



NEW COLLEGE  
OXFORD

POLICY DOCUMENT  
*New College Statues*

**STATUTES MADE FOR THE COLLEGE OF SAINT MARY OF WINCHESTER IN OXFORD,  
COMMONLY CALLED NEW COLLEGE,  
IN PURSUANCE OF THE UNIVERSITIES OF OXFORD AND CAMBRIDGE ACT 1923.**

**PREAMBLE**

This College was founded by William of Wykeham, Bishop of Winchester, under a Charter of Richard the Second, dated 30th June 1379, and a Deed of Foundation dated 26th November 1379, for objects set out in the Preamble of the Founder's Statutes as follows:

'In nomine sanctae et individuae Trinitatis, Patris, et Filii, et Spiritus Sancti, necnon Beatissimae Mariae Virginis gloriosae omniumque Sanctorum Dei; Nos Willelmus de Wykeham, permissione divina Wintoniensis Episcopus, de summi rerum opificis bonitate confisi, qui vota cunctorum in eo fidentium cognoscit, dirigit et disponit, de bonis fortunae, quae nobis in hac vita de suae plenitudinis gratia tribuit abundanter, duo perpetua Collegia, unum videlicet Collegium perpetuum pauperum et indigentium scholarium clericorum in studio Universitatis Oxoniae Lincolniensis dioeceseos in diversis scientiis et facultatibus studere ac proficere debentium, *Saint Mary College of Winchester in Oxenford* vulgariter nuncupatum; et quoddam aliud Collegium perpetuum aliorum pauperum et indigentium scholarium clericorum grammaticam addiscere debentium prope civitatem Wintoniae, *Saint Mary College of Winchester* similiter nuncupatum, ad laudem gloriam et honorem nominis Crucifixi ac gloriosissimae Mariae matris ejus, sustentationem et exaltationem fidei Christianae, Ecclesiae Sanctae profectum divini cultus liberaliumque artium scientiarum et facultatum augmentum auctoritate Apostolica et Regia, ordinavimus instituimus fundavimus et stabilivimus, prout in Chartis et literis nostris patentibus super ordinationibus, institutionibus, ac foundationibus Collegiorum ipsorum confectis plenius continetur.'

**Translated as:**

In the name of the Holy and indivisible Trinity, the Father, Son, and Holy Spirit, and also of the blessed and glorious Virgin Mary, and of all the Saints of God, we, William of Wykeham, by divine permission Bishop of Winchester, trusting in the goodness of the Creator of all things who knows, guides and directs the prayers of all the faithful. From the blessings of fortune which He has abundantly accorded to us during our life by the fullness of His grace, [we] by Papal and Royal authority have provided for, instituted, founded and established in perpetuity two Colleges, namely: one College known commonly as St. Mary's College of Winchester in Oxford, consisting in perpetuity of poor and indigent Scholar-Clerks<sup>1</sup> with a duty to study and advance in various branches of knowledge and learning at the University of Oxford in the diocese of Lincoln, and a certain other College, near the city of Winchester, similarly known as St Mary's College in Winchester, consisting in perpetuity of poor and indigent Scholar-Clerks with a duty to acquire a knowledge of grammar<sup>2</sup>.

[These colleges have been established] to the praise, glory, and honour of the name of [Jesus Christ] the Crucified, and of His most glorious mother Mary, for the sustenance and exaltation of the Christian faith, the advancement of the Holy Church, the increase of divine worship and of the growth of the Liberal Arts, Sciences and branches of learning, as is more fully set out in the Charters and in our Letters Patent concerning the governance, institution and foundation of the Colleges themselves.

<sup>1</sup> Scholar-Clerks in this context were young men receiving formal academic training to become learned priests, primarily with the aim of improving pastoral care. A secondary consequence of the availability of higher degrees in Civil and Canon Law was that such an education could offer excellent employment opportunities in the government and administration of church and state.

<sup>2</sup> That is, Latin language and grammar, Latin being the universal language of secular and ecclesiastical administration and of academic learning.

## **I. CONSTITUTION AND GOVERNANCE**

The College of St Mary of Winchester in Oxford, commonly called New College in Oxford, shall consist of a Warden and such classes of Fellows as are in these Statutes provided. The College is a charitable foundation for the promotion of learning and education. It is governed by a Governing Body which is chaired by the Warden and assisted by committees established under the By-laws; the powers, duties and procedures of Governing Body and its committees are those set out in these Statutes and the By-laws associated with them. The Governing Body is composed of the Warden and Official Fellows.

## **II. THE WARDEN**

1. The Warden shall be a person of distinction. The Official Fellows shall elect, or in case of lapse the Visitor shall appoint, to the office of Warden the person being duly qualified for the office as aforesaid who in their or his<sup>3</sup> judgement shall be most fit to be Warden of the College as a place of religion learning and education.
2. The Warden shall be elected by a majority at a meeting attended by more than half of the Official Fellows. The meeting for the election shall take place within twelve calendar months from the day of the occurrence of a vacancy in the office, unless such vacancy shall occur between the thirtieth day of June and the first day of September, in which case the meeting may be on any day not later than the fourteenth day of October next following. Where the vacancy is anticipated to arise on the retirement of the Warden at the age of 67 or on reaching the end of a fixed term, the Fellows may make a binding election of an individual who would become Warden immediately on the occurrence of the anticipated vacancy, subject to any such election not taking place more than 18 months ahead of the anticipated retirement and subject to the conditions set out in the rest of this clause concerning notification of and voting at an election meeting. Notice of the day and hour appointed for the meeting shall be sent to every Fellow at his usual place of address at least twenty-one days before the day of the meeting. Whenever a Warden shall not have been elected on or before the second day after the day appointed for the meeting, the appointment of a Warden shall for that turn lapse to the Visitor.
3. As soon as possible after the election of a Warden, one of the Fellows to be deputed for that purpose by the majority of the Fellows present at the election deliver to the Visitor a letter under the College Seal stating the result of the election.
4. The Warden shall at the first Stated General Meeting after he shall have become Warden make such declaration as shall be prescribed by the By-laws of the College in force for the time being. A memorandum of such declaration and of the place and date of the making thereof and a duplicate of the letter to the Visitor shall be kept among the muniments of the College.
5. The Warden shall have pre-eminence and authority over all the Members of the College and all persons thereunto belonging, shall superintend the discipline and education of the College, and cause all the Members of the College and persons thereunto belonging to perform the duties of their respective offices or positions. All other Members of the College

<sup>3</sup> Any use of a gender-specific pronoun in this document should be read as gender-neutral.

and persons thereunto belonging shall obey the orders of the Warden, being lawful and consistent with the Statutes and By-laws of the College, in all matters relating to the discipline and education of the College and the observance of the Statutes and By-laws thereof. The Warden may also, if he shall think fit, take part in the teaching of the Scholars or other persons receiving education in the College, but shall not be bound to do so. The Warden shall also superintend the management of the property of the College, and may act in reference to such management according to his discretion, subject to the Statutes and By-laws of the College in force for the time being.

6. The Warden shall reside in the College at least on weekdays during Full Term: provided that in case of the Warden's sickness, or for the purpose of study, or for any other sufficient cause, the Visitor may dispense with the Warden's residence for such a period as may seem to the Visitor to be required.

7. During the period of a vacancy in the office of Warden, and during the sickness or absence of the Warden, the Sub-Warden, or (in the absence of the Sub-Warden) the most Senior Fellow who is also an Officer of the College or (in the absence of any such Officer) the Senior Fellow shall, so far as may be necessary, exercise and perform all the functions and duties and have all the powers of the Warden. Where such vacancy or absence is prolonged or foreseen to be prolonged, and the Sub-Warden is unwilling or unable to act in place of the Warden, the Fellows may elect by a simple majority at a Stated General Meeting one of their number as Acting-Warden; and he shall exercise and perform all the functions and duties and have all the powers of the Warden.

8. There shall be paid to the Warden out of the general revenues of the College a stipend which shall be paid monthly in arrears; and, in addition to the above stipend, the Warden shall have the use, rent free, of the present Warden's Lodgings, with the coach-house stables garden and appurtenances thereto belonging: Provided that the Warden may by agreement with the College approved at a Stated General Meeting waive for his term of office or for any lesser period his right to the use of any part of the said premises on such terms as may be arranged. The Warden shall also be entitled to be paid by the College all expenses attending journeys taken by him in his capacity of Warden. Governing Body may also from time to time by a resolution of a Stated General Meeting assign to the Warden for such period as the resolution shall specify an allowance to meet the expenses incurred in performing the duties of the office of Warden.

9. If and so long as the Warden shall hold any paid Office in the University the stipend of the Warden shall be reduced to such a sum as Governing Body shall think fit. The Warden shall not hold a Fellowship other than an Honorary Fellowship in any other College in the University.

10. Subject to the procedures for deprivation contained in Statute XVII and the provisions for resignation contained in this Statute, the Warden holds office until the first day of September immediately following his sixty- seventh birthday or until the expiry of his fixed-term period of election.

11. The Warden may at any time give notice at a Stated General Meeting that he resigns the office of Warden as from a date not less than six calendar months after the day on which the Stated General Meeting is held, and it shall be the duty of the Sub-Warden to inform the Visitor of such resignation.

### III. THE FELLOWS

I. There shall be the following classes of Fellowships:

- a. Official Fellowships
- b. Senior and Junior Research Fellowships
- c. Junior Fellowships
- d. Emeritus Fellowships
- e. Honorary Fellowships
- f. Wykeham Fellowships.

2. Official Fellowships, as elected at any Stated General Meeting, are held by Professorial Fellows, Tutorial Fellows, Supernumerary Fellows, and by such others elected by Governing Body in respect of their holding a post in the administration of the College. The Bursar and the Dean of Divinity hold Official Fellowships *ex officio*. All Fellows holding Official Fellowships are Members of Governing Body; and all references to Fellows in these Statutes or in the By-laws associated with them implying membership of Governing Body shall be understood to be to Official Fellows alone.

3. The number of Fellows of all classes shall be determined by Governing Body according to By-laws, save that the number of Tutorial Fellows shall never be less than the one-half of the number of all Official Fellows, plus one.

4. Professorial Fellowships shall be annexed to the following Professorships in the University:

- (1) The Savilian Professorship of Geometry
- (2) The Savilian Professorship of Astronomy
- (3) The Wykeham Professorship of Logic
- (4) The Wykeham Professorship of Ancient History
- (5) The Wykeham Professorship of Physics
- (6) The Professorship of Russian
- (7) The Goldsmiths' Professorship of English Literature and to such other Professorships as shall be allocated to the College by the University.

Every Professor to whose Professorship a Fellowship shall be annexed shall be admitted as an Official Fellow as soon as possible after his appointment to his Professorship.

5. Governing Body may, by a majority of those present and voting, elect to an additional Professorial Fellowship any person who holds a Professorship or Readership in the University to which no Fellowship at any College in the University is annexed or who holds an office in the University which qualifies the holder to election to a Professorial Fellowship.

6. Professorial Fellowships shall not be salaried but may be eligible for certain allowances.

7. Professorial Fellows hold their Fellowships as long as they hold the Professorship, Readership or other office in respect of which they were elected, and no longer.

8. The foregoing provisions for the establishment of Professorial Fellowships shall be subject to the condition that, whenever the election of a Professor holding a Chair to which a Fellowship is annexed by these Statutes is vested in an electoral Board constituted by a University Statute, the Warden or a person nominated to be an Elector by Governing Body shall be a member of the Board.

9. Governing Body may, by a majority of those present and voting, elect to a Tutorial Fellowship any suitably qualified person whose services in instruction are required by the College. No such election may be made except on the recommendation of a Selection Committee as prescribed in the By-laws.
10. A Tutorial Fellow may be elected for an indefinite term, or for a fixed term of years. Where a Tutorial Fellow is elected in conjunction with a post in the University, the Tutorial Fellowship normally terminates when the post in the University terminates.
11. Governing Body may, by a majority of those present and voting, elect as a Supernumerary Fellow for an indefinite term, or for a fixed term of years, any suitably qualified person whom the College desires to associate with its work as a place of learning and education.
12. Governing Body may, by a majority of those present and voting, elect to a Senior Research Fellowship any person not eligible for election to a Junior Research Fellowship who shall appear to them qualified to pursue some definite piece of research or to engage in advanced study.
13. Supernumerary Fellows and Senior Research Fellows hold their Fellowships upon terms determined by Governing Body at the time of election.
14. Governing Body may elect persons holding a post in the administration of the College to an Official Fellowship. Fellows elected under this clause hold their Fellowship so long as they hold the post in virtue of which they were elected, and no longer.
15. The stipends and allowances of Official Fellows shall be determined by a Stated General Meeting, and according to the By-laws.
16. Official Fellows vacate their Fellowships on ceasing to hold the qualification in virtue of which they were last elected.
17. Governing Body may, by a majority of those present and voting, elect to a Junior Research Fellowship any person qualified to pursue research to the highest standards and at an early stage of her or his career. No such election shall take place except on the recommendation of a committee constituted for the purpose according to the By-laws.
18. The tenure, stipends, and allowances of Junior Research Fellows shall be determined by Governing Body. Junior Research Fellows are not members of Governing Body.
19. Governing Body may, by the votes of not less than two-thirds of those present and voting on the question, elect to an Emeritus Fellowship any person who, having held an Official Fellowship in the College, has vacated such Fellowship after not less than twenty years' service in the College (whether as Fellow or otherwise), or on retirement under the provisions of any University Statute or Decree or of these Statutes. Emeritus Fellowships shall not be stipendiary.
20. Official Fellows shall be admitted as soon as possible after the date prescribed at election for the commencement of their Fellowships; all Fellows shall on admission at a meeting of Governing Body make such declarations as shall be prescribed by the By-laws of the College.
21. All Fellows other than Honorary and Wykeham Fellows shall take the degrees of Bachelor and Master of Arts, or if not qualified to take those degrees such other degree in the University,

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if any, as they are qualified to take, as soon as the Statutes of the University permit; provided that Governing Body may for urgent cause allow a Fellow to postpone taking a degree for such period as it may think fit.

22. No Fellowship shall be tenable with a Headship or Fellowship other than an Honorary or Emeritus Fellowship in any other College or Hall in the University.

23. The dismissal of any Official Fellow performing paid academic duties within the College is subject to the provisions of Statute XVII.

24. Governing Body may at the June Stated General Meeting elect by the votes of not less than two-thirds of those present and voting on the question distinguished persons to Honorary Fellowships in the College. Honorary Fellows shall not be entitled to vote on any occasion as Fellows, or to receive any emolument whatever, but shall be entitled to enjoy such other privileges and advantages as Governing Body shall from time to time determine. The eligibility to and tenure of Honorary Fellowships may be determined by Governing Body from time to time.

25. Fellows shall rank and take precedence in the College according to the dates prescribed at their election for the commencement of their Fellowships, and their emoluments, if Official Fellows, shall begin to accrue from the same dates: Provided that Professorial Fellows shall take rank according to the dates of their appointment to their Professorships, and that Governing Body shall determine the relative precedence of any two or more Fellows elected on the same day. Fellows re-elected whether to a Fellowship of the same or of a different class not more than one year after the end of their previous term shall take rank according to their original precedence; Honorary Fellows shall take precedence of all other Fellows except the Sub-Warden and shall, if no special precedence be assigned at the time of election, take rank amongst themselves according to the date of their election as Honorary Fellows.

#### **IV. THE SCHOLARS, HONORARY SENIOR SCHOLARS, AND EXHIBITIONERS**

1. The College shall elect, according to the By-laws hereunto annexed, as many Scholars and Exhibitioners as are qualified for election.

2. Elected Scholars shall be admitted by the Warden during Michaelmas Term of each year.

3. The emoluments of Scholars and Exhibitioners shall be determined by Governing Body from time to time.

4. The College may elect to Honorary Senior Scholarships, and according to the By-laws hereunto annexed, students of the College who have gained First Class Honours in a School of the University and have returned to pursue graduate studies.

#### **V. DIVINE SERVICE**

Governing Body may, at any Stated General Meeting, from time to time make and vary regulations for the daily performance of Divine Service according to the liturgy of the Church of England in the Chapel of the College during full Term and at such other times as they shall appoint, but the Visitor may disallow and annul any such regulations.

## **VI. THE CHOIR**

For the celebration of Divine Service in College there shall be maintained by the College an Organist, and such a number of Chaplains in Holy Orders, Academical or Lay Clerks and Choristers as shall from time to time be determined by Governing Body at any Stated General Meeting. Governing Body may at any Stated General Meeting appoint a Precentor for such period as it shall think fit. The appointment, removal, remuneration and duties of the Chaplains, Academical or Lay Clerks and Choristers, and of the Precentor, if any, shall be regulated by By-laws to be made by Governing Body at any Stated General Meeting.

## **VII. OFFICERS**

The Officers of the College shall be a Sub-Warden, who shall always be an Official Fellow of the College, a Bursar, and such other Officers if any as Governing Body shall from time to time at any Stated General Meeting consider necessary for the management and business of the College; and more than one office may be held by the same person. Such Officers may receive such reasonable stipends as Governing Body shall at any Stated General Meeting determine.

## **VIII. MEETINGS**

The Warden may at any time summon a meeting of Governing Body and shall do so at any time on the requisition of at least six of the Official Fellows. There shall be one Stated General Meeting at least of Governing Body in every Full Term, on such days as Governing Body shall from time to time appoint. No business shall be transacted at any Stated General Meeting unless at least one half of the Official Fellows are present at the commencement of the Meeting. Any Stated General Meeting may be adjourned by resolution of the Meeting, to a day to be specified in the resolution. At all Meetings of Governing Body, or of the Fellows in the absence of the Warden or during a vacancy in the Wardenship, the Warden or (in the Warden's absence or during a vacancy in the Wardenship and if no fellow has been elected to serve as Acting-Warden) the Sub-Warden, or (in the absence of both the Warden and Sub-Warden and Acting-Warden, if any,) the most Senior Fellow present who is also an Officer of the College, or (in the absence of all the Officers) the Senior Fellow present shall preside. Whenever the votes shall be equal, the Warden or Sub-Warden or other presiding Fellow shall have an additional or casting vote. Subject to the foregoing provisions, and except in cases in which the concurrence of any specified proportion of Governing Body is by these Statutes made requisite, every question arising at any meeting, of Governing Body, or at any meeting of the Fellows in the absence of the Warden or during a vacancy in the Wardenship, shall be determined by a majority of the votes of those present and voting upon the question.

## **IX. BY-LAWS**

Governing Body may from time to time at any Stated General Meeting make such By-laws, not being inconsistent with any Statutes of the College in force for the time being, and may rescind and alter such By-laws, as they may think fit, respecting the manner of the election of the Warden, Sub-Warden, College Officers, Fellows and Scholars, the undertaking, if any, required to be given by any Fellow or Scholar or candidate for a Fellowship or Scholarship, the Declaration to be made by any person on election or admission to any office or place in the College and by the Electors to any such office or place, the residence, discipline and duties of the Scholars and other members of the College *in statu pupillari*, the appointment, removal, remuneration and

duties of Officers, Tutors and Lecturers of the College, the attendance of members of Governing Body at Stated General and other Meetings, the proceedings at such Meetings, the business to be transacted thereat, the notice to be given before holding any meeting or bringing forward any question and the mode of giving such notice, the management and supervision of the property of the College, the repairs of the College buildings, the keeping and auditing of the accounts of the revenue and expenditure of the College, the distribution of rooms in the College, the use of the Hall and other Common Rooms or buildings of the College, the discipline and domestic management of the College, and any other matters which Governing Body shall think proper to be regulated by By-laws, and the penalties to be inflicted for disobedience to such By-laws, which penalties may include the forfeiture of any part of the emoluments of any Fellowship, Scholarship, Exhibition or Office within the College, as the case may be. The existing By-laws respecting the matters specified in this clause or any of them shall have the force of, and may be rescinded or altered in the same manner as, By-laws made under these statutes: Provided that no Official Fellow shall be removed from office except by a vote of Governing Body and according to the provisions of Statute XVII.

## **X. COMMON SEALS AND MUNIMENTS**

1. The Common Seals of the College shall be kept in the Muniment Room or other place of safety, and shall not be affixed to any document except by the authority of a Stated General Meeting, or of a Meeting of Governing Body or of the Fellows during a vacancy in the Wardenship specially summoned with not less than a week's notice, and in the presence of the Warden or Sub-Warden and at least two of the Fellows. Every document to which the Greater Common Seal shall be affixed, together with the names of at least two Fellows present at the sealing thereof, shall be transcribed in a Register to be kept for that purpose.
2. All deeds and muniments books papers and documents whatsoever of importance relating to the affairs rights or property of the College, and all copies thereof or extracts therefrom belonging to the College, and likewise copies of the Statutes and By-laws of the College in force for the time being shall be kept in the Muniment Room, or other place of safety.

## **XI. PENSION SCHEME**

The rights of academic and non-academic employees to join or leave the pension schemes with which the College is associated shall be such as the College is by law required to recognise, and the College's regulations for College employees shall be governed by the By-laws hereunto annexed.

## **XII. FORM OF ACCOUNTS**

1. The College shall maintain accurate and detailed accounts of income and expenditure adequate to manage the affairs of the College in an efficient and economical fashion, and to present an intelligible account of the College's affairs.
2. These accounts shall be maintained and published in the form prescribed by law and by the University Statutes made under the powers of the Universities of Oxford and Cambridge Act, 1923. They shall be audited and published in the manner prescribed by those Statutes.
3. Governing Body shall on or before a date prescribed under the aforesaid Statutes furnish to the University such information as may be required for determining the amount to

be paid by the College as a contribution for University purposes under any Statute made or to be made under the powers of the Universities of Oxford and Cambridge Act, 1923.

### **XIII. THE VISITOR**

1. The Visitor of the College shall be the Lord Bishop of Winchester for the time being.
2. Governing Body shall each year lay before the Visitor the Accounts of the College and shall also furnish to the Visitor such additional information if any as he shall require for enabling him to form a judgement of the means and requirements and general state and condition of the College.
3. It shall be lawful for the Visitor in person or by his Commissary or Commissaries duly appointed once in every ten years (or oftener if and whenever he shall deem it expedient for enforcing the due observance of the Statutes in force for the time being to do so), without any request or application by the College or any of its Members to visit the College and to exercise at such visitation all the powers which are by law incident to the office of Visitor of a College. Governing Body shall as often as they shall be required to do so answer in writing touching any matter as to which the Visitor may deem it expedient to inquire for the purpose of satisfying himself whether the Statutes in force for the time being are duly observed. All expenses incurred by the Visitor in holding a Visitation shall be defrayed out of the general revenues of the College.
4. As often as any question shall arise on which 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 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.
5. It shall be lawful for the Warden or for any Fellow if he shall conceive himself aggrieved by any act or decision of Governing Body 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 the act or decision, and to reverse or vary the sentence appealed against as he shall deem just.
6. It shall be lawful for the Visitor, either of his own accord or on the complaint of the Warden or of any of the Fellows, to disallow or annul any By-law or resolution of Governing Body, which shall, in the Visitor's judgement, be repugnant to any of the Statutes of the College in force for the time being.
7. In accordance with the provisions of Section 46 of the Higher Education Act 2004, nothing in these Statutes shall enable or require the Visitor
  - (a) to hear any appeal or determine any dispute relating to a member of the academic staff to whom Statute XVII applies which concerns the member's appointment or employment or the termination of that appointment or employment; or
  - (b) to disallow or annul any By-Law made under or having effect for the purposes of Statute XVII.

### **XIV. PROVISIONS RELATIVE TO THE UNIVERSITY**

1. If at any time it shall appear to the Council 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 be prejudicially affected, is not duly observed, Council 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 Governing Body make such order therein as he shall deem just for enforcing the due observance of the Statutes in the matter to which the representation shall relate.
2. The application of the revenues of the College to the purposes envisaged by these Statutes shall be subject to any Statute or Statutes made 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, and to the payment of the charges imposed thereby.

## **XV. INVESTMENT & EXPENDITURE**

1. This Statute shall apply to all funds and endowments of the College which are not held on any explicitly contrary specific trust.
2. The funds to which this Statute applies may (subject as hereinafter provided) be invested by Governing Body upon or in such securities shares stocks funds or other investments (including land) in any part of the world and whether involving liability or not as Governing Body shall in its absolute discretion think fit so that Governing Body shall be powered to invest and transpose the investments of such funds in the same unrestricted manner as if it was the beneficial owner thereof.
3. Governing Body may appropriate for expenditure for the purposes of the College so much of the fair value of the particular fund or funds to which this Statute applies as is prudent in all the circumstances having regard to the total return achieved and reasonably to be expected in the long term from those funds.
4. In the interpretation of Clause 3 above, '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 or liquidation sale; and 'total return' means return in terms of both income, whether received or accrued, and capital appreciation, whether realised or unrealised.

## **XVI. DELEGATION OF INVESTMENT MANAGEMENT**

1. The College may from time to time appoint a suitably qualified person as Investment Manager 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 he shows to the satisfaction of the College that:

(a) he (or, in the case of a subsidiary company whose obligations under the relevant term of appointment will be guaranteed by the parent company, that parent company) has at least 15 years' experience in the City of London (or other appropriate financial centre) of investment business; and (b) he is entitled to carry on investment business in accordance with the Financial Services Act 1986 (or other relevant legislation replacing or amending that Act).

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 discretion (but always in accordance with this Statute and the terms of his 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;

(b) require the Investment Manager to comply with the terms of this 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);

(c) prohibit the Investment Manager from sub-delegating or assigning his appointment;

(d) specify the amount and/or method of calculation of the Investment Manager's remuneration;

(e) entitle the College to terminate the appointment at any time on reasonable notice;

(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 24 months on any one occasion (but subject, if so specified, to renewal from time to time by mutual agreement);

(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 to satisfy itself when making any such appointment that its terms are in accordance with best practice at the relevant time. In particular (to ensure that the College always has adequate information as to and appropriate control over the investments and 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 and in person to the Endowment Committee, which will subsequently report to a College Meeting, or a Stated General Meeting 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;

(b) to report to the Bursar at once on any significant change since the last such review and report on any matter which may in his view require early attention by the College;

(c) to report to the Bursar on every transaction within one month 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 Statute X, Common Seals and Muniments.

## **XVII. ACADEMIC STAFF**

PART 1. CONSTRUCTION APPLICATION AND INTERPRETATION

1. This Statute and any By-Law 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 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 as 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 the 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 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, 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 the 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 of this Statute 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 involved in the matter in question, the Governing Body may appoint an alternate to act in his 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 the 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 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 shall prejudice, alter or affect any rights, powers or duties of the College or apply in relation to a person unless

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

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

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 clause 1; or

(b) it shall appoint a Redundancy Committee to be constitute 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), or shall remit it to the Redundancy Committee for further consideration in accordance with its further directions.

(3) A Redundancy Committee appointed by the Governing Body shall comprise

(a) a Chairman; and

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

(c) two members chosen from amongst 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 he has been afforded a reasonable opportunity to make representations to the Governing Body.

12. (1) Where the Governing Body has made a selection or has approved a selection recommended by a Redundancy Committee 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 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 his attention under sub-clause (1) of this Clause, he shall institute such enquiries (if any) as appear to him 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, he shall write to the person concerned inviting comment in writing and, if he considers that the College might otherwise suffer significant harm,

may, at this stage or 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 his duties without loss of pay.

(4) As soon as may be following 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 material 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, he 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 his 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 his duties without loss of pay.

16. (1) An Academic Disciplinary Committee shall consist of three persons selected by the Governing Body from a panel of twelve persons appointed annually by the Governing Body. The members of the panel shall be members of the Governing Body, Honorary Fellows or Emeritus Fellows of the College.

(2) In selecting members of the panel 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 charges 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 a list of all witnesses the College proposes to call, with statements containing the evidence they are expected to give; 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 him are entitled to be present;
- (c) that witnesses may be called, both on behalf of the person charged and by 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 him 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 part 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 he decides to accept the Academic Disciplinary Committee's recommendations he may forthwith dismiss that person.

(2) In any case 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 issue raised with the person concerned; or
- (b) to advise the person concerned about his 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 and provided also 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) to take such further or other action under the person's contract of employment or terms of appointment as appears fair and reasonable in all the circumstances of the case; or
- (f) any combination of the above.

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

(2) Any action taken by the Warden or his 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 references 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 he may appoint a delegate to act on his 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 the 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; and

(b) may, if the member agrees or if the Warden considers that the College might otherwise suffer significant harm 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 he 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 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 College of Physicians.

(4) The procedure to be followed in respect of the preparation, hearing, and determination of a case by a 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 of 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 him 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. 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.

#### 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 the decisions 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 Clause 19 (1) of this Statute 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 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 he has done so.

(3) Where the notice of appeal is served on the Warden outside the 28 day period the person appointed under Clause 29 shall not permit the appeal to proceed unless he 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 he 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 members of the Governing Body to whom this Statute does not apply, Honorary Fellows and Emeritus Fellows; and

(b) one member chosen from amongst 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 his appeal;

(b) that an appeal shall not be determined without an oral hearing at which the appellant and any person appointed by him to represent him 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 reconsideration 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 reconsideration 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, including any decision reached in exercise of his 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 appointed 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

(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 he 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 shall notify the member accordingly.

(4) If the Warden does not reject the complaint under sub-clause (2) of this Clause or if he does not defer action upon it under sub-clause (3) of this Clause he shall decide whether it would be appropriate, having regard to the interests of justice and fairness, for him to seek to dispose of it informally. If he so decides he 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-founded and if it is well-founded 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 nine 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 members of the Governing Body to whom this Statute does not apply, Honorary Fellows and Emeritus Fellows; and
- (c) one member chosen from amongst 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 his 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 of this Statute, the Sub-Warden may, if he considers that the College might otherwise suffer significant harm,

suspend the Warden from his 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 his 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.

## **XVIII. EXECUTION OF CONTRACTS**

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 parole only, and not reduced into writing, may be made by parole 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.

## **XIX. INTERPRETATION**

In these Statutes the words 'The University' mean the University of Oxford and whenever the word 'Fellow' is used in such a way as to imply membership of Governing Body, it means Official Fellow.

## **XX. REPEAL OR AMENDMENT**

The existing Statutes of the College and all Amendments of the said Statutes heretofore made are hereby repealed; but this repeal shall not revive any Statute Ordinance Enactment Provision Restriction or Requirement expressly or by implication repealed or abrogated by the said repealed Statutes and Amendments or any of them; and shall not affect anything already done or any right or interest already acquired under the said repealed Statutes or Amendments or any of them, or the conditions of tenure of any emolument held by virtue of such a right or interest.

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