

RVC

STATUTES

REVISED

NOVEMBER 2007



At the Council Chamber, Whitehall

THE 14th DAY OF NOVEMBER 2007

BY THE LORDS OF HER MAJESTY'S MOST HONOURABLE
PRIVY COUNCIL

The Royal Veterinary College has duly made amended Statutes as set out in the Schedule to this Order.

The amended Statutes have been submitted to the Privy Council for approval.

Accordingly, Their Lordships, having taken the amended Statutes into consideration, are pleased to approve them, as set out in the Schedule to this Order.

Judith Simpson

SCHEDULE

AMENDED STATUTES OF THE ROYAL VETERINARY COLLEGE REFERRED TO IN THE
FOREGOING ORDER

Interpretation

1. These Statutes shall be read with the Charter of the College and words and expressions used in the Charter shall, if not inconsistent with the subject or context, bear the same meaning herein.
2. Unless the contrary appears from the context:

- (a) Words importing the singular number only shall include the plural number and *vice versa* and words importing the masculine gender only shall include the feminine and *vice versa* and words importing persons shall include corporations.
- (b) Headings are inserted for convenience only and shall not affect the meaning or construction of these Statutes.
- (c) References to a particular law shall be construed as references to that law as it is in force at the relevant time taking account of any amendment, re-enactment or extension and shall include any subordinate legislation for the time being in force made under it.

Membership of the Council

3. The Council shall consist of the following members subject to there being a maximum number of eighteen members of whom independent members (being members who are neither staff nor students of the College and are otherwise independent of the College) shall form the majority:
- (a) up to eleven independent members, appointed by the Council;
 - (b) the Principal, *ex officio*;
 - (c) up to three senior academics of Vice-Principal status or equivalent, appointed by the Council, *ex officio*;
 - (d) two members of the Academic Board of the College, appointed by the Academic Board;

- (e) One student, appointed by the Council, normally the President of the Students' Union Society, who shall normally hold office for a term of one year.
4. (a) All independent members of the Council and all Academic Board members shall hold office for four years or for such shorter period as the Council may determine at the time of the appointment.
- (b) Retiring members, apart from the student member, shall be eligible for reappointment up to a maximum of two terms of four years in total following which after one year a member may be re-appointed for one further term of four years.
5. A Member of the Council who is adjudicated bankrupt or who is or may be suffering from mental disorder and either (a) is admitted to hospital for treatment under the Mental Health Act 1983 or (b) is the subject of an order made by any competent court for his or her detention or for the appointment of a receiver or other person to exercise powers with respect to his or her property or affairs or who refuses or is unfit or incapacitated to act, or who communicates in writing to the Council his wish to resign or who is absent from all Meetings during a period of one year without good cause shall thereupon cease to be a Member of the Council.
6. If any Member of the Council shall cease to hold office because of his death or for any of the reasons specified in paragraph 5 hereof, the person appointed to take his place shall hold office only for the remaining period during which his predecessor would have held office had he not ceased to be a Member, but shall be eligible for re-appointment in accordance with Statute 4(b).
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Meetings of the Council and Committees thereof

7. There shall be held in every academic year of the College not fewer than three meetings of the Council to be called Ordinary Meetings.
8. Upon the written requisition of the Chairman of the Council or of not less than five members of the Council the Secretary to the Council shall convene a Special Meeting of the Council. Such requisition shall specify the object of the desired Meeting and the Secretary shall within 28 days after receipt of such requisition convene a Special Meeting to be held within 28 days of the date of the notice convening the meeting for the purpose specified in the requisition.
9.
 - (a) The Council shall at its first Meeting in each year appoint a Chairman and a Vice-Chairman for the ensuing year. The Chairman and Vice-Chairman may not be either employees or students of the College. They shall hold office until the corresponding meeting in the following year or until they or either of them ceases to be a member of the Council whichever shall be the earlier. In the absence of the Chairman, the chair shall be taken at any Meeting by the Vice-Chairman, and in the absence of both the Chairman and the Vice-Chairman, shall be taken by such one of the members present as those members may appoint.
 - (b) If any casual vacancy shall occur in the Office of Chairman the Council shall so soon as conveniently may be after the occurrence of such vacancy choose another member to fill such vacancy, such other member to continue in office so long only as the person in whose place he may be appointed would have been entitled to continue in office; and pending the choice of such other member the Office of Chairman shall be filled by the Vice-Chairman.
10. Seven or such larger number as the Council may from time to time by Regulation prescribe shall be a quorum of a Meeting of the Council, provided that the majority of members present shall be neither employees nor students of the

College. All questions arising at any Meeting of the Council shall be decided by a majority of votes, save as herein specifically provided to the contrary. In the case of an equality of votes the Chairman of the Meeting shall have as well as his own vote a second or casting vote. No voting by proxy shall be permitted.

11. Subject to the provisions of the Charter and the Statutes the Council shall have power to make and when made to vary regulations governing the procedure at its Meetings and the mode of convening the same.
12.
 - (a) The Council may appoint such Committees (including Special and Standing Committees) as it shall deem necessary from time to time consisting of such persons as the Council shall think fit whether or not being members of the Council for such purposes as the Council shall consider necessary. The Council shall have power to dissolve any such Committees at its discretion and may delegate its powers as provided by Article 7 of the Charter. Provided that nothing in this paragraph shall enable the Council to delegate their power to reach a decision under paragraph 10(2) of Statute 27.
 - (b) There shall be a Committee of the Council with responsibility for audit.
 - (c) The Chairman of the Council and the Principal of the College shall be *ex-officio* members of every Committee, with the exception of the Audit Committee.
13. Minutes shall be kept of all decisions and proceedings of Meetings of the Council and of Committees and a Minute therein signed by the Chairman of the Meeting whereof it is a record or by the Chairman of the next Meeting shall be receivable as *prima facie* evidence of the matters recorded therein.
14. The Council may act at any time notwithstanding any vacancy therein.
15. All acts *bona fide* done by any Meeting of the Council or of a Committee of the Council or by any person acting as a Member of the Council or of any such

Committee shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such Member or person acting as aforesaid or that they or any of them were not eligible as Members or a Member of the Council or of any such Committee, be as valid as if every such person had been duly appointed and was qualified to be a Member of the Council or of any such Committee as the case may be.

Powers of the Council

16. The Council shall, either itself or through delegated authority where appropriate, conduct the general business of the College consistently with the provisions of the Charter and the Statutes, and shall approve the annual budget and monitor expenditure on account of the ordinary business of the College, and shall have power to make regulations imposing the conditions of entry, fixing the fees, governing the discipline, and providing the courses of study for students, and to appoint and admit Fellows and Honorary Fellows of the College, and to do all such other acts and things as are necessary for the transaction of the business of the College or the furtherance of its object, provided always that the Council shall not make any decision on any question of educational policy until after the Academic Board shall have had an opportunity of expressing an opinion thereon and the Council shall have considered any opinion so expressed.
17. Subject to Statute 27 the Council shall appoint the Principal (which is the title to be borne by the Head of the College), the Secretary to the Council, and other officers of the College, all members of the teaching staff and all the other members of staff of the College upon such conditions as the Council may think fit and shall have power to remove the same. The Council may not delegate the appointment of the Principal or the Secretary to the Council.
18. The Council shall ensure that there are in place appropriate procedures for dealing with the discipline and dismissal of staff, and for the hearing of staff grievances.

19. The Principal shall be responsible for the conduct of the College and shall have such other powers and duties as may be entrusted to him by the Council. If he shall be unable through absence (other than temporary absence) or illness to carry out such powers and duties the Chairman shall appoint a substitute pending a decision of the Council.

20. Any property which may be given to the College in specific investments may be retained in the same form of investment real and personal as that in which it is received. Subject as aforesaid any funds of or connected with the College which require investment may be invested in any of the following investments:-
 - (a) in the acquisition by the purchase or otherwise of or at interest upon the security of such stocks, funds, shares, securities or other investments or property of whatsoever nature and situated in any part of the world (including property of any nature for occupation or use) and whether involving liability or not and whether producing income or not or by lending the same with or without security upon such terms as the Council shall in its absolute discretion think fit to the intent that the Council shall have the same full and unrestricted powers of investing and transposing investments and laying out moneys in all respects as if it were an absolute beneficial owner thereof;
 - (b) any investment authorised by the Trustee Act 2000 for the trustees of a trust to be made in the same manner and subject to the same conditions; and
 - (c) in or upon any other investments whatsoever if such investments are not inconsistent with the charitable status of the College and are in the opinion of the Council conducive to the furtherance of the purposes of the College.

21. Subject to the Charter and the Statutes the Council may from time to time at any Meeting make alter or revoke regulations for the conduct of the business or affairs of the College, provided however that notice of an intention to propose any

amendment to or annulment of the existing regulations or the making of any new regulations shall have been given in the notice calling such Meeting.

22. The Seal of the College shall be under the control of the Council and shall be kept and used as the Council may direct.

The Academic Board

23. There shall be a body known as the Academic Board, whose membership shall include representation from a range of levels of the College's academic staff and also from the College's students.
24. The Principal shall be the Chairman of the Academic Board at its meetings, and he shall in the case of an equality of votes have a second or casting vote. In the absence of the Principal the Academic Board shall elect one of their members to be Chairman, and he shall have during the meeting at which he presides a second or casting vote in the case of an equality of votes.
25. The duties of the Academic Board shall include:-
- (a) To consider and advise the Council upon all academic matters and questions affecting the educational policy of the College, the organisation of teaching and research and courses of study, including the discharge of such other duties and functions connected with the College as the Council may from time to time assign to them.
 - (b) To inform the Council as and when necessary on the appointment of members from among themselves to the Council.
26. Subject to the provisions of the Charter and the Statutes the constitution and powers of the Academic Board shall be governed by regulations.
27. ACADEMIC STAFF

PART I CONSTRUCTION, APPLICATION AND INTERPRETATION

Construction

1. This Statute and any regulation 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 of this Statute 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 dismissal may in the circumstances (including the size and administrative resources of the College) reasonably be treated as a sufficient reason for dismissing him.

Application

3. (1) This Statute shall apply
 - (a) to Professors, Readers, Senior Lecturers and Lecturers;
 - (b) to the Secretary to the College;
 - (c) to senior staff holding academic related posts, being posts recognised by the Council for the purposes of this Statute; and
 - (d) to the Principal 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 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 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 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 any regulation and the provisions of any regulation made under this Statute shall prevail over those of any other regulation:

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 regulation 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 Appointed Teachers of the University is a reference to the University of London, or to the Vice-Chancellor or Appointed Teachers 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 20th 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 appointment is made, or his contract of employment is entered into, on or after 20th November 1987; or
 - (b) he 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 College department or other similar unit 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 Chairman; 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 the Secretary or his 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 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 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

Head of Department 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 Secretary within two weeks. The Vice-Principal shall hear all such appeals and his 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 Secretary who shall bring it to the attention of the Principal.
- (2) To enable the Principal to deal fairly with any complaint brought to his attention under sub-paragraph (1) he shall institute such investigations or enquiries (if any) as appear to him to be necessary.
- (3) If it appears to the Principal that a complaint brought to his 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 any regulation 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 may dismiss it summarily, or decide not to proceed further under this Part.
- (4) If the Principal does not dispose of a complaint of a complaint under sub-paragraph (3) he shall treat the complaint as disclosing a sufficient reason for proceeding further under this Part and, if he sees fit, he may suspend

the member on full pay pending a final decision.

- (5) Where the Principal proceeds further under this Part he 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 Principal shall consider the matter in the light of all the material then available and may -
 - (a) dismiss it himself; or
 - (b) refer it for consideration under paragraph 13; or
 - (c) deal with it informally himself if it appears to the Principal 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 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 Principal 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 Principal has directed that a charge or charges be preferred under paragraph 14(6)(d), he 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 Secretary or, if he is unable to act, another officer appointed by the Principal 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 Chairman; 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 an Appointed Teacher 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 regulations made under this paragraph.
- (2) Without prejudice to the generality of the foregoing such regulations 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 to represent him 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 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 Principal 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 Principal 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 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 an Appointed Teacher 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 Principal 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 Principal or an officer acting as his 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 chairman 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 Secretary or his 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 Secretary or, if he is unable to act, another officer appointed by the Principal 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 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 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 has done so.

(3) Where the notice of appeal was served on the Secretary outside the 28 day period the person appointed under paragraph 28 shall not permit the appeal to proceed unless he 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 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 an Appointed Teacher 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 regulations made under this paragraph.
- (2) Without prejudice to the generality of the foregoing such regulations 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 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 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 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 Principal, 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 an Appointed Teacher 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 of 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 Principal for redress of the grievance.
- (3) If it appears to the Principal that the matter has been finally determined under Part III, IV or V or that the grievance is trivial or invalid, he may dismiss it summarily, or take no action upon it. If it so appears to the Principal he shall inform the member and the Grievance Committee accordingly.
- (4) If the Principal 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 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 and the Grievance Committee accordingly.

- (5) If the Principal does not reject the complaint under sub-paragraph (3) or if he does not defer action upon it under sub-paragraph (4) 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.

Grievance Committee Procedure

34. If the grievance has not been disposed of informally under paragraph 33(5), the Principal shall refer the matter to the Grievance Committee for consideration.
35. The Grievance Committee to be appointed by the Council shall comprise -
 - (a) a Chairman; 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; and right to representation

36. The procedure in connection with the consideration and determination of grievances shall be determined in regulations 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-found and if it is well-found the Committee shall make such proposals for the redress of the grievance as it sees fit.

PROVISIONS AS TO THE PRINCIPAL

1. The Council may request its Chairman to remove the Principal from office for good cause in accordance with the procedure described in this Annex.
 - (1) A complaint seeking the removal from office of the Principal for good cause may be made by not less than three members of the Council to the Chairman of the Council.
 - (2) If it appears to the Chairman of the Council, on the material before him, that the complaint raises a prima facie case and that this could, if proved, constitute good cause for dismissal or removal from office he shall request the Council to appoint a Tribunal to hear and determine the matter.
 - (3) If it appears to the Chairman of the Council that a complaint made to him under sub-paragraph (1) does not raise a prima facie case or is trivial or invalid, he 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, charges before the Tribunal.
 - (5) A Tribunal appointed by the Council shall comprise:
 - (a) an independent Chairman; 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 Chairman of the Council and to the Principal 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 recommendations, if any, as to the appropriate penalty, to the Principal and to the Chairman of the Council.
 - (10) Where a charge or charges have been upheld by the Tribunal and not dismissed on appeal, the Chairman of the Council shall decide whether or not to dismiss the Principal.
2. Where a complaint is to be referred to a Tribunal under this Statute, the Chairman of the Council may suspend the Principal from his duties and may exclude the Principal 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 Principal for incapacity on medical grounds, Part IV of this Statute 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 Principal;
 - (b) for any reference to the office of Principal there shall be substituted a reference to the office of Chairman of the Council;
 - (c) for paragraph 23 there shall be substituted – "23.If the Council determines that the Principal should be required to retire on medical grounds, it shall ask the Chairman of the Council as the appropriate officer, to decide whether or not to terminate the appointment of the Principal on those medical grounds.""

Transitional provisions

28. The persons who, immediately before the date this provision comes into force, were members of the Council shall remain members of the Council after that date for a period equivalent to the remainder of their respective terms of office as members of the Council.
29. At no time during the operation of the transitional provisions shall the total membership of the Council exceed twenty five persons.
30. The transitional provisions set out in Statutes 28 and 29 and this Statute shall remain in force until all members of the Council holding office at the time these provisions come into effect have completed their respective terms of office.