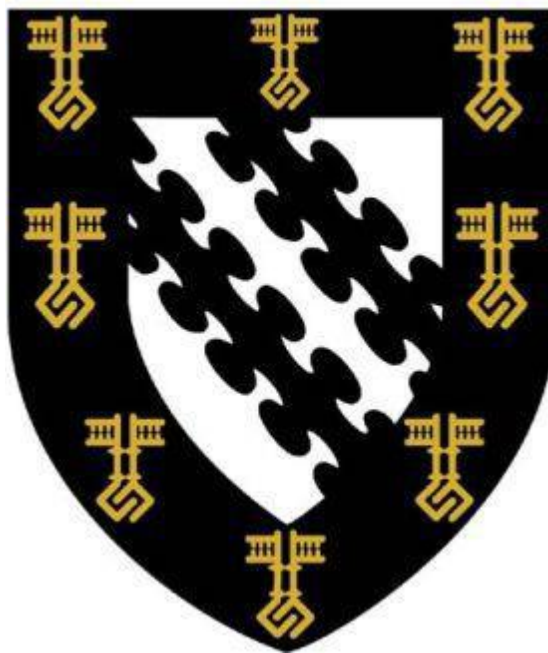


**STATUTE to amend the existing Statutes of Exeter College, in the University of Oxford, passed at a Meeting of the Governing Body specially summoned for the purpose on the thirteenth day of January Two thousand and twenty-one by the votes of two-thirds of the number of persons present and voting; duly made on the twenty-third day of February Two thousand and twenty-one under the provisions of the Universities of Oxford and Cambridge Act, 1923, and submitted to Her Majesty the Queen in Council.**

The Statutes below are adopted as the Statutes of the College in substitution for, and to the exclusion of, the existing Statutes subject to such further changes as the Privy Council, the University of Oxford or the Charity Commission for England and Wales may require and which are agreed by the Rector and the Finance and Estates Bursar of the College. But that pursuant to section 7(2) Universities of Oxford and Cambridge Act 1923, the Statutes adopted shall not take effect until the same shall have been allowed by Order of Her Majesty the Queen in Council.

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**Exeter College, Oxford**

**STATUTES**

**[DATE]**

**STATUTES MADE FOR EXETER COLLEGE, OXFORD**

BY THE UNIVERSITY OF OXFORD COMMISSIONERS ACTING IN PURSUANCE OF THE  
UNIVERSITIES OF OXFORD AND CAMBRIDGE ACT 1923

with amendments approved by the King's Most Excellent Majesty in Council on 7 February 1933, 28 July 1938, 27 April 1948, 9 July 1948, 26 June 1950, and 29 June 1951

and by the Queen's Most Excellent Majesty in Council on 29 July 1955, 14 March 1958, 19 December 1958, 23 June 1960, 14 May 1962, 27 June 1962, 28 November 1962, 20 December 1963, 26 February 1965, 23 March 1967, 28 November 1967, 25 June 1969, 4 February 1972, 1 March 1972, 26 July 1972, 20 December 1972, 18 December 1974, 12 February 1975, 19 January 1976, 9 March 1977, 9 February 1978, 18 February 1981, 30 July 1982, 12 February 1986, 25 July 1986, 10 February 1987, 18 March 1987, 17 February 1988, 26 July 1988, 7 June 1990, 20 March 1991, 9 February 1993, 28 June 1995, 26 July 1995, 27 April 1999, 13 December 2000, 14 April 2004, 6 March 2007 and [date]

## **SPECIAL PROVISIONS**

1. The Statutes of Exeter College made in the year 1925, together with subsequent amendments thereof, are hereby repealed, without prejudice to any right acquired or liability incurred, or thing done thereunder.
2. These Statutes shall be subject to alteration in the manner provided by the Universities of Oxford and Cambridge Act 1923.
3. These Statutes are made wholly for Exeter College within the meaning of the Universities of Oxford and Cambridge Act 1877, Section 30, as set out in the Schedule of the Universities of Oxford and Cambridge Act, 1923.

**CONTENTS PAGE**

1	Preamble and Objects.....	3
2	The College.....	3
3	Powers of the College.....	3
4	The Constitution of the College.....	4
5	Rector.....	5
6	Fellows.....	7
7	The Officers of the College.....	9
8	Students.....	9
9	The Governance of the College.....	10
10	Financial Powers and Responsibilities.....	11
11	The Visitor.....	13
12	Provisions relative to the University.....	14
13	Academic Staff.....	14

## EXETER COLLEGE, OXFORD

### STATUTES

Effective from [*date*]

#### **1 Preamble and Objects**

- 1.1 Exeter College ("the College") was founded by Walter de Stapeldon, Bishop of Exeter, in 1314; and was incorporated by Charter of Queen Elizabeth in 1565, under the name of Exeter College in the University of Oxford ("the University"), and enlarged by a second endowment given in that year by Sir W. Petre, Knight, for the "increase of sound learning, and for the common profit of the Church of Christ and of this Realm, and of the subjects of the same."
- 1.2 The objects of the College shall be to maintain and support a college within the University for the advancement of knowledge, education, research, learning and religion.

#### **2 The College**

- 2.1 The corporate name of the College is "The Rector and Scholars of Exeter College in the University of Oxford".
- 2.2 For the purposes of these Statutes, the reference in the corporate name to the "Scholars" means those persons who are the members of the Governing Body of the College.

#### **3 Powers of the College**

The College shall have full power to:

- 3.1 admit and remove Students;
- 3.2 accept, acquire and hold any personal property whatsoever;
- 3.3 accept, acquire and hold any lands and hereditaments situate in the United Kingdom or elsewhere;
- 3.4 dispose of, either by way of sale or lease, and to exchange, mortgage, charge, improve, manage, develop, turn to account or otherwise deal with all or any part of such property, real or personal, belonging to the College, upon such terms and in such manner as it shall see fit;
- 3.5 borrow, lend, give and accept guarantees and to accept mortgages;
- 3.6 employ such staff as are necessary for the proper pursuit of the objects and to make all reasonable and necessary provision for the payment of pensions and superannuation to staff; and
- 3.7 do all other things as may be incidental or conducive to the carrying out of the above objects, including all other matters incidental or appertaining to a body corporate; provided always that:
  - (a) nothing in this Statute shall be deemed to empower the College to dispose of, or deal with, its property in the manner mentioned without first obtaining such consent as would otherwise be required by law; and
  - (b) the College shall not be deemed to be a body formed for the purpose of carrying on a business which has for its object the acquisition of gain either by itself or by the members of its Governing Body.

#### **4 The Constitution of the College**

4.1 The governance of the College shall be vested in the Governing Body which shall have all the powers necessary for and conducive to the maintenance of the College as a place for the advancement of knowledge, education, research, learning and religion.

4.2 The Governing Body shall comprise:

- (a) the Rector from time to time of the College; and
- (b) all Fellows, other than the holders of Supernumerary Fellowships, Emeritus Fellowships, Honorary Fellowships and Visiting Fellowships, which do not carry with them the right to be a member of the Governing Body.

4.3 It shall be lawful for the Governing Body from time to time and in such manner as shall be consistent with the Charter of the College and these Statutes to do all things required or authorised to be done by the Governing Body including but not limited to:

(a) determining the procedures to be used in relation to the alteration of these Statutes or for the amendment of the Charter;

(b) making, altering or revoking any Bylaws relating to:

- (i) (subject to the provisions of these Statutes) the holding of Governing Body meetings and their proceedings, including their frequency, duration, quorum, rules of debate, the definition of matters which may not be delegated by the Governing Body (non-delegable matters) and voting procedures;
- (ii) the criteria and procedural rules for the election of members of the Governing Body, of Fellows, of College Officers including the Rector of the College and of any Fellow to be elected under Statute 5.3 to supervise the election of the Rector;
- (iii) the terms of office and of conditions of appointment of members of the Governing Body, of Fellows, of College Officers and of the Rector of the College;
- (iv) the residence, instruction, welfare and discipline of Students;
- (v) the setting of terms and conditions for the employment of academic and other staff of the College;
- (vi) the stewardship of the financial, physical and intellectual assets of the College; and
- (vii) the academic, social, financial and administrative affairs of the College and such other aspects of the governance and management of the College as the Governing Body may from time to time think fit,

provided always that such Bylaws may be made, altered or revoked only by a majority of at least two-thirds of those present in person or by electronic means and voting at a General College Meeting;

(c) appointing such College Officers as it may from time to time think fit and delegating to them such of its powers and responsibilities as it may think fit (College Officers shall be responsible to the Governing Body for the proper performance of their duties and may each hold one or more offices concurrently) and making alternative arrangements in cases of vacancy, absence or incapacity of College Officers;

- (d) offering such studentships, scholarships and exhibitions to Students and prospective Students as it may think fit and providing Students and prospective Students with such financial assistance by way of bursaries or otherwise as it may think fit; and
  - (e) delegating such of its powers and responsibilities as it may think fit to Committees of the Governing Body on such terms and including such individuals who are not members of the Governing Body as it may from time to time determine, provided always that the Governing Body may not delegate any non-delegable matters (as are defined in the Bylaws) or any of the powers and responsibilities relating to the dismissal by way of redundancy of academic staff of the College, whether as a whole or in relation to any area of academic work within the College.
- 4.4 All members of the Governing Body must sign a declaration of willingness to act as a charity trustee of the College before he, she or they are eligible to act as a member of the Governing Body.
- 4.5 All members of the Governing Body shall perform their duties as charity trustees gratuitously but may receive from the College, directly or indirectly:
- (a) reimbursement for reasonable out-of-pocket expenses properly incurred when acting as charity trustees on behalf of the College;
  - (b) proper and reasonable remuneration including stipends and allowances for the performance of their duties as employees of the College; and
  - (c) payment for goods and services supplied to the College, provided always that:
    - (i) the amount of such payment is determined in accordance with a written agreement between the College and the member of the Governing Body concerned and is no greater than is reasonable in the circumstances;
    - (ii) before entering into that written agreement, the Governing Body is satisfied that it is in the best interests of the objects of the College for the goods or services to be supplied by the member of the Governing Body concerned on the terms of that written agreement; and
    - (iii) the total number of members of the Governing Body in respect of whom such a written agreement is in force constitutes a minority of the Governing Body.
- 4.6 The Governing Body shall be responsible for the regulation and management of remuneration and other payments to its members under Statute 4.5 and, in order to fulfil that responsibility, shall establish a Committee to which it shall delegate the review of all such matters.
- 4.7 The Governing Body shall be responsible for the management of potential conflicts of interest on the Governing Body and shall from time to time make Bylaws to set out the policy and procedures it shall follow in order to fulfil this responsibility.

## **5 Rector**

- 5.1 In the election of the Rector, the electors shall be bound to elect the person in their judgement most fit to be Rector of the College as a place of knowledge, education, research, learning and religion. He, she or they must be distinguished for literary, scientific, or academic attainments, or for services rendered to education in the University or elsewhere or otherwise be suitably qualified to hold such a position.
- 5.2 The Rector of the College shall exercise a general superintendence over the College in all its departments. He, she or they shall promote the best interests of the



objects of the College and shall be responsible to the Governing Body for providing academic and social leadership, representing the College within the University and beyond and exercising general supervision over the affairs and management of the College.

5.3 The right of election to the office of Rector shall be vested in the members of the Governing Body, excluding any candidate for such office. The election of the Rector shall be supervised by the Electoral Officer, who shall be the Sub-Rector unless the Sub-Rector is a candidate or otherwise unable to act as the Electoral Officer, in which case the election shall be supervised by a Fellow who shall be elected by the Governing Body from among their number but who shall not be a candidate. The election of the Rector shall be conducted in accordance with the following:

- (a) when the office of Rector is known to be due to fall vacant in the next 24 months the College may commence its search for a new Rector;
- (b) when the office of Rector is vacant or is known to be due to fall vacant in the next 18 months, the Electoral Officer shall convene such meetings of the Governing Body as may be necessary to consider the election of a new Rector;
- (c) the election of the Rector shall take place at an Extraordinary College Meeting. The place of election shall be the College Chapel, or some other convenient place appointed by the College;
- (d) at the appointed time and place, the Electoral Officer shall administer to each elector and make himself, herself or themselves the following declaration:

"I, A.B., declare that I will faithfully and conscientiously elect to the office of Rector the person whom I believe to be best fitted for the office by statutable and also by personal qualifications.";

- (e) the Rector shall be elected by an absolute majority of the total number of the members of the Governing Body;
- (f) the election of the Rector shall take effect from the date when the office of Rector is vacant or is known to be due to fall vacant or such later date as the Governing Body may decide at the time the election is made;
- (g) the Rector-Elect shall be admitted to the office of Rector by the Electoral Officer. The admission shall take place after the Rector-Elect has made a declaration in the following form:

"I, A.B., Rector-Elect of Exeter College, do promise faithfully and truly to observe, and to cause to be observed by all those within the said College, whether Fellows, Scholars, Students or Employees, all the Statutes, Bylaws and College Orders of the said College severally to them pertaining: and I promise also faithfully and sedulously to watch over the interests of the College, and diligently to guard the College from detriment in respect of all lands, tenements, monies, rights, liberties, privileges, and possessions, whether secular or ecclesiastical, which by virtue of my office shall be committed to my charge. I will render due obedience to the injunctions, interpretations, and exposition of doubtful points in these Statutes given by the Visitor. In the election of Fellows I will without partiality vote for those whom I believe to possess the highest qualifications.";

- (h) in the event of a gap between one Rector leaving and another assuming the office, the Sub-Rector shall carry out the duties of the Rector for the duration of the gap;
  - (i) without prejudice to the other provisions of this Statute, the election of the Rector shall be managed in accordance with the Bylaws.
- 5.4 Subject to the provisions of the Statutes and the Bylaws, the Rector shall reside in the College during term and during such other times as the conduct of College business shall require his, her or their presence.
- 5.5 The Rector shall not, save with the consent of the Governing Body, hold or accept any occupation or office other than the Rectorship, whether paid or unpaid, whether in the University or elsewhere, which in the judgement of the Governing Body is likely to interfere with the satisfactory discharge of his, her or their duties to the College.
- 5.6 Other provisions relating to the office of the Rector shall be set out in the Bylaws made by the Governing Body from time to time.

## **6 Fellows**

- 6.1 With the exception of Professorial Fellowships held by persons under Statute 6.2(b)(i), all Fellows shall be elected or removed by the Governing Body (provided that the power in this Statute to remove a Fellow does not apply to any member of the academic staff to whom the Appendix applies).
- 6.2 Fellowships shall be restricted to the following classes:
- (a) Official Fellowships, including the office of Chaplain, tenable by persons holding teaching, administrative or disciplinary offices in the College;
  - (b) Professorial Fellowships, tenable by:
    - (i) holders of a Statutory Professorship within the University, which have been assigned to the College by the Council of the University. The Professorial Fellowship will be coterminous with the appointment to the relevant Statutory Professorship; and
    - (ii) holders of posts within the University, which are designated by the Council of the University as qualifying such persons to hold a Professorial Fellowship, and who has been elected to such a Fellowship, ad hominem. The Professorial Fellowship shall automatically cease if such a person ceases to hold the post in respect of which they were elected;
  - (c) Fellowships by Special Election, tenable by:
    - (i) persons holding a teaching, research or administrative post in the University qualifying them for membership of Congregation, but not being a post which under the University's regulations would qualify the holder for election to a Professorial Fellowship;
    - (ii) persons, not holding a post in the University which would qualify the holder for election to a Professorial Fellowship, who have attained, or who show promise of attaining, distinction in some branch or branches of knowledge, and who shall undertake to perform some definite academic or educational work in the College, which work shall be specified in the resolution by which they are elected and may, with the consent of the Fellow, be varied by subsequent resolution of the Governing Body; or

- (iii) persons qualified by training or experience to undertake some administrative work in the College, which work shall be specified in the resolution by which they are elected and may, with the consent of the Fellow, be varied by subsequent resolution of the Governing Body;
  - (d) Research Fellowships, consisting of:
    - (i) Senior Research Fellowships, to which the Governing Body may elect persons who have done valuable academic or educational work, or who have attained special distinction in some branch of knowledge, and who shall undertake to perform some definite academic or educational work in the College or in the University, or elsewhere with the permission of the College or the University, which work shall be specified in the resolution by which they are elected;
    - (ii) Junior Research Fellowships, to which the Governing Body may elect persons who in their opinion are likely to do valuable academic or educational research work, and who shall undertake to pursue some course of higher study or research in the College or in the University or (with the approval of the Governing Body) elsewhere; or
    - (iii) the Staines Medical Research Fellowship, founded by the Will of Mrs Amelia Jackson in memory of her father Francis William Staines, to which the Governing Body after consultation with the Regius Professor of Medicine for the time being shall elect a person likely to do valuable research work in medical science or some branch of medical science and which shall be subject to the Bylaws affecting either Senior or Junior Research Fellowships as the Governing Body shall in any particular case determine;
  - (e) Supernumerary Fellowships, tenable by persons holding teaching, research or administrative appointments in the University qualifying them for membership of Congregation, or who are, in the opinion of the Governing Body, likely to make a valuable contribution to the academic or educational function of the College. Supernumerary Fellows shall not be members of the Governing Body but shall enjoy such other privileges as the Governing Body may from time to time determine;
  - (f) Emeritus Fellowships, tenable by persons who have, either by reason of age or for any other reason approved by the Governing Body, vacated Fellowships in the College, after they have held such Fellowship for such period as may be determined by the Governing Body and provided for in the Bylaws. Emeritus Fellows shall not be members of the Governing Body but shall enjoy such other privileges as the Governing Body may from time to time determine;
  - (g) Honorary Fellowships, tenable by any distinguished person. Honorary Fellows shall not be members of the Governing Body but shall enjoy such other privileges as the Governing Body may from time to time determine; and
  - (h) Visiting Fellowships, tenable by any person of distinction in some branch of knowledge. Visiting Fellows shall not be members of the Governing Body but shall enjoy such other privileges as the Governing Body may from time to time determine.
- 6.3 The Fellowships in the College shall not be limited to a fixed number, provided that at least one-half of the Fellowships held in the College at any one time (exclusive

of Supernumerary, Emeritus, Honorary and Visiting Fellowships) shall be Official Fellowships.

- 6.4 In the case of Fellowships conferring membership of the Governing Body, Fellows shall be admitted to his, her or their Fellowship by the Rector (or in his, her or their absence the Sub-Rector). On becoming a member of the Governing Body, or as soon as reasonably practicable thereafter, all Fellows holding Fellowships conferring membership of the Governing Body shall sign the written declaration referred to in Statute 4.4 and shall make the following declaration:

“I, A.B., do promise that I will faithfully observe all the Statutes, Bylaws and College Orders of this College so far as concerns myself and will render due obedience to the injunctions, interpretations, and expositions of doubtful points in these Statutes given by the Visitor. I will defend the rights, liberties, possessions, and good fame of the College. I will be faithful and diligent in the discharge of the duties of any office committed to me. In the election of Fellows I will without partiality vote for those whom I believe to possess the highest qualifications”

- 6.5 Other provisions relating to Fellowships shall be set out in the Bylaws made by the Governing Body from time to time.

## **7 The Officers of the College**

- 7.1 The College Officers shall be the:

- (a) Rector
- (b) Sub-Rector
- (c) Senior Tutor
- (d) Bursar
- (e) Chaplain

- 7.2 In addition, the Governing Body may appoint such other College Officers as it may from time to time determine.

- 7.3 The Governing Body shall fix the duties of such College Officers, allow them reasonable stipends and academic buy-out, and may also abolish any such additional College Officers which at any time may be deemed unnecessary (provided that nothing in this Statute shall apply to the abolition of the role of a College Officer to whom the Appendix applies).

## **8 Students**

- 8.1 The Students of the College shall be:

- (a) those persons who have been (or are due to be) presented by the College for matriculation or incorporation, or who have migrated to the College, and are engaged in or temporarily suspended from an approved course of study within the University; and
- (b) those persons who are admitted to the College in order to undertake study within the College or the University towards a degree or diploma awarded by another institution of higher education, and who are engaged in or temporarily suspended from the studies for which the College has admitted them.

- 8.2 In all cases, Students of the College shall be required to conform to such Bylaws as to residence, instruction and discipline as the Governing Body shall from time to time determine.

## **9 The Governance of the College**

- 9.1 A College Meeting is a meeting of the Governing Body of the College. Such meetings are either:
- (a) General College Meetings;
  - (b) Special College Meetings; or
  - (c) Extraordinary College Meetings.
- 9.2 There must be at least two General College Meetings in each calendar year. At least one calendar week's notice in writing shall be given by the Rector, or in his, her or their absence by the Sub-Rector, of the date of such meeting and of any business to be transacted, save that at least two calendar weeks' notice in writing shall be given of the date of any General College Meeting at which it is proposed to make, alter or revoke any Bylaws of the College and of the Bylaws proposed to be made, altered or revoked. In the absence of both the Rector and Sub-Rector, the next senior member of the Governing Body shall convene a General College Meeting.
- 9.3 The Rector, or in his, her or their absence the Sub-Rector, may at any time convene a Special College Meeting, giving reasonable notice in writing, and he, she or they shall do so whenever requested by three members of the Governing Body. In the absence of both the Rector and Sub-Rector, the next senior member of the Governing Body may (and shall if requested) convene a Special College Meeting. A meeting shall be deemed "Special" within the meaning of these Statutes when notice has been specially given, at the time of calling the same, of the particular business to be transacted at such meeting.
- 9.4 An Extraordinary College Meeting is one summoned in accordance with Statute 5.3(c) for the purpose of electing a new Rector. At least two calendar weeks' notice in writing of an Extraordinary General Meeting shall be given to each member of the Governing Body. The quorum for an Extraordinary College Meeting is an absolute majority of the total number of the members of the Governing Body, excluding any candidate for the office of Rector and any other conflicted member of the Governing Body who has not been authorised to participate under the Bylaws. For the purposes of establishing a quorum at an Extraordinary College Meeting, a member of the Governing Body shall be present in person or, in exceptional circumstances agreed by the Electoral Officer, by electronic means.
- 9.5 The Rector, or in his, her or their absence, the Sub-Rector, and three other members of the Governing Body present in person or by electronic means shall constitute the quorum for a Special College Meeting. In the absence of both the Rector and Sub-Rector, the next senior member of the Governing Body, and three other members of the Governing Body shall constitute the quorum for a Special College Meeting.
- 9.6 The quorum for any other College Meeting is the number nearest to twenty five per cent. of the total number of the members of the Governing Body, excluding any conflicted member of the Governing Body who has not been authorised to participate under the Bylaws. For the purposes of establishing a quorum, a member of the Governing Body shall be present either in person or by electronic means.
- 9.7 Except in so far as other specific provision is made under these Statutes, a College Meeting may be held either in person or by suitable electronic means agreed by the Governing Body in which all participants may communicate with all the other participants simultaneously and notice of every College Meeting shall be sent to each member of the Governing Body by suitable electronic means agreed by the Governing Body.
- 9.8 Save where these Statutes or the Bylaws require otherwise, every issue may be determined by a simple majority of the votes cast at a College meeting.

- 9.9 The Governing Body shall have power to establish other provisions relating to the procedural arrangements for all such College Meetings which shall be contained in the Bylaws or, in the absence of such Bylaw, shall be such as the Rector, or in his, her or their absence the Sub-Rector, on every occasion, shall determine.
- 9.10 The Rector, or in his, her or their absence the Sub-Rector, shall preside at all College Meetings, and shall, in case of an equality of votes, have a second or casting vote. In the absence of both the Rector and Sub-Rector, the next senior member of the Governing Body shall preside at a College Meeting, and shall, in case of an equality of votes, have a second or casting vote.
- 9.11 The Common Seal of the College shall not be affixed to any document except by the authority of the Governing Body and in the presence of at least three members of the Governing Body, of whom one shall be a College Officer referred to in Statute 7.1. The Governing Body shall make Bylaws for the safe custody of the Common Seal.
- 9.12 Except in so far as other specific provision is made under these Statutes, every matter concerning the administration, policy, and interests of the College shall be determined by the Governing Body at a College Meeting by order of that meeting or by Bylaw and all College Orders and Bylaws, not being contrary to or inconsistent with these Statutes, which shall have been duly passed at such meeting, shall bind the Rector and all Fellows of the College individually, and likewise all Students, office-holders and employees; provided that no College Order or Bylaw which affects the Rector shall be passed in his, her or their absence until the Sub-Rector shall have consulted him, her or them on the subject.
- 9.13 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.
- 9.14 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.
- 9.15 A contract which if made between private persons would by law be valid although made by parol only, and not reduced into writing, may be made by parol on behalf of the College by any person acting under its authority.
- 9.16 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.

## **10 Financial Powers and Responsibilities**

- 10.1 The College shall have the power to expend the revenues of the College for any purpose within the provisions of these Statutes or in pursuance of its objects, provided that the application of such revenues shall be subject to any Statute or Statutes made for the University under the powers of the Universities of Oxford and Cambridge Act 1923 for enabling or requiring the College to make contributions to University purposes and for the payment of the charges imposed as a result.
- 10.2 The Governing Body shall from time to time appoint a Bursar who shall, subject to these Statutes and to any resolutions which may be passed by the Governing Body, have the care of the financial well-being of the College.
- 10.3 The Governing Body may from time to time use for the general educational purposes of the College any surplus income of each of the trusts, endowments, foundations and gifts set out in the Bylaws (each a "Trust"). "Surplus income" means income unexpended in any year after the purposes of a particular Trust have been provided for in that year (whether wholly by income from the Trust or partly by income from the Trust and partly by other means) in so far (if at all) as, in the

opinion of the Governing Body, it is possible to provide for the purposes of the Trust in that year.

- 10.4 Subject to the particular provisions of the trusts establishing scholarships, exhibitions and studentships of the College, the Governing Body may expend from any trust establishing a scholarship, exhibition or studentship any surplus of the income applicable for the maintenance of Students elected to any scholarship, exhibition or studentship of the College, for the purpose of making grants to Students in residence and receiving instruction who either hold or at the time of their admission to the College were eligible to hold the scholarships, exhibitions or studentships established by that particular trust.
- 10.5 The College shall have the power to invest as it sees fit any capital monies in the hands of the College (not being capital monies arising under the Universities and College Estates Acts 1925 and 1964) and any monies held by the College on behalf of any trust funds (subject to any specific investment restrictions applicable to such trust funds) to the intent that the College shall have the same powers of investing varying and managing investments as an individual who is absolutely and beneficially entitled thereto. The Governing Body shall manage the College investments with due prudence having regard to the totality of the assets in its care.
- 10.6 Any investment made under the powers contained in Statute 10.5 shall stand either in the name of the College or in the name of a body corporate selected by the Governing Body as the nominee and trustee of the College for that purpose.
- 10.7 The College may delegate upon such terms and with such reasonable and proper remuneration as it shall think fit to professional investment managers ("the Managers") the exercise of the power of investment contained in Statute 10.5 provided always that:
- (a) the Managers (or, in the case of a subsidiary company whose obligations under the relevant terms of appointment will be guaranteed by the parent company, that parent company) have at least 15 years' experience in the City of London (or other appropriate financial centre) of investment business;
  - (b) the Managers shall be persons who are entitled to carry on investment business under the provisions of the Financial Services and Markets Act 2000 or any statutory modification or re-enactment of the same;
  - (c) the Governing Body shall authorise the Managers to exercise such delegated power as aforesaid only within the written terms of their appointment and the written terms of the investment policy guidelines laid down from time to time by the Governing Body, the detailed provisions of which are set out in the Bylaws;
  - (d) the Managers shall be under a duty to report promptly to the College any exercise of the power delegated as aforesaid and to report all transactions to the Bursar within 14 days and to report on the performance of any investments managed by them at intervals of no more than 3 months;
  - (e) the Governing Body shall at all times be free to terminate such delegation on reasonable notice; and
  - (f) the Governing Body shall review such delegation at intervals not (in the absence of special reasons) exceeding 36 months but so that any failure by the Governing Body to undertake such review within the said period of 36 months shall not invalidate the delegation.

10.8

- (a) This Statute shall apply to all funds and endowments of the College which are not held on any specific trust; and to any endowment, benefaction or trust for purposes connected with the College (i) which was created by an instrument which came into operation not less than 60 years before 1 January 2003 or (ii) of which the Governing Body are the trustees or governing body and have consented to the provisions of this clause or (iii) which does not fall within the sub-paragraphs above but of which the Governing Body is not the trustee or governing body and such trustees or governing body have consented to the provisions of this Statute.
  - (b) In this Statute "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.
  - (c) The Governing Body may appropriate for expenditure for the purposes of a fund to which this Statute applies and for purposes within Statute 10.1 so much of the fair value of the particular fund as is prudent in all the circumstances having regard to the total return achieved and reasonably to be expected in the long term of the funds of the College to which this Statute applies.
  - (d) Any reference in these Statutes to the revenue or revenues of the College shall include the total sums appropriated in accordance with clause (c) of this Statute.
  - (e) The Governing Body shall from time to time appoint a suitably qualified person to review the total return and the investment criteria referred to in this Statute.
- 10.9 The Governing Body shall cause such accounting records to be kept as it shall determine from time to time. The College accounts shall be audited at least once in every year and the Governing Body shall appoint for that purpose an Auditor or Auditors. The Auditor or Auditors shall report in writing to the Governing Body whether the accounts of the College are duly kept in conformity with the provisions of this Statute.
- 10.10 The Governing Body shall in every year cause to be prepared and delivered to the University such information relating to the accounts of the College as may be prescribed from time to time by any Statute or Regulation of the University in force for the time being.
- 10.11 Other financial powers and responsibilities of the Governing Body shall be set out in the Bylaws made by the Governing Body from time to time.

## **11 The Visitor**

- 11.1 The Bishop of Exeter for the time being is *ex officio* Visitor of the College.
- 11.2 The Visitor in person (or his, her or their Commissary or Commissaries) may visit the College once every ten years, or more often if the Visitor deems it expedient, without any request or application by the College or any members of its Governing Body, and may require an answer in writing of the Rector and Fellows to any enquiry whenever the Visitor deems it expedient for ensuring the due observance of the Charter and Statutes.
- 11.3 The Visitor shall, at the request of the Governing Body or of the Rector and any three or more members of the Governing Body, determine the true construction of all or any part of these Statutes.
- 11.4 If the Governing Body shall have committed an act or made a decision which is or may be contrary to these Statutes, the Rector or a member of the Governing Body,



as applicable, may appeal against such act or decision to the Visitor, but he, she or they may only do so where there is no alternative process of appeal in or established by these Statutes or the Bylaws. The Visitor shall consider such appeal, and may remit such act or decision to the Governing Body for reconsideration. If, in the judgement of the Visitor, the outcome of the Governing Body's reconsideration of such act or decision is contrary to these Statutes, the Visitor may annul or vary the re-considered act or decision of the Governing Body as the Visitor shall deem just.

- 11.5 In accordance with the provisions of the Higher Education Act 2004 or any successive legislation, 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 the Appendix applies which concerns the member's appointment or employment or the termination of that appointment or employment; or
  - (b) to disallow or annul any Bylaw or resolution made under or having effect for the purposes of the Appendix.
- 11.6 The decision of the Visitor given under these Statutes shall be binding upon every person affected by these Statutes.

## **12 Provisions relative to the University**

- 12.1 If at any time it appears to the Council of the University that any provision of these Statutes is not observed and that as a result of the non-observance the interests of the University are liable to be prejudicially affected, the Council of the University may submit a representation to the Visitor. The Visitor shall then inquire into the matter, and after considering any representation made by the Governing Body, make such order as he, she or they may consider just for enforcing the due observance of the Statutes.
- 12.2 Before any representation is made to the Visitor under Statute 12.1, the Vice-Chancellor shall communicate the matter of such representation to the Rector for the information of the College, and, when a representation is made, shall send him, her or them a copy of it without delay.

## **13 Academic Staff**

The provisions of the Appendix to these Statutes shall apply, in respect of grievances, discipline, dismissal and removal from office:

- 13.1 to any person holding a College Office designated by the Governing Body as one to which the Appendix applies;
- 13.2 to any person employed or appointed 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 the Appendix on the ground that the duties in that regard are only of a limited nature; and
- 13.3 to the Rector, to the extent and in the manner set out in Part VII of the Appendix.

## APPENDIX

**EMPLOYMENT RIGHTS***Part I. Construction, Application and Interpretation*

1. This Appendix and any Bylaw made under this Appendix shall be construed in every case to give effect to the following guiding principles, that is to say:
  - 1.1 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;
  - 1.2 to enable the College to provide education, to promote learning, and to engage in research efficiently and economically; and
  - 1.3 to apply the principles of justice and fairness.
  
2. No provision in Part II, Part III, Part IV or Part VII of this Appendix 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.
  - 3.1 This Appendix shall apply:
    - (a) to any person holding a College Office designated by the Governing Body as one to which this Appendix applies:
  
    - (b) to any person employed or appointed 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 Appendix on the ground that the duties in that regard are only of a limited nature; and
  
    - (c) to the Rector, both to the extent and in the manner set out in Part VII.
  
  - 3.2 In this Appendix any reference to a "member of the academic staff" is a Reference to a person to whom this Appendix applies.
  
4. In this Appendix "dismissal" shall include removal from office and, in relation to employment under a contract, shall have the same meaning as in section 95 of the Employment Rights Act 1996.

- 5.
- 5.1 For the purposes of this Appendix "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 of 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 Appendix 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 Appendix; or
  - (e) wilful disruption of the activities of the College; or
  - (f) wilful disobedience of any of the Statutes or Bylaws of the College in force for the time being.
- 5.2 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;
  - (b) "qualification", 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 Appendix dismissal shall be taken to be a dismissal by reason of redundancy if it is attributable wholly or mainly to:
- 6.1 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
  - 6.2 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.
- 7.1 Nothing in any appointment made, or contract entered into, shall be construed as overriding or excluding any provision made by this Appendix concerning the dismissal of a member of the academic staff by reason of redundancy or for good cause: provided that this shall not invalidate any waiver made under section 197 of the Employment Rights Act 1996, any compromise agreement under section 203 of the Employment Rights Act 1996 or any similar waiver or agreement permitted by law.
- 7.2 In any case where an officer of the College or any person is designated to perform any duties or exercise any powers under this Appendix, and that officer or person is involved in the matter in question, the Governing Body may appoint an alternate to act in place of the person under procedures prescribed by Bylaws made under this Appendix.
- 7.3 Nothing in any other Statute shall enable the Governing Body to delegate its power to reach a decision under Clause 10 of this Appendix.
- 7.4 No one shall sit as a member of any of the bodies established under this Appendix, and no one shall be present at a meeting of such body when the body is considering its decision or discussing a point or procedure, except as provided by this Appendix or by Bylaws made under this Appendix.

*Part II. Redundancy*

8. This Part enables the Governing Body, as the appropriate body for the purposes of this Part, to dismiss any member of the academic staff by reason of redundancy.
- 9.
- 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) the appointment is made, or the contract of employment is entered into, on or after 20th November 1987; or
- (b) the person is promoted on or after that date.
- 9.2 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 20th November 1987 or to promotion on or after that date shall be construed in accordance with subsections (3) to (6) of section 204 of the Education Reform Act 1988.
10. This Part applies only where the Governing Body has decided that there should be a reduction in the academic staff:

- 10.1 of the College as a whole; or
- 10.2 of any area of academic work within the College by way of redundancy.
- 11.
- 11.1 Where the Governing Body has reached a decision that there should be a reduction in the academic staff:
- (a) it may select the requisite member or members of the academic staff for dismissal by reason of redundancy if such a course satisfies the guiding principles of Part 1, clause 1 of this Appendix; or
  - (b) it shall appoint a Redundancy Committee to be constituted in accordance with sub-clause 11.3 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.
- 11.2 The Governing Body shall either approve any selection recommendation made under sub-clause 11.1(b)(i), or shall remit it to the Redundancy Committee for further consideration in accordance with its further directions.
- 11.3 A Redundancy Committee appointed by the Governing Body shall comprise:
- (a) a Chairman; and
  - (b) two Fellows, not being persons employed by the College; and
  - (c) two members of the academic staff.
- 11.4 A member of the academic staff shall not be selected for dismissal under this Clause unless he, she or they have been afforded a reasonable opportunity to make representations to the Governing Body.
- 12.
- 12.1 Where the Governing Body has either itself made a selection or has approved a selection recommendation made by the Redundancy Committee under sub-clause 11.1, it may authorize an officer of the College as its delegate to dismiss any member of the academic staff so selected.
- 12.2 Each member of the academic staff selected shall be given separate notice of the selection approved by the Governing Body.
- 12.3 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 Appendix; and
- (d) a statement as to when the intended dismissal is to take effect.

*Part III. Discipline, Dismissal and Removal from Office*

13.1 Minor faults shall be dealt with informally in accordance the Bylaws of the College in force for the time being.

13.2 Where the matter is more serious but falls short of constituting possible good cause for dismissal the following procedure shall be used:

- (a) 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, a formal warning may be given and a note of the oral warning will be kept. 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 twelve months, subject to satisfactory conduct and performance.
- (b) If the offence is a serious one, or if a further offence occurs, a written warning may be given by the Sub-Rector, 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 a complaint may be made to the Rector seeking the institution of disciplinary proceedings heard by an Academic Disciplinary Committee appointed under Clause 14 of this Appendix 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 two years, subject to satisfactory conduct and performance.
- (c) A member of the academic staff who wishes to appeal against a disciplinary warning given under this Clause shall inform the Rector within two weeks. The Rector shall hear the appeal and his, her or their decision shall be final.

14.

14.1 If there has been no satisfactory improvement following a written warning given under Clause 13 of this Appendix, 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 disciplinary proceedings to be heard by an Academic Disciplinary Committee appointed under Clause 15 of this Appendix may be made to the Rector.

- 14.2 To enable the Rector to deal fairly with any complaint brought under subclause 1 of this Clause, the Rector shall institute such enquiries (if any) as appear to be necessary.
- 14.3 If it appears to the Rector (whether on receipt of a complaint or otherwise) that there are grounds for believing that the conduct or performance of a member of the academic staff could constitute good cause for dismissal, the Rector shall write to the person concerned inviting comment in writing and may, at this stage or at any stage prior to the conclusion of any hearing by an Academic Disciplinary Committee appointed under Clause 15 of this Appendix, suspend the person concerned from the performance of his, her or their duties without loss of emoluments.
- 14.4 As soon as may be following receipt of the comments (if any), or in any event not later than 28 days after they were invited, the Rector 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 Appendix.
15. If the Rector has determined that the matter is to be considered by an Academic Disciplinary Committee, the Governing Body shall be requested to appoint such a committee to hear the allegations and to determine whether the conduct or performance of the person who is the subject of the allegations constitutes good cause for dismissal or otherwise constitutes a serious complaint relating to the person's appointment or employment, and, if so, to recommend what action should be taken.
- 16.
- 16.1 An Academic Disciplinary Committee approved by the Governing Body shall comprise a Chairman and two Fellows.
- 16.2 In selecting members of the panel for appointment as members of an Academic Disciplinary Committee, the Governing Body shall exclude the subject of the allegations 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.
- 17.1 When an Academic Disciplinary Committee has been appointed, the Governing Body shall instruct a suitable person to specify the allegations and to present, or arrange for the presentation of them before the Academic Disciplinary Committee.
- 17.2 It shall be the duty of the person formulating the allegations:
- (a) to forward the allegations to the Academic Disciplinary 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 allegations by an Academic Disciplinary Committee shall be prescribed by Bylaws made under this Appendix. Such Bylaws shall ensure:
    - 18.1 that the subject of the allegations 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;
    - 18.2 that the allegations shall not be determined without an oral hearing at which the subject of the allegations and any person appointed to represent him, her or them are entitled to be present;
    - 18.3 that witnesses may be called, both on behalf of the person subject of the allegations and by the person presenting the allegations, and may be questioned concerning any relevant evidence;
    - 18.4 that no new witness or documentary evidence may be introduced by the person presenting the allegations 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 consider and respond to the new evidence; and
    - 18.5 that any allegations are allegations heard and determined as expeditiously as is reasonably practicable.
  19.
    - 19.1 The Academic Disciplinary Committee shall send its decision on any allegations referred to it (together with its findings of fact and the reasons for its decision regarding those allegations and its recommendations, if any, as to the appropriate penalty) to the Rector, the person subject of the allegations, the person presenting the allegations and any person who shall have been added as a party by the Academic Disciplinary Committee.
    - 19.2 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 Appendix accompanies each copy of its decision sent to a party to the proceedings under this Clause.
  - 20.



- 20.1 Where any allegations are upheld and the Academic Disciplinary Committee finds good cause and recommends dismissal or removal from office, but in no other case, the Rector shall consult the Governing Body and shall decide whether or not to dismiss the person concerned. If the Rector decides to accept the Academic Disciplinary Committee's recommendation the person may forthwith be dismissed.
- 20.2 Where any allegations are upheld, other than where the Rector has decided under sub-clause 1 of this Clause to dismiss the person concerned, the action available to the Rector, after consulting the Governing Body (not comprising a greater penalty than that recommended by the Academic Disciplinary Committee), shall be:
- (a) to discuss the issues raised with the person concerned; or
  - (b) to advise the person concerned about future conduct; or
  - (c) to warn the person concerned; or
  - (d) to suspend the person concerned for such period as the Rector shall think fair and reasonable, not to exceed three months after the date on which the Governing Body shall have considered the Academic Disciplinary Committee's decision, provided that no suspension without pay may be ordered unless the terms of the contract of employment of the person concerned contain provisions expressly entitling the Rector to impose such a penalty; or
  - (e) such further or other action under the contract of employment or terms of appointment of the person concerned as appears fair and reasonable in all the circumstances of the case; or
  - (f) any combination of any of the above.

21.

21.1 The Rector shall be the appropriate officer to exercise the powers conferred by Clause 20 of this Appendix but may appoint a delegate to exercise those powers.

21.2 Any action taken by the Rector or the delegate shall be confirmed in writing.

#### *Part IV. Removal for Incapacity on Medical Grounds*

22.

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.

- 22.2 In this Part references to medical grounds are references to capability assessed by reference to health or any other physical or mental quality.
- 22.3 In this Part the Rector shall be the appropriate officer to perform any duties or exercise any powers, but a delegate may be appointed by the Rector to exercise any of these powers or perform any of these duties.
- 22.4 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.
- 23.1 Where it appears to the Rector that the removal of a member of the academic staff on medical grounds should be considered the Rector:
- (a) shall inform the member accordingly;
  - (b) may, if the member agrees or if the Rector 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.
- 23.2 A member who elects to apply for early retirement on medical grounds shall be allowed to do so and the College shall meet the reasonable costs of any medical opinion required.
- 23.3 If the member does not elect to apply for early retirement on medical grounds the Rector 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 Rector; and (to chair the Board) a medically qualified person jointly agreed by the Governing Body and the member or, in default of agreement, to be nominated by the President of the Royal College of Physicians.
- 23.4 The procedure to be followed in respect of the preparation, hearing, and determination of a case by a Medical Board under this Part shall be prescribed by Bylaws made under this sub-clause. Such Bylaws shall ensure:

- (a) that the member concerned is entitled to be represented by another person, whether such person is legally qualified or not, in connection with and at any hearing by the Board;
- (b) that a case shall not be determined without an oral hearing at which the person concerned and any person representing the member 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.
- (e) The Board may require the member concerned to undergo medical examination at the College's expense.

24.

24.1 If the Board determines that the member should be required to retire on medical grounds, the Rector shall consult the Governing Body, and may terminate the employment of the member concerned on those medical grounds.

24.2 Any action taken by the Rector shall be confirmed in writing and notified to the Governing Body.

#### *Part V. Appeals*

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

26.

26.1 This Part applies:

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

- (d) to appeals against any disciplinary decision otherwise than in pursuance of Part III of this Appendix;
- (e) to appeals against any decision reached under Part IV of this Appendix; and
- (f) to appeals against any decision reached under Part VII of this Appendix and "appeal" and "appellant" shall be construed accordingly.

26.2 No appeal shall however lie against:

- (a) a decision of the Governing Body under Clause 10 of this Appendix;
- (b) any finding of fact of an Academic Disciplinary Committee under Clause 19.1 or of a Tribunal under Clause 41 of this Appendix save on legal grounds or save where, with the consent of the person or persons hearing the appeal, fresh evidence is called on behalf of the appellant at that hearing;
- (c) any medical findings by a Board set up under Clause 23.3 of this Appendix save on legal grounds or save where, with the consent of the person or persons appointed, fresh evidence is called on behalf of the appellant at that hearing.

26.3 In this Part references to "the person appointed" are references to the person appointed by the Governing Body under Clause 29 of this Appendix to hear and determine the relevant appeal.

26.4 The parties to an appeal shall be the appellant and the Sub-Rector 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 Sub-Rector, within the time allowed under Clause 28 of this Appendix, notice in writing setting out the grounds of the appeal.

28.

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 subclause 3 of this Clause.

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

28.3 Where the notice of appeal is served on the Governing Body outside the 28 day period the person appointed under Clause 29 of this Appendix shall not permit the

appeal to proceed unless he, she or they consider that justice and fairness so require in the circumstances of the case.

29.

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.

29.2 The persons described in this sub-clause are persons not employed by the College holding, or having held, judicial office or being barristers or solicitors of at least ten years' standing.

29.3 The person appointed shall sit alone unless he, she or they consider that justice and fairness will best be served by sitting with two other persons.

29.4 The other persons who may sit with the person appointed, and who shall be appointed by the Governing Body, shall be:

(a) one member of the Governing Body not being a person employed by the College; and

(b) one other person.

30.

30.1 The procedure to be followed in respect of the preparation, consolidation, hearing and determination of appeals shall be that set out in Bylaws made under this Clause.

30.2 Without prejudice to the generality of the foregoing, such Bylaws 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 appeal hearing;

(b) that an appeal shall not be determined without an oral hearing at which the appellant and the appellant's appointed representative 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.
- 30.3 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 Appendix (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 Appendix 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 Appendix for further consideration as the person or persons hearing the appeal may direct; or
  - (d) remit an appeal by the Rector arising under Part VII of this Appendix for re-hearing or reconsideration by the same or by a differently constituted Tribunal to be appointed under that Part; or
  - (e) in the case of an appeal arising under Part III, substitute any lesser alternative penalty that would have been open to the Rector following the finding by the Academic Disciplinary Committee which heard and determined the original allegation or allegations.
31. The person appointed shall send a reasoned decision, including any decision reached in exercise of the powers listed under Clause 30.3 (a), (b), (c) or (d) of this Appendix, on any appeal and a statement of any findings of fact different from those of the Governing Body under Part II of this Appendix or of the Academic Disciplinary Committee under Part III of this Appendix or of the Board under Part IV of this Appendix or the Tribunal appointed under Part VII of this Appendix, as the case may be, to the Rector 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:
- 33.1 to matters affecting themselves as individuals; or

33.2 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 Appendix.

34.

34.1 If other remedies within the relevant area have been exhausted the member of the academic staff may raise the matter with the Rector.

34.2 If it appears to the Rector that the matter has been finally determined under Part III, IV or V of this Appendix or that the grievance is trivial or invalid, the Rector may dismiss it summarily, or take no action upon it. If it so appears the Rector shall inform the member and may inform the Governing Body accordingly, if he, she or they see fit to do so.

34.3 If the Rector 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 Appendix; or
- (b) a determination under Part IV of this Appendix; or
- (c) an appeal under Part V of this Appendix

then action relevant to the grievance shall be deferred until the relevant complaint, determination or appeal has been heard or the time for instituting it has passed and the Rector shall notify the member accordingly.

34.4 If the grievance has not been rejected under sub-clause 2 of this Clause or if action has not been deferred under sub-clause 3 of this Clause the Rector shall decide whether it would be appropriate, having regard to the interests of justice and fairness, to seek to dispose of it informally. If the Rector so decides, the member shall be notified and the Rector shall proceed accordingly.

35. If the grievance has not been disposed of informally under Clause 34.4 of this Appendix, the Rector shall refer the matter to a Grievance Committee for consideration.

36. A Grievance Committee shall comprise a Chairman, one member of the Governing Body not being a person employed by the College and one other member of the Governing Body.

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

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

*Part VII. Removal of the Rector from Office*

39. Any five members of the Governing Body may make a complaint to the Sub-Rector seeking the removal of the Rector from office for good cause.
40. The Sub-Rector shall refer such a complaint to the Governing Body, exclusive of the Rector 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 or is not supported by sufficient evidence of good cause for the removal of the Rector from office, 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 is supported by sufficient evidence of good cause for the removal of the Rector from office, it shall appoint a Tribunal to hear and determine the matter.
42. The Tribunal appointed by the Governing Body shall comprise:
- 42.1 an independent person to chair the proceedings; and
- 42.2 one member chosen from amongst members of the Governing Body to whom this Appendix applies.
43. Allegations referred to the Tribunal shall be dealt with in accordance with the procedure prescribed in Clauses 17 to 19 of this Appendix, provided:
- 43.1 that the Sub-Rector shall perform any duty and exercise any power there assigned to the Rector; and
- 43.2 that the only recommendation the Tribunal may make is whether or not the Rector should be removed from office.
44. Where an allegation or allegations have been upheld and the Tribunal finds good cause and recommends dismissal, but in no other case, the Sub-Rector shall consult the Governing Body and may then dismiss the Rector.
45. Where a complaint is to be referred to a Tribunal under Clause 41, the Sub-Rector may if he, she or they consider that the College might otherwise suffer significant harm suspend the Rector from duty in all matters relating to the governance and discipline of the College without loss of salary.



- 46. For the purpose of the removal of the Rector from office for incapacity on medical grounds, the provisions of Part IV of this Appendix shall have effect, provided that the Sub-Rector shall perform any duty or exercise any power there assigned to the Rector.
  
- 47. For the purpose of appeals by the Rector against removal from office, the provisions of Part V of this Appendix shall have effect, provided that the Sub-Rector shall perform any duty or exercise any power there assigned to the Rector.

THE COMMON SEAL of The Rector and )  
 Scholars of Exeter College in the )  
 University of Oxford was hereunto )  
 affixed this twenty-third day of February )  
 Two thousand and twenty-one in the )  
 presence of )

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**Professor Sir Rick Trainor, Rector**

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**Mr Nicholas Badman, Finance and Estates Bursar**

.....

**Dr Barnaby Taylor, Sub Rector**