

Statutes (as at 23.8.12)

I. The University Council

- A. The University Council (hereinafter called the Council) shall consist of the following persons, namely:

The Chair of Council and the Vice-Chancellor

One representative of the Clothworkers' Company of London

Four members of Faculties to be elected from such constituencies and under such regulations as may be determined from time to time by the Council on the advice of the Senate

Two members of support staff to be elected from such constituencies and under such regulations as may be determined from time to time by the Council

Two students to be chosen in such manner as may be determined from time to time by the Council

Twelve members, not being students of the University or members of Faculty, to be elected by the Court, provided that at any time at least four of the fourteen lay members of the Council shall be alumni (as may be defined from time to time under ordinance).

- B. The periods during which the members of the Council respectively shall hold office shall be as follows:

The Chair of Council and the Vice-Chancellor shall hold office for the time during which they occupy the positions named respectively.

The representative of the Clothworkers' Company of London shall hold office for such period not exceeding three years at a time as the Company may from time to time determine.

All other members of the Council shall hold office for three years from the date of appointment or for such shorter period as the Council may from time to time determine. Such appointments may be extended for a further term or terms but, except as determined by the Council, shall not exceed a total of six years' continuous service. The Council may in particular extend the periods of office of nominees of the Court who are designated as deputy pro-chancellors for up to six years from the date on which they assume the title and role of deputy pro-chancellor.

Eligibility for re-appointment or re-election shall be as determined from time to time by the Council.

Except as hereinbefore provided appointees or representatives need not be members of the bodies appointing.

Any member of the Council may resign such membership at any time by letter addressed to the Secretary to the University.

Any casual vacancy occurring by resignation, incapacity, or death among the appointed or elected members shall be filled up as soon as convenient by the body which appointed or elected the member whose place has become vacant.

Eight members of the Council shall form a quorum.

II. Powers of the Council

- A. Subject to the provisions made in the Charter and Statutes, the powers of the Council as a governing body of the University shall include the following:

To nominate the Chancellor and the Pro-Chancellor and, as appropriate, the Chair of the Council.

To appoint the Vice-Chancellor.

To elect a Secretary to the University for such periods and under such conditions as may be determined by the Council after consultation, as appropriate, with the Senate.

To draft Statutes and Ordinances as and when it sees fit.

Provided that any Statute or Ordinance relating to courses of study shall not be adopted without giving the Senate the opportunity of reporting thereon.

To make regulations for any purposes for which regulations are or may be authorized to be made.

To govern, manage, and regulate the finances, accounts, investments, property, business, and all affairs whatsoever of the University, and for that purpose to appoint bankers, deputy treasurers, and any other officers or agents whom it may seem expedient to appoint.

To invest any moneys belonging to the University, including any unapplied income in such stocks, funds, fully paid shares or securities as the Council shall from time to time think fit, whether authorized by the general law for the investment of trust moneys or not, and whether within the United Kingdom of Great Britain and Northern Ireland or not or in the purchase of freehold, or leasehold hereditaments in the United Kingdom including rent charges, or chief rents, with the like power of varying such investments from time to time by sale and reinvestment or otherwise.

To borrow moneys on behalf of the University.

To sell, buy, exchange, lease, and accept leases of real and personal property on behalf of the University.

To provide the buildings, premises, furniture, and apparatus and other means needed for carrying on the work of the University.

To enter into, vary, carry out, and cancel contracts on behalf of the University.

B. The Council shall have power to delegate its functions to committees and officers except as otherwise provided, and to delegate to the Senate and other boards and committees of the University the power to award degrees other than ad eundem degrees, degrees conferred on persons who hold office in the University, and honorary degrees.

C. The Council shall adopt a code of practice to guide the conduct of corporate governance.

III. University Union

There shall be a Union of the students of the University. The Union shall be independent of the University but shall be subject to such scrutiny by the University as is prescribed in the Education Act 1994.

IV. Audit

The Council shall establish a committee to monitor internal control procedures, including risk management, and shall appoint external and internal auditors for such period not exceeding seven years at a time as the Council shall determine. The auditors shall be qualified as set out within the Companies Act 1985 and shall receive such remuneration as may from time to time be determined by the Council or a committee thereof.

V. Procedure

Students may be appointed to any authority or committee of the University save those primarily concerned with the personal affairs of individual members of the staff of the University or primarily concerned with the academic assessment of individual students or prospective students.

VI. Academic matters

The admission of students, the curriculum, the assessment and examination of students and the award of degrees shall be regulated by Ordinance and Regulation.

VII. Academic Staff

This Statute covers such matters as redundancy, discipline, dismissal and removal from office, removal for incapacity on medical grounds, appeals and grievance procedures

Part I Construction, Application and Interpretation

1. Construction

This Statute and any Ordinance or 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 University to provide education, promote learning and engage in research efficiently and economically; and
- (c) to apply the principles of justice and fairness.

2. Reasonableness of decisions

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 or her dismissal may in the circumstances (including the size and administrative resources of the University) reasonably be treated as a sufficient reason for dismissing him or her.

3. Application

(1) This Statute shall apply

- (a) to all staff designated by the Council as academic staff;
- (b) to the research, administrative, senior library and senior computer staff holding posts designated by the Council as academic-related posts to which this Statute applies; and
- (c) to the Vice-Chancellor 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.

4. Interpretation

Meaning of 'dismissal'

In this Statute 'dismiss' and 'dismissal' mean dismissal of a member of the academic staff and:

- (a) include remove or, as the case may be, removal from office; and
- (b) in relation to employment under a contract, shall be construed in accordance with section 55 of the Employment Protection (Consolidation) Act 1978.

5. *Meaning of 'good cause'*

(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.

6. *Meaning of 'redundancy'*

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 University 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 University, 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.

7. *Incidental, supplementary and transitional matters*

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

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

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

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

- (3) Nothing in any other Statute or in any Ordinance or Regulation made thereunder shall authorize or require any officer of the University 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) Nothing in any procedure prescribed or determined by the Council shall enable the Council to delegate its power to reach a decision under paragraph 10(2) of this Statute.
- (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

8. Purpose of Part II

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

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

- (1) Nothing in this Part of this Statute shall prejudice, alter or affect any rights, powers or duties of the University or apply in relation to a person unless
 - (a) his or her appointment is made, or his or her contract of employment is entered into, on or after 20 November 1987; or
 - (b) he or she is promoted on or after that date.
- (2) For the purposes of this paragraph in relation to a person, a reference to an appointment made or a contract entered into on or after 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. The appropriate body

- (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 University as a whole; or
 - (b) of any faculty, school or other similar area of the University by way of redundancy.

11. Redundancy committee

- (1) Where the appropriate body has reached a decision under paragraph 10(2) it shall appoint a Redundancy Committee to be constituted in accordance with sub-paragraph (3) of this paragraph to give effect to its decision by such date as it may specify and for that purpose

- (a) to select and recommend the requisite members of the academic staff for dismissal by reason of redundancy; and
 - (b) to report their recommendations to the appropriate body.
- (2) The appropriate body shall either approve any selection recommendation made under sub-paragraph (1), or shall remit it to the Redundancy Committee for further consideration in accordance with its further directions.
- (3) A Redundancy Committee appointed by the appropriate body shall comprise:
- (a) a Chair; and
 - (b) two members of the Council, not being persons employed by the University; and
 - (c) two members of the academic staff nominated by the Senate.

12. *Notices of intended dismissal*

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

Part III Discipline, Dismissal and Removal from office

13. *Disciplinary Procedures*

- (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 twelve months, subject to satisfactory conduct and performance.

Stage 2 – Written Warning

If the offence is a serious one, or if a further offence occurs, a WRITTEN WARNING will be given to the member of the academic staff by the Dean of Faculty (or his or her nominee) or, in the case of service units, the equivalent officer (or his or her nominee). This will give details of the complaint, the improvement required and the time-scale. It will

warn that a complaint may be made to the Secretary to the University 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 Dean of Faculty (or his or her nominee) or, in the case of service units, the equivalent officer (or his or her nominee) but it will be disregarded for disciplinary purposes after two 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 to the University within two weeks. The appropriate Pro-Vice-Chancellor shall hear all such appeals and his or her decision shall be final.

14. *Preliminary examination of serious disciplinary matters*

- (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 to the University who shall bring it to the attention of the Vice-Chancellor.
- (2) To enable the Vice-Chancellor to deal fairly with any complaint brought to his or her attention under sub-paragraph (1) he or she shall institute such investigations or enquiries (if any) as appear to him or her to be necessary.
- (3) If it appears to the Vice-Chancellor that a complaint brought to his or her attention under sub-paragraph (1) relates to conduct or performance which does not meet acceptable standards but for which no written warning has been given under paragraph 13 or which relates to a particular alleged infringement of rules, regulations or byelaws for which a standard penalty is normally imposed in the University or within the school or other relevant area, or is trivial or invalid he or she may dismiss it summarily, or decide not to proceed further under this Part.
- (4) If the Vice-Chancellor does not dispose of a complaint under sub-paragraph (3) he or she shall treat the complaint as disclosing a sufficient reason for proceeding further under this Part and, if he or she sees fit, he or she may suspend the member on full pay pending a final decision.
- (5) Where the Vice-Chancellor proceeds further under this Part he or she shall write to the member of the academic staff concerned inviting comment in writing.
- (6) As soon as may be following receipt of the comments (if any) the Vice-Chancellor shall consider the matter in the light of all the material then available and may:
 - (a) dismiss it himself or herself; or
 - (b) refer it for consideration under paragraph 13; or
 - (c) deal with it informally himself or herself if it appears to the Vice-Chancellor 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 the University 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 twenty-eight days the Vice-Chancellor may proceed as aforesaid as if the member concerned had denied the substance and validity of the alleged case in its entirety.

15. *Institution of Charges*

- (1) In any case where the Vice-Chancellor has directed that a charge or charges be preferred under paragraph 14(6) (d), he or she shall request the Council to appoint a Tribunal under paragraph 16 to hear the charge or charges and to determine whether the conduct or performance of the member of the academic staff concerned constitutes good cause for dismissal or otherwise constitutes a serious complaint relating to the member's appointment or employment.
- (2) Where the Council has been requested to appoint a Tribunal under paragraph 16 the Secretary to the University or, if he or she is unable to act, another officer appointed by the Vice-Chancellor 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.

16. *The Tribunal*

A Tribunal appointed by the Council shall comprise:

- (a) a Chair; and
- (b) one member of the Council, not being a person employed by the University; and
- (c) one member of the academic staff nominated by the Senate.

17. *Provisions concerning Tribunal procedure*

- (1) The procedure to be followed in respect of the preparation, hearing and determination of charges by a Tribunal shall be that set out in Ordinances made under this paragraph.
- (2) Without prejudice to the generality of the foregoing such Ordinances shall ensure:
 - (a) that the member of the academic staff concerned is entitled to be represented by another person, whether such person be legally qualified or not, in connection with and at any hearing of charges by a Tribunal;
 - (b) that a charge shall not be determined without an oral hearing at which the member of the academic staff concerned and any person appointed by him or her to represent him or her are entitled to be present;
 - (c) that the member of the academic staff and any person representing the staff member may call witnesses and may question witnesses upon the evidence on which the case against him or her is based; and
 - (d) that full and sufficient provision is made for:

- (i) postponements, adjournments, dismissal of the charge or charges for want of prosecution, remission of the charge or charges to the Vice-Chancellor 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.

18. *Notification of Tribunal decisions*

- (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 Vice-Chancellor 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.

19. *Powers of the appropriate officer where charges are upheld by Tribunal*

- (1) Where the charge or charges are upheld and the Tribunal finds good cause and recommends dismissal or removal from office, but in no other case, the appropriate officer shall decide whether or not to dismiss the member of the academic staff concerned.
- (2) In any case where the charge or charges are upheld, other than where the appropriate officer has decided under sub-paragraph (1) to dismiss the member of the academic staff concerned, the action available to the appropriate officer (not comprising a greater penalty than that recommended by the Tribunal) may be:
 - (a) to discuss the issues raised with the member concerned; or
 - (b) to advise the member concerned about his or her future conduct; or
 - (c) to warn the member concerned; or
 - (d) to suspend the member concerned for such period as the appropriate officer shall think fair and reasonable, not to exceed three months after the Tribunal's decision;
 - (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 circumstances of the case.

20. *Appropriate officers*

- (1) The Vice-Chancellor 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

- (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 Vice-Chancellor or an officer acting as his or her delegate to perform the relevant act.
- (4) References to the member of the academic staff include, in cases where the nature of the alleged disability so requires, a responsible relative or friend in addition to (or instead of) that member.

21. *Procedure for removal*

- (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 University 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 Senate; and a medically qualified chair jointly agreed by the Council and the member or, in default of agreement, to be nominated by the President of the Royal College of Physicians.
- (4) The Board may require the member concerned to undergo medical examination at the University's expense.

22. *Termination of employment*

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

Part V Appeals

23. *Purpose of Part V*

This Part of this Statute 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.

24. *Application and interpretation of Part V*

- (1) This Part of this Statute 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 21(3).
- (3) In this Part references to 'the person appointed' are references to the person appointed by the Council under paragraph 27 to hear and determine the relevant appeal.
- (4) The parties to an appeal shall be the appellant and the Secretary to the University and any other person added as a party at the direction of the person appointed.

25. Institution of appeals

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

26. Time for appealing and notices of appeal

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

27. Persons appointed to hear and determine appeals

- (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 University 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 or she considers that justice and fairness will best be served by sitting with two other persons.
- (4) The other persons who may sit with the person appointed shall be:
 - (a) one member of the Council not being a person employed by the University; and
 - (b) one member of the academic staff nominated by the Senate.

28. *Provisions concerning appeal procedures and powers*

- (1) The procedure to be followed in respect of the preparation, consolidation, hearing and determination of appeals shall be that set out in Ordinances made under this paragraph.
- (2) Without prejudice to the generality of the foregoing such Ordinances shall ensure:
 - (a) that an appellant is entitled to be represented by another person, whether such person be legally qualified or not, in connection with and at any hearing of his or her appeal;
 - (b) that an appeal shall not be determined without an oral hearing at which the appellant, and any person appointed by him or her to represent him or her are entitled to be present and, with the consent of the person or persons hearing the appeal, to call witnesses;
 - (c) that full and sufficient provision is made for postponements, adjournments, dismissal of the appeal for want of prosecution and for the correction of accidental errors; and
 - (d) that the person appointed may set appropriate time limits for each stage (including the hearing itself) to the intent that any appeal shall be heard and determined as expeditiously as reasonably practicable.
- (3) The person or persons hearing the appeal may allow or dismiss an appeal in whole or in part and, without prejudice to the foregoing, may:
 - (a) remit an appeal from a decision under Part II to the Council as the appropriate body (or any issue arising in the course of such an appeal) for further consideration as the person or persons hearing the appeal may direct; or
 - (b) remit an appeal arising under Part III for rehearing 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.

29. *Notification of decisions*

The person appointed shall send the reasoned decision, including any decision reached in exercise of his or her powers under paragraph 28(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 Vice-Chancellor and to the parties to the appeal.

Part VI Grievance procedures

30. *Purpose of Part VI*

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

31. *Application*

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 University, not being matters for which express provision is made elsewhere in this Statute.

32. *Exclusions and informal procedures*

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

33. *Grievance Committee procedure*

If the grievance has not been disposed of informally under paragraph 32(5), the Vice-Chancellor shall refer the matter to the Grievance Committee for consideration.

34. *Composition of Grievance Committee*

The Grievance Committee to be appointed by the Council shall comprise:

- (a) a Chair; and
- (b) one member of the Council not being a person employed by the University; and
- (c) one member of the academic staff nominated by the Senate.

35. *Procedure in connection with determinations; and right to representation*

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

36. Notification of decisions

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

Paragraph 3(1)(c)

Annex

Provisions as to the Vice-Chancellor

1. The Council may request its Chair to remove the Vice-Chancellor from office for good cause in accordance with the procedure described in this Annex.
 - (1) A complaint seeking the removal from office of the Vice-Chancellor for good cause may be made by not less than three members of the Council to the Chair of the Council.
 - (2) If it appears to the Chair of the Council, on the material before him or her, that the complaint raises a prima-facie case and that this could, if proved, constitute good cause for dismissal or removal from office he or she shall request the Council to appoint a Tribunal to hear and determine the matter.
 - (3) If it appears to the Chair of the Council that a complaint made to him or her under sub-paragraph (1) does not raise a prima-facie case or is trivial or invalid, he or she may recommend to the Council that no further action be taken upon it.
 - (4) When the Council has appointed a Tribunal under sub-paragraph (2) it shall instruct a solicitor or other suitable person to formulate a charge or charges and to present, or arrange for the presentation of, the charges before the Tribunal.
 - (5) A Tribunal appointed by the Council shall comprise:
 - (a) an independent Chair; and
 - (b) one member of the Council, not being a person employed by the University; and
 - (c) one member of the academic staff.
 - (6) Subject to the principles of justice and fairness the Tribunal may determine its own procedure.
 - (7) The Tribunal shall send its reasoned decision on any charge referred to it together with its findings of fact regarding the charge and its recommendations, if any, as to the appropriate penalty to the Chair of the Council and to the Vice-Chancellor 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 University holding, or having held, judicial office or being barristers or solicitors of at least ten years' standing and the person so appointed shall, subject to the principles of justice and fairness, determine the procedure to be adopted in hearing the appeal.
 - (9) A person appointed shall send the reasoned decision on the appeal, together with any findings of fact different from those come to by the Tribunal and his or her recommendations, if any, as to the appropriate penalty, to the Vice Chancellor and to the Chair of the Council.

- (10) Where a charge or charges have been upheld by the Tribunal and not dismissed on appeal, the Chair of the Council shall decide whether or not to dismiss the Vice-Chancellor.
2. Where a complaint is to be referred to a Tribunal under this Statute, the Chair of the Council may suspend the Vice-Chancellor from his or her duties and may exclude the Vice-Chancellor from the precincts of the University 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 Vice-Chancellor 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 Vice-Chancellor;
 - (b) for any reference to the office of Vice-Chancellor there shall be substituted a reference to the office of Chair of the Council;
 - (c) for paragraph 22 there shall be substituted:

'22. If the Board determines that the Vice-Chancellor should be required to retire on medical grounds, it shall ask the Chair as the appropriate officer, to decide whether or not to terminate the appointment of the Vice-Chancellor on those medical grounds.'

VIII. Other Related Staff

The posts designated by the Council as other related posts shall be deemed to be academic-related posts as described in Clause 3 of Statute VII and all references to 'academic staff' in Statute VII shall apply to holders of those posts.

IX. Definitions

In these Statutes:

'Statutes' means the Statutes of the University.

'Ordinances' means Ordinances made pursuant to the Charter or Statutes.

'Regulations' means Regulations made pursuant to the Charter or Statutes.

In these Statutes words importing the masculine shall include the feminine and, unless the context otherwise requires, words in the singular shall include the plural and words in the plural shall include the singular.