

STATUTES OF GOLDSMITHS' COLLEGE
with effect from 1 September 2010

The Statutes form the Second Schedule to the Charter

First approved with effect from 1 January 1990. Amended in 2003, and again with effect from 1 September 2007.

1 Interpretation

(1) These Statutes shall be read with the Charter and words and expressions used in the Charter shall, if not inconsistent with the subject or context, have the same meaning herein.

(2) Unless the context otherwise requires, in these Statutes:

"Academic Staff" means the Warden and all persons holding full-time posts or part-time posts as Professor, Reader, Senior Lecturer or Lecturer tenable at the College or appointed to other such positions or grades of post as the Council on the recommendation of the Academic Board may determine.

"Academic Related Staff" means those members of staff (other than Academic Staff) holding posts which are formally related to Academic Staff grades.

"Professors and Readers" means those persons holding the status or title of Professor or Reader of the University in accordance with University or College Ordinances made under the Regulations of the University of London.

"Charter" means the Charter of the College.

"Committee" includes Board and Sub-Committee.

"Composition" means the constitution of a committee (that is the list of definitions describing how each place will be filled).

"Non-Academic Staff" means all members of the staff of the College who are not members of the Academic Staff.

"Ordinances" means Ordinances made pursuant to the Charter or these Statutes, except where the Ordinances of the University of London are explicitly mentioned.

"Regulations" means Regulations made pursuant to the Charter, these Statutes or the Ordinances, except where the Regulations of the University of London are explicitly mentioned.

"General Regulations" means those Regulations of the College, other than the Financial Regulations, approved by Council.

"Senior Academic Staff" means the Warden, Pro-Wardens, Professors, Readers and Senior Lecturers, and such other members of the Academic Staff of equivalent academic status as may be prescribed by the Ordinances.

"Staff" means all persons employed by the College.

"Standing Orders" means the formal rules approved by Council, governing certain committee procedures in the College.

"Student" means any person who is formally enrolled at the College and registered for any appropriate course as set out in the Regulations.

"Students' Union" means the Students' Union of the College.

- (3) Words defined in the Charter or these Statutes shall have the same meaning in the Ordinances and the Regulations unless the context be repugnant thereto.
- (4) These Statutes shall be interpreted in such manner as not to conflict with the Charter.
- (5) Words importing the singular shall where necessary include the plural number and *vice versa*, and words importing persons shall include corporations.

2 Members of the College

- (1) In addition to those identified in the Charter the Council, after consideration of the views of the Academic Board, shall have power to declare such other persons Members of the College as it shall deem fit.
- (2) The Council shall have power, at the request of a member, to release that person from membership of the College, subject to his or her agreement to continue to observe the Charter, Statutes, Ordinances and Regulations of the College.

3 Constitution of the Council

- (1) The Council shall consist of the following members:

Class 1

The Chair

The Chair of the Council, who shall not be a member of the staff or a student, shall be appointed by the Council.

Class 2

ex officio members, namely:

- the Warden;
- the Pro-Wardens;
- the Clerk to the Goldsmiths' Company;
- the President of the Students' Union.

Class 3

Elected members, namely:

- three members of the Academic Board, by the Academic Board, in accordance with the Standing Orders of the College, subject to any more specific arrangement prescribed by Ordinance;
- one member of the Senior Academic Staff from among their own number, in accordance with the Standing Orders of the College, subject to any more specific arrangement prescribed by Ordinance;
- one member of the Non-Academic Staff, from among their own number, in accordance with the Standing Orders of the College, subject to any more specific arrangement prescribed by Ordinance;
- one student, who shall be one of the elected officers of the Students' Union, the specific office concerned to be approved by Council and provided for in the Bye-Laws of the Students' Union.

Class 4

Members co-opted by the Council, namely:

- fourteen persons, not being members of staff or students who shall be representative of educational, economic, social, cultural, charitable, community and other interests relevant to the work of the College;

Class 5

At the discretion of the Council, one further person who may or may not be a member of staff or a student.

- (2) Members of the Council *ex officio* shall remain members for so long as they hold the relevant office.
- (3) Other members of the Council and student members shall remain members for three years from the date of their appointment, election or co-option, and shall be eligible for re-appointment, re-election or a

further period of co-option but shall not serve more than two such terms consecutively.

- (4) Student members shall remain members for a period of one year, but shall be eligible for re-election or co-option for a further period provided that they shall cease to be members on ceasing to be students.
- (5) Casual vacancies among elected members shall be filled in accordance with the Standing Orders of the College, subject to any more specific arrangement prescribed by Ordinance.
- (6) Periods of appointment, election, or co-option shall commence on 1 September, except that the provisions as to casual vacancies shall be as prescribed by the Standing Orders of the College approved by Council, subject to 3(3) above concerning three-year terms, and any specific arrangements prescribed for Council by Ordinance.
- (7) Elected members of the Council shall not cease to be members if they cease to be members of the body which elected them.
- (8) The Standing Orders of the College shall govern the retirement by rotation of elected, co-opted and appointed members of the Council, other than the Chair, subject to any more specific arrangements prescribed for Council by Ordinance.
- (9) The Council may designate one of the coopted members as Deputy Chair, to have and exercise all the duties and powers of the Chair in case of the Chair's inability through illness, absence or any other cause to perform the duties and exercise the powers of the post, such designation to remain until the individual concerned ceases to be a member of Council, or until such earlier date as may be specified by Council.
- (10) Any member of the Council, who shall be appointed Chair, shall immediately vacate the place to which he or she was originally appointed or co-opted which shall then be filled, and no account shall be taken of his or her tenure of this original place in calculating the maximum term of office as Chair under 3(3) above.
- (11) Any member who is absent from five consecutive ordinary meetings shall cease to be a member unless the Council decides otherwise.
- (12) Any member who is the subject of a receiving order or who makes an arrangement or composition with creditors or who is convicted on indictment of a criminal offence shall cease to be a member unless the Council decides otherwise.

4 Powers of the Council

The Council shall, subject to the Charter and these Statutes, be the governing body of the College and shall have general control over the conduct of its affairs. Subject to the Charter and these Statutes and to the Statutes,

Ordinances and Regulations of the University, and provided that, before determining any question or taking any decision on the allocation of resources which the Council considers to affect the academic policy of the College, the Council shall seek the advice of the Academic Board, the Council shall, in addition to all other powers vested in it, have the following powers:

- (1) To promote the objects of the College and to review its teaching, examining and research and the welfare of its students and staff;
- (2) to govern and regulate the finances, accounts, investments, property, business, and all the financial affairs of the College and for these purposes to make appropriate arrangements for the appointment of bankers and other agents;
- (3) to invest any monies belonging to or held by the College in such stocks, funds, shares, securities and other investments (including land or any tenure or any interest therein) as the Council shall, in its absolute discretion, think fit: provided that in the case of monies held by the College as trustees the powers conferred by this paragraph shall be exercised subject to the provisions of the law relating to investment by trustees;
- (4) to allow others to use College property on proper terms;
- (5) to be responsible for accepting grants for the work of the College, and to approve the conditions on which such grants are accepted;
- (6) to borrow money on behalf of the College, and for that purpose to mortgage or charge all or any part of the property of the College, whether real or personal, and to give such other security as the Council may think fit;
- (7) to enter into, vary, carry out and cancel contracts on behalf of the College;
- (8) to sell, buy, exchange, lease and accept leases of real and personal property on behalf of the College;
- (9) to determine fees, subscriptions and deposits, and to charge such fees as may be thought desirable for the provision of such services and for the sale of such goods as may be deemed expedient and consistent with the objects of the College;
- (10) to provide, maintain, administer and dispose of land, buildings, fixtures, fittings, furniture, equipment, apparatus, books and any other property as may be deemed appropriate for the furtherance of the objects of the College;
- (11) to make provision for good order and discipline;
- (12) to provide, maintain, administer, regulate and dispose of residential accommodation for the staff and students, and to establish and

administer such catering services as the Council may from time to time determine;

- (13) to approve the annual audited accounts of the College;
- (14) to receive from the Warden a report (at such intervals as the Council shall determine) on the working of the College;
- (15) to appoint a Chair, and if it thinks fit to appoint from among its own independent members a Deputy Chair to serve in circumstances noted at 3(10) above;
- (16) to appoint and to co-opt members of the Council as laid down in Statute 3;
- (17) to approve:
 - (a) the general structure of the College's committee system, and the establishment and disestablishment of any committee of the College, subject to consultation with Academic Board on matters within its scope;
 - (b) the composition of Council Committees and their Sub-committees, and of Joint Committees of the Council and any other body;
 - (c) the appointment of members to places on all committees designated for members or representatives of Council.
- (18) to delegate as appropriate and upon such conditions as it may from time to time determine any of its powers and duties to the Academic Board or Committees or Sub-Committees formed from its own number or otherwise appointed, or to Joint Committees, or to individual members of the College as it sees fit; provided that nothing in this Statute shall enable the Council to delegate their power to reach a decision under paragraph 10(2) of Statute 16;
- (19) to appoint and determine the remuneration of the external Auditor, and to ensure that appropriate arrangements are made for internal audit;
- (20) to establish or abolish any posts in the College, provided that the Academic Board shall be consulted on any changes to the establishment which involve major change to the academic profile of the College.
- (21) to confer the status or title of Professor or Reader, Emeritus Professor or Emeritus Reader, in accordance with the Regulations of the University;
- (22) subject to the Regulations of the University concerning the appointment of Professors and Readers and the conferment of University titles, and in accordance with the provisions laid down in these Statutes, to

appoint the Warden and all other members of the staff of the College; to remove them; and to determine the payment of honoraria, fees and other remuneration to such persons;

- (23) to remove for such reasons as the Council may think fit: the Chair from office; any member of the Council (other than an ex officio or elected member) from membership of the Council provided that the resolution to effect the removal shall be passed by a majority consisting of not less than two-thirds of the members of the Council present. No person shall be so removed unless he or she shall have been given a reasonable opportunity of being heard by the Council and of being represented, subject to such provisions as may be prescribed by the Ordinances, at his or her own expense by a person of his or her choice;
- (24) to grant pensions and retirement benefits to or for employees or former employees of the College and to the widows, widowers, children and other dependants of deceased employees who are in necessitous circumstances; and to pay or subscribe to funds or schemes for the provision of pensions and retirement benefits for employees or former employees of the College, their widows, widowers, children and other dependants;
- (25) to consider, adjudicate on and, if thought fit, redress any grievance of any of the staff or of the students, subject to the other provisions of these Statutes, by constituting a Committee to act on its behalf. The decision of that Committee shall be final;
- (26) by Regulation to prescribe procedures for the hearing of appeals against any decision which the Warden or any Disciplinary Committee set up in accordance with the Regulations may take in regard to the suspension or expulsion of, or other penalty imposed upon, any student;
- (27) to seek the advice of the Academic Board on any matter or to refer any matter to the Academic Board and to ask for reports from the Academic Board;
- (28) to accept, reject or refer back any recommendation made by the Academic Board, provided that no such recommendation may be rejected unless the Academic Board is informed of the reasons for such rejection;
- (29) after consideration of the views of the Academic Board to establish or discontinue academic sections of the College and to prescribe, modify or revise their constitution and functions;
- (30) in accordance with the policy of the Academic Board, to approve for the purposes of admission to the College and of exemption from College examinations, examinations passed and periods of study spent at other places of learning, or other evidence of prior learning;

- (31) to confer Honorary Fellowships of the College, or Honorary Degrees of the College or of the University of London, on the recommendation of a committee including representatives of both Academic Board and Council, and to revoke any such awards of the College in such cases as may be appropriate.
- (32) on the recommendation of the Academic Board and where appropriate subject to the agreement of the University, to appoint, remunerate and dismiss external examiners;
- (33) on the recommendation of the Academic Board to institute fellowships, studentships, scholarships, exhibitions, bursaries, prizes and other aids to study and research;
- (34) on the recommendation of the Academic Board, to institute, award and confer Degrees Diplomas, Certificates and other academic awards of the University of London or of the College, and to revoke any such award if at any time it shall be discovered and proved to the satisfaction of the Council that there was any irregularity in the event circumstances leading to the grant of that award;
- (35) to appoint and nominate staff representatives of the College on other bodies on the recommendation, where appropriate, of the Academic Board;
- (36) to select a Seal for the College and to have the control and use of the Seal as prescribed hereafter;
- (37) to consult negotiating bodies recognised by the Council on such general matters affecting the interests of their members as are within the powers of the Council to determine;
- (38) to make Ordinances, General Regulations and Financial Regulations;
- (39) to approve Standing Orders for the College's committees, after consulting the Academic Board on matters affecting the Board and its committees;
- (40) to exercise all such powers as are or may be conferred on the Council by the Charter, these Statutes, the Ordinances and Regulations and to carry the Charter, these Statutes, the Ordinances and the Regulations into effect;
- (41) to exercise other responsibilities and duties resting with the College under the Statutes, Ordinances and Regulations of the University.

5 Meetings of the Council

- (1) There shall be held in every year at least three meetings of the Council.
- (2) Upon the written request of the Chair of the Council, or of no fewer than five members, the Secretary shall convene a Special Meeting of the

Council. Such requisition shall specify the object of the desired meeting and the Secretary shall within seven days after receipt of such requisition convene a Special Meeting to be held within twenty-eight days of the date of the notice convening the meeting, and shall specify the objects for which the meeting has been called.

- (3) In the absence of the Chair of the Council the Chair shall be taken at any meeting of the Council by the Deputy Chair (if appointed) and in the absence of both the Chair and any Deputy Chair shall be taken by such one of the members present, not being a member of the staff or a student, as those members may elect.
- (4) Twelve or such larger number as the Council may from time to time prescribe shall be a quorum of a meeting of the Council. When necessary the Chair of the meeting may call for a vote to determine any question arising thereat. In the case of an equality of votes the Chair of the meeting shall have a second or casting vote.

6 Constitution of the Academic Board

- (1) The Academic Board shall consist of the following members:

Class 1: ex officio members

- the Warden, who shall take the Chair;
- the holders of the following posts (or the equivalent posts if the names of such posts are subsequently altered by the Council):
 - the Pro-Wardens
 - the President of the Students' Union

Class 2

- Heads of Department
- the Head or Acting Head of each Academic Department or Area as prescribed in the Ordinances

Class 3: elected members other than students

- one member of the Academic Staff elected by the Academic Staff from each Academic Department or Area, in accordance with any relevant provisions of the Ordinances or Standing Orders of the College

Class 4: student members

Not more than three students elected as prescribed by the Ordinances, provided that at no time does student membership exceed one tenth of the total membership of the Academic Board.

Class 5: specified postholders

The holders of up to four specified posts to be designated by the Council for this purpose from time to time.

A person who is eligible for membership of the Academic Board in more than one of the foregoing categories shall be permitted only one seat and there shall be no power to appoint a substitute in any of the categories.

- (2) The Academic Board shall have the power to co-opt up to two appropriately qualified persons for such period as it shall determine, except that such members shall not remain co-opted members for a seventh consecutive year.
- (3) Class 1 and Class 2 members of the Academic Board shall remain members for so long as they hold the relevant office.
- (4) Class 3 members shall hold office according to the Standing Orders of the College, subject to any specific arrangements prescribed for Academic Board by Ordinance.
- (5) Class 4 members shall remain members for a period of one year but shall be eligible for re-election for a further period.
- (6) Elected members of the Academic Board including student members shall cease to be members of the Board if they cease to be eligible in the categories in which they were elected. A student member shall vacate office immediately upon ceasing to be a student.
- (7) Casual vacancies shall be filled in accordance with the provisions of the Standing Orders of the College, subject to any specific arrangements prescribed for Academic Board by Ordinance.

7 Powers of the Academic Board

- (1) The Academic Board shall be the body responsible for the academic work of the College in teaching, in examining and in research, excluding matters relating to the allocation of resources.
- (2) The powers of the Academic Board shall be prescribed by the Ordinances.

8 Meetings of the Academic Board

- (1) The Academic Board shall meet not less than once in each term.
- (2) The quorum for a meeting of Academic Board shall be twenty, or such larger number as the Council may from time to time prescribe.

9 Powers of Chairs

The Chairs of the Council, the Academic Board and all Committees may take action on behalf of those bodies in any matters being in their opinion either urgent or non-contentious. Such action shall be reported to the appropriate body at its next meeting.

10 The Warden

- (1) The Warden shall be responsible to the Council for:
 - (a) promoting the academic policies, activities and standing of the College;
 - (b) managing the affairs of the College;
 - (c) making the necessary arrangements for conducting the business of the College; and
 - (d) promoting and maintaining the efficiency, good order and development of the College.
- (2) The Council shall appoint the Warden.
- (3) The Warden shall hold office for such period and (subject to Statute 16) under such conditions as the Council may determine.
- (4) The Warden may resign by writing addressed to the Council.
- (5) The Warden shall be an *ex officio* member of the Council, the Academic Board, and such other bodies within the College, with the exception of Audit Committee, as may be determined by the normal procedure for approving the composition of the body concerned, and shall be entitled to attend and speak at any meeting of any committee, except a committee set up to consider the appointment of or the termination of the appointment of the Warden.
- (6) Subject to the provisions of the Charter and these Statutes, the Warden may admit as a student anyone having the requisite qualification in accordance with Regulations made by the Council on the advice of the Academic Board from time to time. The Warden may refuse to admit any person as a student without assigning any reason.
- (7) The Warden shall, in accordance with Regulations made by the Council, superintend the education and discipline of the students.
- (8) The Warden may, in accordance with Regulations made by the Council, suspend students from any or all of their studies in the College for reasons of academic insufficiency, breach of discipline or other good reason; and shall ensure that the necessary action is taken forthwith under disciplinary or other appropriate procedures.

- (9) Subject to any directions or limitations imposed by the Council the Warden shall have power to delegate any or all of the powers and duties of the post to such member of the staff, or Committee, of the College as the Warden may think fit.

11 The Pro-Wardens

- (1) There shall be such number of Pro-Wardens not exceeding four as Council shall determine, who shall support the Warden in the exercise of his or her duties.
- (2) Pro-Wardens shall be appointed by Council from among the academic staff of the College, according to appointment procedures defined by Council.
- (3) Council shall determine, on the recommendation of the Warden, the titles and periods of office of individual Pro-Wardens.
- (4) The Warden shall determine the duties of the Pro-Wardens, taking into account any framework set by decisions of Council, and shall ensure that Council is informed of any changes necessitating either a change of title, or any consequential change to documents subject to Council approval.

12 The Deputy Warden

- (1) A Deputy Warden may be appointed by Council from among the Pro-Wardens, according to appointment procedures defined by Council, and he or she shall then, unless Council decides otherwise, hold the office of Deputy Warden until he or she ceases to be Pro-Warden.
- (2) The normal duties of the Deputy Warden shall be determined by the Warden, taking into account any framework set by decisions of Council, or by the Ordinances or General Regulations.

13 The Registrar and Secretary and the Director of Finance

- (1) The Registrar and Secretary and the Director of Finance shall be appointed by the Council after consultation with the Warden and shall hold office for such period and (subject to Statute 16) upon such conditions as the Council may determine. They shall undertake such duties as the Warden may determine and be responsible to the Warden, or in the case of the Director of Finance to the Warden or a person designated by the Warden, for the efficient discharge of these duties.
- (2) The Registrar and Secretary and the Director of Finance may resign by writing addressed to the Council.

14 The Secretary to Council

- (1) The Secretary to Council shall be appointed by the Council after consultation with the Warden and shall hold office for such period and (subject to Statute 16) upon such conditions as the Council may determine.
- (2) The Secretary shall undertake such duties as Council or the Chair of Council may determine, subject to the provisions of any external Code of Practice, approved by Council, which may place obligations on the Secretary to report improper procedure by the Council or its officers to an external body.
- (3) The Secretary may have other duties as a member of staff of the College and will normally be responsible to a person or persons other than the Chair of Council for the discharge of those duties. Where this applies, the appointment as Secretary will terminate at the same time as the staff appointment unless the Council determines otherwise.

15 The Academic Staff and Academic Related Staff

Any member of the Academic and Academic Related Staff may resign by writing addressed to the Registrar and Secretary.

16 Academic Staff

Part I Construction, application and interpretation

Construction

- 1 This Statute and any Ordinances 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 academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges;
 - (b) to enable the College to provide education, promote learning and engage in research efficiently and economically; and
 - (c) to apply the principles of justice and fairness.

Reasonableness of Decisions

- 2 No provision in Part II or Part III shall enable the body or person having the duty to reach a decision under the relevant Part to dismiss any member of the academic staff unless the reason for his or her dismissal may in the circumstances (including the size and administrative resources of the College) reasonably be treated as a sufficient reason for dismissing him or her.

Application

- 3 (1) This Statute shall apply
- (a) to the members of the academic staff of the College as defined in Statute 1;
 - (b) to the members of the academic related staff as defined in Statute 1;
 - (c) to the Registrar and Secretary¹ and the Director of Finance; and
 - (d) to the Warden to the extent and in the manner set out in the Annex to this Statute.
- (2) In this Statute any reference to "academic staff" is a reference to persons to whom this Statute applies.

Interpretation

Meaning of "dismissal"

- 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.

Meaning of "good cause"

- 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 a Tribunal appointed under Part III to be such as to render the person convicted unfit for the execution of the duties

¹ Formerly Secretary and Registrar. For consistency with the other Statutes which have been recently revised, "Registrar and Secretary" has replaced "Secretary and Registrar" throughout Statute 16 (formerly Statute 14). Formal Privy Council approval for this will be obtained when Statute 16 is revised.

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
- (d) physical or mental incapacity established under Part IV

(2) In this paragraph

- (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.

Meaning of "redundancy"

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

Incidental, Supplementary and Transitional Matters

7 (1) In any case of conflict, the provisions of this Statute shall prevail over those of any other Statute and over those of the Ordinances and Regulations and the provisions of any Ordinance made under this Statute shall prevail over those of any other Ordinance:

Provided that Part III of and the Annex to 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.

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

Provided that nothing in this sub-paragraph shall prevent waivers made under section 142 of the Employment Protection (Consolidation) Act 1978 from having effect.

- (3) Nothing in any other Statute or in any Ordinances or Regulations made thereunder shall authorise or require any person to sit as a member of any Committee, Tribunal or body appointed under this Statute or to be present when any such Committee, Tribunal or body is meeting to arrive at its decision or for the purpose of discussing any point of procedure.
- (4) Any reference in this Statute to the University, to the Vice-Chancellor of the University or to Professors and Readers of the University is a reference to the University of London, or to the Vice-Chancellor or Professors and Readers of the University of London as the case may be.
- (5) In this Statute references to numbered Parts, paragraphs, and sub-paragraphs are references to Parts, paragraphs, and Sub-paragraphs so numbered in this Statute.

Part II Redundancy

Purpose of Part II

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

Exclusion from Part II of persons appointed or promoted before 20 November 1987

- 9 (1) Nothing in this Part shall prejudice, alter or affect any rights, powers or duties of the College or apply in relation to a person unless
- (a) his or her appointment is made, or his or her contract of employment is entered into, on or after 20th November 1987; or
- (b) he or she 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.

The Appropriate Body

- 10 (1) The Council shall be the appropriate body for the purposes of this part.
- (2) This paragraph applies where the appropriate body has decided that it is desirable that there should be a reduction in the academic staff
- (a) of the College as a whole; or
 - (b) of any department or other area of the College by way of redundancy.
- 11 (1) Where the appropriate body has reached a decision under paragraph 10(2) it shall appoint a Redundancy Committee to be constituted in accordance with sub-paragraph (3) of this paragraph to give effect to its decision by such date as it may specify and for that purpose
- (a) to select and recommend the requisite members of the academic staff for dismissal by reason of redundancy; and
 - (b) to report their recommendations to the appropriate body.
- (2) The appropriate body shall either approve any selection recommendation made under sub-paragraph (1), 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 Chair; and
 - (b) two members of the Council, not being persons employed by the College; and
 - (c) two members of the academic staff nominated by the Academic Board.

Notices of Intended Dismissal

- 12 (1) Where the appropriate body has approved a selection recommendation made under paragraph 11(1) it may authorise 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 appropriate body.
- (3) Each separate notice shall sufficiently identify the circumstances which have satisfied the appropriate body that the intended dismissal is reasonable and in particular shall include -
 - (a) a summary of the action taken by the appropriate body under this Part;
 - (b) an account of the selection processes used by the Redundancy Committee;
 - (c) a reference to the rights of the person notified to appeal against the notice and to the time within which any such appeal is to be lodged under Part V (Appeals); and
 - (d) a statement as to when the intended dismissal is to take effect.

Part III Discipline, dismissal and removal from office

Disciplinary Procedures

- 13
- (1) Minor faults shall be dealt with informally.
 - (2) Where the matter is more serious but falls short of constituting possible good cause for dismissal the following procedure shall be used:

Stage 1 - Oral Warning

If conduct or performance does not meet acceptable standards the member of the academic staff will normally be given a formal *oral warning*. The member will be advised of the reason for the warning, that it is the first stage of the disciplinary procedure and of the right of appeal under this paragraph. A brief note of the oral warning will be kept but it will be spent after 12 months, subject to satisfactory conduct and performance.

Stage 2 - Written Warning

If the offence is a serious one, or if a further offence occurs, a *written warning* will be given to the member of the academic staff by the Head of Department. This will give details of the complaint, the improvement required and the timescale. It will warn that a complaint may be made to the Registrar and Secretary seeking the institution of charges to be heard by a Tribunal appointed under paragraph 16 if there is no satisfactory improvement and will advise of the right of appeal under this paragraph. A copy of this written warning will be kept by the

Registrar and Secretary but it will be disregarded for disciplinary purposes after 2 years subject to satisfactory conduct and performance.

Stage 3 - Appeals

A member of the academic staff who wishes to appeal against a disciplinary warning shall inform the Registrar and Secretary within two weeks. A Professor nominated by the Warden shall hear all such appeals and his or her decision shall be final.

Preliminary Examination of Serious Disciplinary Matters

- 14
- (1) If there has been no satisfactory improvement following a written warning given under Stage 2 of the procedure in paragraph 13, or in any other case where it is alleged that conduct or performance may constitute good cause for dismissal or removal from office, a complaint seeking the institution of charges to be heard by a Tribunal appointed under paragraph 16 may be made to the Registrar and Secretary who shall bring it to the attention of the Warden.
 - (2) To enable the Warden to deal fairly with any complaint brought to his or her attention under sub-paragraph (1) he or she shall institute such investigations or enquiries (if any) as appear to him or her to be necessary.
 - (3) If it appears to the Warden that a complaint brought to his or her attention under sub-paragraph (1) relates to conduct or performance which does not meet acceptable standards but for which no written warning has been given under paragraph 13 or which relates to a particular alleged infringement of rules, regulations or byelaws for which a standard penalty is normally imposed in the College or within the department or other relevant area, or is trivial or invalid he or she may dismiss it summarily, or decide not to proceed further under this Part.
 - (4) If the Warden does not dispose of a complaint under sub-paragraph (3) he or she shall treat the complaint as disclosing a sufficient reason for proceeding further under this Part and, if he or she sees fit, he or she may suspend the member on full pay pending a final decision.
 - (5) Where the Warden proceeds further under this Part he or she shall write to the member of the academic staff concerned inviting comment in writing.
 - (6) As soon as may be following receipt of the comments (if any) the Warden shall consider the matter in the light of all the material then available and may
 - (a) dismiss it himself or herself; or

- (b) refer it for consideration under paragraph 13; or
 - (c) deal with it informally himself or herself if it appears to the Warden appropriate to do so and if the member of the academic staff agrees in writing that the matter should be dealt with in that way; or
 - (d) direct the Registrar and Secretary to prefer a charge or charges to be considered by a Tribunal to be appointed under paragraph 16.
- (7) If no comment is received within 28 days the Warden may proceed as aforesaid as if the member concerned had denied the substance and validity of the alleged case in its entirety.

Institution of Charges

- 15
- (1) In any case where the Warden has directed that a charge or charges be preferred under paragraph 14 (6) (d), he or she shall request the Council to appoint a Tribunal under paragraph 16 to hear the charge or charges and to determine whether the conduct or performance of the member of the academic staff concerned constitutes good cause for dismissal or otherwise constitutes a serious complaint relating to the member's appointment or employment.
 - (2) Where the Council has been requested to appoint a Tribunal under paragraph 16 the Registrar and Secretary or, if he or she is unable to act, another officer appointed by the Warden shall take charge of the proceedings.
 - (3) The officer in charge of the proceedings shall formulate, or arrange for the formulation of, the charge or charges and shall present, or arrange for the presentation of, the charge or charges before the Tribunal.
 - (4) It shall be the duty of the officer in charge of the proceedings
 - (a) to forward the charge or charges to the Tribunal 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 Tribunal.

The Tribunal

16 A Tribunal appointed by the Council shall comprise:

- (a) a Chair; and
- (b) a member of the Council, not being a person employed by the College; and
- (c) one member of the academic staff nominated by the Academic Board:

provided that in any case where the member of the academic staff concerned is a Professor or Reader of the University, the Tribunal shall include, in addition to the members referred to under sub-paragraphs (b) and (c), two members nominated by the University, not being persons employed by the College.

Provisions concerning Tribunal Procedure

17 (1) The procedure to be followed in respect of the preparation, hearing and determination of charges by a Tribunal shall be that set out in Ordinances made under this paragraph.

(2) Without prejudice to the generality of the foregoing such Ordinances shall ensure -

- (a) that the member of the academic staff concerned is entitled to be represented by another person, whether such person be legally qualified or not, in connection with and at any hearing of charges by a Tribunal;
- (b) that a charge shall not be determined without an oral hearing at which the member of the academic staff concerned and any person appointed by him or her to represent him or her are entitled to be present;
- (c) that the member of the academic staff and any person representing the staff member may call witnesses and may question witnesses upon the evidence on which the case against him or her is based; and
- (d) that full and sufficient provision is made
 - (i) for postponements, adjournments, dismissal of the charge or charges for want of prosecution, remission of the charge or charges to the Warden for further consideration and for the correction of accidental errors; and
 - (ii) for appropriate time limits for each stage (including the hearing) to the intent that any charge

thereunder shall be heard and determined by a Tribunal as expeditiously as reasonably practicable.

Notification of Tribunal Decisions

- 18 (1) A Tribunal 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 and to each party to the proceedings.
- (2) A Tribunal shall draw attention to the period of time within which any appeal should be made by ensuring that a copy of Part V (Appeals) accompanies each copy of its decision sent to a party to the proceedings under this paragraph.

Powers of the Appropriate Officer where charges are upheld by Tribunal

- 19 (1) Where the charge or charges are upheld and the Tribunal finds good cause and recommends dismissal or removal from office, but in no other case, the appropriate officer shall decide whether or not to dismiss the member of the academic staff concerned.
- (2) In any case where the charge or charges are upheld, other than where the appropriate officer has decided under sub-paragraph (1) to dismiss the member of the academic staff concerned, the action available to the appropriate officer (not comprising a greater penalty than that recommended by the Tribunal) may be:
- (a) to discuss the issues raised with the member concerned; or
 - (b) to advise the member concerned about his or her future conduct; or
 - (c) to warn the member concerned; or
 - (d) to suspend the member concerned for such period as the appropriate officer shall think fair and reasonable, not to exceed 3 months after the Tribunal's decision; or
 - (e) any combination of any of the above or such further or other action under the member's contract of employment or terms of appointment as appears fair and reasonable in all the circumstances of the case.
- (3) Where the appropriate officer has decided under paragraph (1) to dismiss a member of the academic staff who is a Professor or Reader of the University, the officer shall inform the Vice-Chancellor of the University so that, subject to the outcome of any appeal made by the member of the academic staff under

Part V, the University may withdraw from the Teacher the status or title of Professor or Reader of the University.

Appropriate Officers

- 20 (1) The Warden shall be the appropriate officer to exercise the powers conferred by paragraph 19 and any reference to the appropriate officer includes a reference to a delegate of that officer.
- (2) Any action taken by the appropriate officer shall be confirmed in writing.

Part IV Removal for incapacity on medical grounds

- 21 (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 references to capability assessed by reference to health or any other physical or mental quality.
- (3) In this Part references to the appropriate officer are references to the Warden or an officer acting as his or her delegate to perform the relevant act.
- (4) References to the member of the academic staff include, in cases where the nature of the alleged disability so requires, a responsible relative or friend in addition to (or instead of) that member.
- 22 (1) Where it appears that the removal of a member of the academic staff on medical grounds would be justified, the appropriate officer:
- (a) shall inform the member accordingly; and
- (b) shall notify the member in writing that it is proposed to make an application to the member's doctor 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 shares that view the College shall meet the reasonable costs of any medical opinion required.
- (3) If the member does not share that view the appropriate officer shall refer the case in confidence, with any supporting medical and other evidence (including any medical evidence submitted by the member), to a Board comprising one person nominated by the Council; one person nominated by the member concerned

or, in default of the latter nomination, by the Academic Board; and a medically qualified Chair jointly agreed by the Council and the member or, in default of agreement, to be nominated by the President of the Royal College of Physicians.

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

Termination of Employment

- 23 If the Board determines that the member shall be required to retire on medical grounds, the appropriate officer shall direct the Registrar and Secretary or his or her delegate to terminate the employment of the member concerned on those medical grounds.

Part V Appeals

Purpose of Part V

- 24 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.

Application and Interpretation of Part V

- 25 (1) This Part applies
 - (a) to appeals against the decisions of the Council as the appropriate body (or of a delegate of that body) to dismiss in the exercise of its powers under Part II;
 - (b) to appeals arising in any proceedings, or out of any decision reached, under Part III other than appeals under paragraph 13 (Appeals against disciplinary warnings);
 - (c) to appeals against dismissal otherwise than in pursuance of Part II or Part III;
 - (d) to appeals against discipline otherwise than in pursuance of Part III; and
 - (e) to appeals against decisions reached under Part IV and "appeal" and "appellant" shall be construed accordingly.
- (2) No appeal shall however lie against
 - (a) a decision of the appropriate body under paragraph 10(2);
 - (b) the findings of fact of a Tribunal under paragraph 18(1) 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 finding by a Board set up under paragraph 22(3).
- (3) In this Part references to "the person appointed" are references to the person appointed by the Council under paragraph 28 to hear and determine the relevant appeal.
- (4) The parties to an appeal shall be the appellant and the Registrar and Secretary and any other person added as a party at the direction of the person appointed.

Institution of Appeals

26 A member of the academic staff shall institute an appeal by serving on the Registrar and Secretary, within the time allowed under paragraph 27, notice in writing setting out the grounds of the appeal.

Time for Appealing and Notices of Appeal

- 27
- (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-paragraph (3).
 - (2) The Registrar and Secretary shall bring any notice of appeal received (and the date when it was served) to the attention of the Council and shall inform the appellant that he or she has done so.
 - (3) Where the notice of appeal was served on the Registrar and Secretary outside the 28 day period the person appointed under paragraph 28 shall not permit the appeal to proceed unless he or she considers that justice and fairness so require in the circumstances of the case.

Persons appointed to hear and determine appeals

- 28
- (1) Where an appeal is instituted under this Part the Council shall appoint a person described in sub-paragraph (2) to hear and determine that appeal.
 - (2) The persons described in this sub-paragraph are persons not employed by the College holding, or having held, judicial office or being barristers or solicitors of at least ten years' standing.
 - (3) Subject to sub-paragraph (5) the person appointed shall sit alone unless he or she considers that justice and fairness will best be served by sitting with two other persons.

- (4) The other persons who may sit with the person appointed shall be
 - (a) a member of the Council not being a person employed by the College; and
 - (b) one member of the academic staff nominated by the Academic Board.

- (5) In the case of an appeal against a decision taken under paragraph 19 to dismiss a member of the academic staff who is a Professor or Reader of the University the person appointed shall sit with:
 - (a) a member of the Council not being a person employed by the College; and
 - (b) a member of the academic staff nominated by the Academic Board; and
 - (c) two persons nominated by the University not being persons employed by the College.

Provisions concerning Appeal Procedures and Powers

- 29
- (1) The procedure to be followed in respect of the preparation, consolidation, hearing and determination of appeals shall be that set out in Ordinances made under this paragraph.
 - (2) Without prejudice to the generality of the foregoing such Ordinances shall ensure
 - (a) that an appellant is entitled to be represented by another person, whether such person be legally qualified or not, in connection with and at any hearing of his or her appeal;
 - (b) that an appeal shall not be determined without an oral hearing at which the appellant, and any person appointed by him or her to represent him or her 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 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 to the Council as the appropriate body (or any issue arising in the course of such an appeal) for further consideration as the person or persons hearing the appeal may direct; or
 - (b) remit an appeal arising under Part III for re-hearing by a differently constituted Tribunal to be appointed under that Part; or
 - (c) remit an appeal from a decision of the appropriate officer under Part IV for further consideration as the person or persons hearing the appeal may direct; or
 - (d) substitute any lesser alternative penalty that would have been open to the appropriate officer following the finding by the Tribunal which heard and pronounced upon the original charge or charges.

Notification of Decisions

- 30 The person appointed shall send the reasoned decision, including any decision reached in exercise of his or her powers under paragraph 29(3)(a), (b) or (c), on any appeal together with any findings of fact different from those come to by the Council as the appropriate body under Part II or by the Tribunal under Part III, as the case may be, to the Warden, to the parties to the appeal and to the Vice-Chancellor of the University in the case of an appeal by a member of the academic staff who is a Professor or Reader of the University.

Part VI Grievance procedures

Purpose of Part VI

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

Application

- 32 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 at the College, not being

matters for which express provision is made elsewhere in this Statute.

Exclusions and Informal Procedures

- 33 (1) If other remedies within the department or other relevant area have been exhausted the member of the academic staff may raise the matter with the Head of the department or other relevant area.
- (2) If the member of the academic staff is dissatisfied with the result of an approach under sub-paragraph (1) or if the grievance directly concerns the Head of the department or other relevant area, the member may apply in writing to the Warden for redress of the grievance.
- (3) If it appears to the Warden that the matter has been finally determined under Part III, IV or V or that the grievance is trivial or invalid, he or she may dismiss it summarily, or take no action upon it. If it so appears to the Warden he or she shall inform the member and the Grievance Committee accordingly.
- (4) 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;
 - (b) a determination under Part IV; or
 - (c) an appeal under Part V
- he or she shall defer action upon it under this Part until the relevant complaint, determination or appeal has been heard or the time for instituting it has passed and he or she shall notify the member and the Grievance Committee accordingly.
- (5) If the Warden does not reject the complaint under sub-paragraph (3) or if he or she does not defer action upon it under sub-paragraph (4) he or she shall decide whether it would be appropriate, having regard to the interests of justice and fairness, for him or her to seek to dispose of it informally. If he or she so decides he or she shall notify the member and proceed accordingly.

Grievance Committee Procedure

- 34 If the Grievance has not been disposed of informally under paragraph 33(5), the Warden shall refer the matter to the Grievance Committee for consideration.

- 35 The Grievance Committee to be appointed by the Council shall comprise:
- (a) a Chair; and
 - (b) a member of the Council not being a person employed by the College; and
 - (c) one member of the academic staff nominated by the Academic Board.

Procedure in connection with determinations: the right to representation

- 36 The procedure in connection with the consideration and determination of grievances shall be determined in Ordinances 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.

Notification of Decisions

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

***Annex (to Statute 16; paragraph 3(1) (d))
Provisions as to the Warden***

- 1 The Council may request the Chair of the Council to remove the Warden from office for good cause in accordance with the procedure described in this Annex.
- (1) A complaint seeking the removal from office of the Warden for good cause may be made by not less than three members of the Council to the Chair of the Council.
 - (2) If it appears to the Chair of the Council, on the material before him or her, that the complaint raises a prima facie case and that this could, if proved, constitute good cause for dismissal or removal from office he or she shall request the Council to appoint a Tribunal to hear and determine the matter.
 - (3) If it appears to the Chair of the Council that a complaint made to him or her under sub-paragraph (1) does not raise a prima facie case or is trivial or invalid, he or she may recommend to the Council that no further action be taken upon it.
 - (4) When the Council has appointed a Tribunal under sub-paragraph (2) it shall instruct a solicitor or other suitable person to formulate a charge or charges and to present, or arrange for the presentation of, the charges before the Tribunal.

- (5) A Tribunal appointed by the Council shall comprise:
 - (a) an independent Chair; and
 - (b) a member of the Council not being a person employed by the College; and
 - (c) one member of the academic staff.
 - (6) Subject to the principles of justice and fairness the Tribunal may determine its own procedure.
 - (7) The Tribunal shall send its reasoned decision on any charge referred to it together with its findings of fact regarding the charge and its recommendations, if any, as to the appropriate penalty to the Chair of the Council and to the Warden drawing attention to the period of time within which any appeal should be made.
 - (8) Persons appointed to hear such an appeal shall be persons independent of the College holding, or having held, judicial office or being barristers or solicitors of at least 10 years' standing and the person so appointed shall, subject to the principles of justice and fairness, determine the procedure to be adopted in hearing the appeal.
 - (9) A person appointed shall send the reasoned decision on the appeal, together with any findings of fact different from those come to by the Tribunal and his or her recommendations, if any, as to the appropriate penalty, to the Warden and to the Chair of the Council.
 - (10) Where a charge or charges have been upheld by the Tribunal and not dismissed on appeal, the Chair of the Council shall decide whether or not to dismiss the Warden.
- 2 Where a complaint is to be referred to a Tribunal under this Statute, the Chair of the Council may suspend the Warden from his or her duties and may exclude the Warden from the precincts of the College or any part thereof without loss of salary.
- 3 "Good cause" in this Annex has the same meaning as in paragraph 5 of this Statute.
- 4 For the purpose of the removal of the Warden for incapacity on medical grounds, Part IV shall have effect subject to the following modifications:-
- (a) for references to a member of the academic staff there shall be substituted references to the Warden;

(b) for any reference to the office of Warden there shall be substituted a reference to the office of Chair of the Council;

(c) for paragraph 23 there shall be substituted:

"23 If the Board determines that the Warden should be required to retire on medical grounds, it shall ask the Chair of the Council as the appropriate officer, to decide whether or not to terminate the appointment of the Warden on those medical grounds."

17 Accounts

The Council shall cause proper books of account to be kept sufficient to give a true and fair view of the affairs and transactions of the College in respect of its income and expenditure and its assets and liabilities.

18 The Auditor

The Council shall appoint an external auditor in accordance with the Companies Acts to report to it at least once in each year. No person shall be appointed or remain auditor who is, or any one of whose partners in business is, a member of the Council or of the staff or a student.

19 Confidentiality

Council may from time to time define levels of confidentiality to be applied to the proceedings of College committees, or to the transaction of the business of the College generally, and in doing so shall have regard to any legal obligations binding on the College in respect of rights of access information by individuals or members of the public.

20 Honorary Degrees and Fellowships

(1) The Council may confer an Honorary Fellowship or Honorary Degree of the College on any person who has rendered exceptional service to the College or attained distinction in business or commerce, the arts, literature, the sciences, other branches of learning, the professions or public life, taking account of any more detailed criteria specified by the College from time to time.

(2) The Council may confer an Honorary Degree of the University of London on any person who meets the criteria specified by University for such a Degree.

(3) The Council may revoke Honorary Fellowships or Honorary Degrees of the College in such cases as may be appropriate.

21 General Saving

No act proceeding or resolution of the Council or of the Academic Board or of any committee appointed by the Council or by the Academic Board shall be invalidated or questioned by reason of the existence of any vacancy in its membership or by reason of the accidental omission to give any member notice of a meeting or of the non-receipt by any member of that notice.

22 The Seal

The Council shall provide for the safe custody of the Seal which shall only be used by the authority of the Council, and every instrument to which the Seal shall be affixed shall be signed by a member of the Council and shall be countersigned by the Registrar and Secretary or by some other person appointed by the Council for the purpose.