reasoned decision upon any appeal, including any decision reached in exercise of that person's powers under Clause 30(3)(a), (b), (c) or (d) of this Statute, on any appeal and a statement of any findings of fact different from those of the Governing Body under Part II of this Statute or of the Academic Disciplinary Committee under Part III of this Statute or of the Board under Part IV of this Statute or of the Tribunal under Part VII of this Statute, as the case may be, to the Warden and to the parties to the appeal.

#### PART VI. Grievance Procedures.

32. The aim of this Part is to settle or redress individual grievances promptly, fairly and so far as may be, within the relevant area by methods acceptable to all parties.

33. The grievances to which this Part applies are ones by members of the academic staff concerning their appointments or employment where those grievances relate -

(a) to matters affecting themselves as individuals; or  
(b) to matters affecting their personal dealings or relationships with other staff of the College,  
not being matters for which express provision is made elsewhere in this Statute.

34.- (1) If other remedies within the relevant area have been exhausted the member of the academic staff may raise the matter with the Warden.

(2) If it appears to the Warden that the matter has been finally determined under Part III, IV or V of this Statute or that the grievance is trivial or invalid, the Warden may dismiss it summarily, or take no action upon it. If it so appears to the Warden, the Warden shall inform the member and may inform the Governing Body accordingly.

(3) If the Warden is satisfied that the subject matter of the grievance could properly be considered with (or form the whole or any part of) -

(a) a complaint under Part III of this Statute; or

(b) a determination under Part IV of this Statute; or ( c) an appeal under Part V of this Statute the Warden shall defer action upon it under this Part of this Statute until the relevant complaint, determination or appeal has been heard or the time for instituting it has passed and the Warden shall notify the member accordingly.

(4) f the Warden does not reject the complaint under Sub-Clause(2) of this Clause or if the Warden does not defer action upon it under Sub-Clause (3) of this Clause the Warden shall decide whether it would be appropriate, having regard to the interests of justice and fairness, for the Warden to seek to dispose of it informally. If the Warden so decides the Warden shall notify the member and proceed accordingly.

35. If the grievance has not been disposed of informally under Clause 34 (4) of this Statute, the Warden shall refer the matter to a Grievance Committee for consideration.

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

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

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

#### PART VII. Removal of the Warden from office.

39. Any five members of the Governing Body may make complaint to the Sub-Warden seeking the removal of the Warden from office for good cause.

40. The Sub-Warden shall refer such a complaint to the Governing Body, exclusive of the Warden and the members making the complaint. If it appears to the Governing Body that the complaint does not raise a prima facie case, or that it is trivial or invalid or unjustified, it may determine that no further action shall be taken upon it.

41. If it appears to the Governing Body on the available material that the complaint raises a prima facie case and that this could, if proved, constitute good cause for the removal of the Warden from office, it shall appoint a Tribunal to hear and determine the matter.

42. The Tribunal appointed by the Governing Body shall comprise: (a) an independent Chairman; and

(b) one member chosen from amongst the members of the Governing Body to whom this Statute does not apply, or Honorary Fellows, or Emeritus Fellows; and

(c) one member chosen from amongst the members of the Governing Body to whom this Statute applies.

43. A charge referred to the Tribunal shall be dealt with in accordance with the procedure prescribed in Clauses 17 to 19 of this Statute, provided -

(a) that the Sub-Warden shall perform any duty and exercise any power there assigned to the Warden; and

(b) that the only recommendation the Tribunal may make is whether or not the Warden should be removed from office.

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

45. Where a complaint is to be referred to a Tribunal under Clause 41, the Sub-Warden may suspend the Warden from duties in all matters relating to the government and discipline of the College without loss of salary.

46. For the purpose of the removal of the Warden from office for incapacity on medical grounds, the provisions of Part IV of this Statute shall have effect, provided that the Sub-Warden shall perform any duty or exercise any power there assigned to the Warden.

47. For the purpose of appeals by the Warden against removal from office, the provisions of Part V of this Statute shall have effect, provided that the Sub-Warden shall perform any duty or exercise any power there assigned to the Warden.

## **STATUTE XVII**

### **Interpretation**

1. Any reference in these Statutes to the revenue or revenues of the College or to income shall include the total sums appropriated in accordance with clause 15 of Statute X1.